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House of Representatives

The House met at 9 a.m.

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

May the grandeur of Your creation, O God, and the opportunities available to every person spark a new commitment in our own hearts and souls to become involved in good works in our communities and in our neighborhoods. If we use a hammer, let us build. If we can sing, let us join the chorus. If we can share our dollars, let us give generously. If we can be a mentor, let us lead and guide. So bless us each one, whatever our tasks, as we light our candle of hope in our communities and so witness to Your love for all humankind. This is our earnest prayer. Amen.

THE JOURNAL

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

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

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

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. MCNULTY. 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. 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The point of no quorum is considered withdrawn.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. Will the gentlewoman from Florida [Mrs. MEEK] come forward and lead the House in the Pledge of Allegiance.

Mrs. MEEK of Florida led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. 1266. An act to interpret the term ''kidnaping'' in extradition treaties to which the United States is a party.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 830) ''An Act to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes,'' agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. FRIST, Mr. DEWINE, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, and Ms. MIKULSKI, be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). The Chair will recognize five 1-minutes on each side.

RADICAL REPUBLICANS USHER IN AN AMERICA OF MORE CHOICE, FREEDOM, AND LIBERTY

(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, the 13th amendment of our Constitution says, ''Neither slavery nor involuntary servitude shall exist within the United States.'' Today we take that for granted, and for that I am thankful. It is still our standard, our ideal. But the 13th amendment only came to be the law of the land because of the insistence and persistence of a group of Republicans that were called radical. Radical Republicans.

Well, Mr. Speaker, today those who are protectors of big government and big unions are criticizing new ideas by calling the Republicans radical, extreme, mean-spirited, in hopes of swinging public opinion in their favor.

They do not trust people to choose their own schools. That threatens the big teachers unions, so they call school vouchers radical. They oppose IRS reform because they believe taxpayers should be automatically guilty in an IRS tax audit because big government must be funded, so IRS reform is extreme.

Mr. Speaker, remember, when we hear ''radical,'' ''extreme'' or ''mean-spirited,'' it is not new. Radical Republicans insisted on abolishing slavery and today these derogatory words are just ushering in a better America of more choice, more freedom, and more liberty.

DEMOCRATS WANT MEANINGFUL CAMPAIGN FINANCE REFORM

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

Mr. DOGGETT. Mr. Speaker, today Democrats are lining up for reform. We have had enough. We have had enough delay. We have had enough Republican excuses. We have had enough hiding behind investigations. We want a real, meaningful cleanup of the campaign finance system.

Therefore, we are here lined up to sign a discharge petition to discharge

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all the proposals on campaign finance reform, some authored by Republicans, some authored by Democrats. Some I am for, some I am against, but we need a meaningful debate on this floor and only one thing has stopped that in this House, and that is the Speaker of the House, who refuses to bring it to the floor.

Mr. Speaker, we say to the American people that we believe the only way to discharge our responsibilities as representatives seeking a cleanup of the corrupting special interests' influence peddling that goes on here in Washington is to put our names right here on a discharge petition forcing a debate so that reform can be effected by the next election.

Mr. Speaker, if the Republicans are ready to join in that effort, it will be a reality. Investigate and prosecute any existing violations, but reform the law.

PAULDING COUNTY APPRENTICESHIP PROGRAM

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

Mr. BARR of Georgia. Mr. Speaker, as we in the Congress continue to grapple with the problem of making sure Americans have the skills they need to work productively in today's society, I am pleased to report that the school system in my district has found a successful way to approach this perennial problem without Federal mandates, without government interference, without tax increases, without national standards.

The Paulding County School System in Georgia's Seventh District, under Superintendent Ray Parren and Apprenticeship Coordinator Nick Pedro, has developed a youth apprenticeship initiative that places high school students in meaningful work experiences during their junior and senior years. It provides them with a broad range of on-the-job experience with an employer of their choosing that is compatible with their career goals, even allowing them to begin college work while enrolled in high school.

Mr. Speaker, my office is a proud participant in this program. Nichole Robinson and Julie Turner have greatly assisted our staff and acquired valuable work experience along the way.

I encourage all schools to begin actively searching for ways to partner with local businesses and government agencies. By preparing students to compete in an increasingly specialized and complex economy, we can help ensure continued national economic growth, prosperity, and academic excellence.

CAMPAIGN FINANCE REFORM SHOULD BE DEBATED NOW

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

Mr. LUTHER. Mr. Speaker, earlier this year we passed a balanced budget plan and a tax cut for the American people. We did it by working together. But today we are in danger of having that accomplishment marred by the refusal to clean up our political system.

Mr. Speaker, today the target date for adjournment is less than three weeks away and the prospect for bringing this critical issue to the floor diminishes each day. Even the other body, with all of its outdated procedures, has managed a handful of votes. Here in the House we have not even been able to debate the issue.

Mr. Speaker, that is wrong and that is why so many of us have lined up to sign this discharge petition to force debate on this issue. That includes many Democrats and a few Republicans signing that this morning.

Mr. Speaker, let us debate this issue and let us debate it now.

PRESIDENT SHOULD NOT PANDER TO COMMUNIST CHINESE LEADERS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, as we know, the Chinese Government leaders are coming to America and President Clinton is welcoming them with open arms. I want to ask the President why these Chinese Communists can do no wrong? Is this not the same Chinese Government who illegally donated funds to the Clinton campaign? The same one that uses slave labor, that imprisons political dissidents, and now has leased up our former naval base in Long Beach; a Communist encroachment right here in the United States?

Mr. Speaker, instead of taking money and wrapping his arms around the Chinese leader, the President should be rapping them on the knuckles for their horrific record of religious persecution and human rights violations.

Mr. Speaker, I say to the President, ''Mr. President, stop pandering to a corrupt government that tortures its people and thumbs its nose to a free world.''

DEMOCRATS AND REPUBLICANS MUST ADDRESS DRUG PROBLEM AT OUR BORDERS

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

Mr. TRAFICANT. Mr. Speaker, the Democrats have claimed another victory. The Democrats were successful in stripping the Traficant amendment that would allow troops on the border from the defense bill, and all the Democrats are excited about it, even though our troops are vaccinating dogs in Haiti, they are building homes in Italy, they are guarding the borders in the Mideast, and they are filming political parties at the White House.

Mr. Speaker, a new report that just came out states that the use of heroin by 12- to 17-year-olds in America is at historic levels and our borders are wide open.

The Democrat Party did not kill the Traficant amendment. The Democrat Party is killing the Democrat Party. There is no program. And if the Republicans do not step up and protect our borders, then both the Democrat and Republican Parties should be thrown the hell out and this country needs a third, new independent party.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Ohio (Mr. TRAFICANT] should avoid profanity in his remarks.

INDEPENDENT COUNSEL NEEDED TO INVESTIGATE WHITE HOUSE FUNDRAISING PRACTICES

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

Mr. CHABOT. Mr. Speaker, remember what President Clinton said when he first took office? He was going to have the most ethical administration in history. This is the same administration that held fundraisers in the White House and called them coffees. The same administration that held fundraisers in Buddhist temples and called them finance-related events. The same administration whose ethical standards led them to have sleepovers in the Lincoln bedroom so that the people's house could be turned to fundraising purposes. The same administration that dialed for dollars from the White House and then could not remember doing it.

The same administration that denied the existence of videotapes of White House fundraising coffees and then discovered them in the same uncanny manner that subpoenaed documents in the White House Book Room were found, by the same people who could not remember hiring Craig Livingstone. The same administration that puts Dick Morris in charge of their family values charade and the same administration who hired the same Dick Morris to circumvent the campaign reform laws.

Mr. Speaker, it is the same business as usual at the White House. I would ask my colleagues on the other side of the aisle to line up to ask the Attorney General, Janet Reno, to hire an independent counsel so we can investigate this mess.

□ 0915

THE MARRIAGE OF KEVIN McCARTHY AND LESLIE NOLAN

(Mrs. TAUSCHER asked and was given permission to address the House for 1 minute.)

Mrs. TAUSCHER. Mr. Speaker, I rise today to acknowledge a very special occasion, the marriage today of Kevin McCarthy of Long Island and Leslie Nolan.

Many of my colleagues know the tragic event which compelled Kevin's mother, the gentlewoman from New York [Mrs. MCCARTHY], to seek congressional office, the reckless act of violence on the Long Island railroad that fatally injured her husband and left her son critically injured.

It is often impossible for a family to get through such a devastating experience. Yet the gentlewoman from New York [Mrs. MCCARTHY] and her son Kevin focused their energies on making a difference and ensuring that such a heinous crime could not so easily happen to another American family.

They are courageous people who refused to give up in the face of tragedy.

Kevin and Leslie met during his mother's successful 1996 congressional campaign. The positive energy surrounding that race must have worn off on these two, for by spring they were engaged. It is rare that we have the opportunity in the well of the House to celebrate the momentous events in people's personal lives and to recognize the silver lining which life offers us.

Mr. Speaker, we wish Kevin and Leslie all the best as they enter this exciting time in their lives. May they accept our sincere congratulations and remember that our thoughts will always be with them.

MORE ON THE IRS

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

Mr. ROGAN. Mr. Speaker, if a child molester, a bank robber or a mass murderer is hauled before the bar of justice, they are afforded the procedural presumption of ''innocent until proven guilty.'' It is painfully ironic that when an honest American taxpayer is hauled before the IRS for an audit, the presumption often works in just the opposite fashion: presumed guilty until proven innocent.

Recently, the Republican chairman of the House Committee on Ways and Means, the distinguished gentleman from Texas, offered a proposal that would end this injustice: he proposed that taxpayers be given the same presumption the law affords criminals charged with a public offense. Unbelievably, White House spokesman responded to this proposal by saying it would undermine the ability of the IRS to collect all taxes that are legitimately owed.

In response, columnist Joseph Sobran today hit the nail on the head. He wrote, ''the IRS is the last bastion of law and order, if you equate law and order with government vigilantism.''

IN SUPPORT OF CAMPAIGN FINANCE REFORM

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

Ms. WOOLSEY. Mr. Speaker, over 200 years ago John Hancock and dozens of other patriots signed the Declaration of Independence to proclaim their independence from England.

Well, today, Mr. Speaker, my colleagues from both sides of the aisle and I are putting our John Hancock on a discharge petition on campaign finance reform. We are doing this to declare this Government's independence from big money and special interests. Just as King George refused the American Colonies the representation they deserve, so has the Republican leadership continued to refuse the American people the debate on campaign finance reform that they want and that they deserve. The colonists declared no taxation without representation. It is time for us to say, no adjournment without a debate on campaign finance reform.

THE JOURNAL

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

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

RECORDED VOTE

Mr. WISE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 318, noes 56, not voting 59, as follows:

[Roll No. 526]

AYES—318

Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cox
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Flake
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCollum
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand
White
Wolf
Woolsey
Wynn
Yates

NOES—56

Abercrombie
Baldacci
Becerra
Bonior
Borski
Clay
Clyburn
Costello
DeFazio
DeLauro
Doggett
English
Ensign
Everett
Fazio
Filner
Fox
Gephardt
Gibbons
Gutierrez
Gutknecht
Hefley
Hilleary
Hilliard
Hinchey
Hulshof
Jefferson
Johnson (WI)
Johnson, E. B.
Kucinich
Lewis (GA)
LoBiondo
Maloney (NY)
McDermott
McGovern
McNulty
Meek
Menendez
Miller (CA)
Oberstar
Pallone
Pascrell
Pickett
Ramstad
Sabo
Schaffer, Bob
Sessions
Stupak
Tauscher
Taylor (MS)
Thompson
Velazquez
Visclosky
Weller
Wicker
Wise

NOT VOTING—59

Archer
Ballenger
Bereuter
Bono
Brown (CA)
Brown (OH)
Chenoweth
Cooksey
Crane
Cubin
Dellums
Dickey

Dixon	McCrery	Sanders
Doolittle	McDade	Scarborough
Fawell	McIntosh	Schiff
Foglietta	Mollohan	Sisisky
Gekas	Moran (VA)	Smith (OR)
Gillmor	Morella	Souder
Gonzalez	Nadler	Stearns
Houghton	Owens	Stokes
Hunter	Payne	Torres
Kasich	Pombo	Towns
Kleczka	Porter	Waters
Kolbe	Rangel	Weldon (PA)
Leach	Riggs	Whitfield
Markey	Rohrabacher	Young (AK)
Martinez	Roybal-Allard	Young (FL)
McCarthy (NY)	Ryun	

□ 0939

So the Journal was approved.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. LINDER. Mr. Speaker, is it not customary for lines forming to sign discharge petitions, that they do so along the side, so that they are not in the middle of the gentlewoman from New York who is trying to present a rule?

The SPEAKER pro tempore (Mr. MILLER of Florida). The Chair is advised the last several times discharge petitions were filed, the line of Members proceeded from the far right-hand aisle so as not to interfere with debate of the House.

The Chair will insist that Members not stand between the Chair and the Members speaking and that Members not congregate in the well during the debate.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 277 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 277

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany 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. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

Mr. Speaker, House Resolution 277 waives all points of order against the conference report and against its consideration. The rule also provides that the conference report shall be considered as read. The conference report for the Department of the Interior and related agencies appropriations bill for fiscal year 1998 incorporates a total of $13.8 billion for the fiscal year 1998.

□ 0945

Mr. Speaker, the agenda of the majority has been misrepresented on a number of issues in the past, one of those issues being our commitment to preserving our natural treasures and the environment. In the 104th Congress, we passed a very proenvironment farm bill, a safe drinking water bill, and nine other major bills that had the support of countless environmental groups. Today we have before us a funding bill that takes care of our national parks and protects our environmental resources by providing funding increases for the national parks, the National Forest System, national wildlife operations, and Everglades restoration.

I am also very pleased that the Interior bill amends the recreational fee demonstration program that will now allow parks, forests, and other public lands to keep all the fees that are collected. This initiative, when combined with the $362 million remaining from the $699 million appropriation for the Land and Water Conservation Fund, will help address the backlog in maintenance on public lands.

We all want our children and grandchildren to enjoy the natural beauty of our Nation's treasures, and I believe that this effort will ensure a better maintained and operated parks system for future generations. Mr. Speaker, I am also pleased that the Interior bill includes funding increases for some quality museums and artistic institutions, including the Smithsonian Institution, the National Gallery of Art, the Holocaust Memorial Council, and the Kennedy Center.

I am not, however, supportive of the funding for the National Endowment for the Arts, which receives a $1.5 million cut in this bill below last year's level. While I am disappointed that we were unable to hold the House position that I strongly supported, I am pleased that this bill contains some major oversight reforms of this agency. We all know that private donations and corporate sponsors provide billions of dollars to encourage an appreciation of the arts, and I simply do not believe we need to fund the NEA when these funds could be put to better use. I urge my colleagues to support this rule so we may proceed with the general debate and consideration of the merits of this very important bill.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

This conference report has taken a long time to complete, Mr. Speaker, because the Interior appropriations bill encompasses a number of controversial issues, including the arts and the environment. However, I would like to praise the conferees for their hard work in reaching agreement on the report language.

In particular, I am pleased that they ultimately saw fit to include in the report $98 million for the National Endowment for the Arts, a funding level which more accurately reflects America's support for the arts than did the original House bill from which all NEA funding was struck on a point of order. It is essential that we continue Federal support for the arts because the arts enhance so many facets of our lives. From the educational development of our children to the economic growth of our towns and cities, we learn more every day about the ways in which the arts contribute to our children's learning.

One recent study showed that students with 4 years of instruction in the arts scored 59 points higher on the verbal portion and 44 points higher on the math section of the SAT's than did students with no art classes. New research in the area of brain development shows a strong link between the arts and early childhood development. At the University of California in Irvine, researchers found that music training is far superior to computer instruction in dramatically enhancing a child's abstract reasoning skills, which are necessary for the learning of math and science. Another recent study showed that doctors with music instruction had greater diagnostic abilities in using stethoscopes than did doctors without music training, and we were all quite surprised to find that the skill of listening and diagnosing with a stethoscope was missing in far too many of our physicians.

Obviously, arts education pays great dividends in a wide range of fields. No other Federal program yields such great rewards on so small an investment. The arts are also an integral driving force behind the economic growth of our Nation. The small investment that we make this year, $98 million, will contribute to a return of $3.4 billion or more to the Federal treasury.

The arts support at least 1.3 million jobs, not only in New York City or Los Angeles or Chicago, but in smaller cities like Providence, RI; Rock Hill, SC; and Peekskill, NY. These are just a few of the many towns and cities across our Nation whose economies have flourished, largely as a direct result of investments that have been made in the arts.

This is not a parochial issue. Members of the House received a letter earlier this year from Americans United to Save the Arts and Humanities, an organization of business leaders, expressing their strong support for NEA. In that letter the CEO of Xerox Corp., the chairman and CEO of Sun America, Inc., the chairman and CEO of Sara Lee

Corp. and over 100 other business leaders endorsed continued Federal funding for the NEA as well as the National Endowment for the Humanities.

While I support the funding for the NEA provided in this conference report, I must express concern over some of the report's other provisions that I believe will have detrimental effects on our environment. For example, the conference report includes a provision to remove the current cap on the use of purchaser road credits in the national forest system. This will encourage excessive road building in our national forests and will allow timber companies to log in remote areas. In addition, the national forest planning provision will interfere with the Forest Service's process of updating and revising its forest management plans, which is required by the National Forest Management Act. Furthermore, the log export rider will drastically reduce the effectiveness of the law that bans the export of logs from our national forests as well as from State-owned lands in the Pacific Northwest.

Another provision in the report allows money from the Land and Water Conservation Fund to be used by Federal land management agencies for the maintenance of existing holdings. The use of LWCF money to meet ongoing maintenance needs is inconsistent with the purpose of the law and would rob the LWCF of funds needed for new acquisitions, without crafting a lasting solution to the ongoing maintenance shortfalls.

Other language in the conference report sets out numerous requirements before the New World Mine and Headwaters acquisitions can move forward, and allows the authorizing committees to stipulate additional requirements for these projects. Given that general authorization already exists for these two acquisitions, any additional requirements are unnecessary and set a dangerous precedent for future acquisitions.

With those reservations, Mr. Speaker, I would like to thank my colleagues on the conference committee for their hard work in coming to an agreement on the report language and in particular for their efforts in regard to the NEA.

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

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA].

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

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. This is the rule on the conference report on the Interior bill. I would urge all Members before we vote on the rule to take a good look at this bill. A lot of groups have worked on it, the White House, the staff from the authorizing committees of both Houses and the Committee on Appropriations and Members from both sides of the aisle, have had input in this piece of legislation.

Obviously, there are things in here that people do not like. There are a few things I do not support. But this is the product of compromise. In a democracy we have to arrive at an agreement on legislation that we find is in the best interests of the United States of America. I think this bill very well qualifies.

I would point out also the breadth of the bill, that over three-quarters of the districts of the 435 congressional districts are impacted by provisions in this bill. I would urge Members to be sure that they understand the impact that this has on their own district.

I call this the ''take pride in America'' bill. There is so much in here that gives us a reason to take pride in our country. Last night the new concert hall, not the new concert hall but the refurbished concert hall in the Kennedy Center was opened. It was a magnificent evening, and a magnificent facility. It is there because of this bill in the past providing part of the money and also money coming from the private sector by way of contributions, a tremendous partnership of the people of this Nation to put together a concert hall we can all look to with pride and point to with pride.

They did something that I want to compliment them for doing. This was the opening night of the new hall or the refurbished hall, and they invited the people who did the work and their families to share the evening. What a great idea. Think of the pride those people felt that did all of the different things that made this concert hall, I think, the finest in the world today. They were there with their children, with their families. What a wonderful idea. We should do more of that.

I think it is ''take pride in America'' as you listened to that great symphony play and perform and to listen to Vernon Jordan recite the quotations from Martin Luther King with a background of the National Symphony, a very moving evening. We can take pride in America in this bill because we address diabetes problems in our Indian population. It is a care bill. We have extra money in here because this is a problem for our friends in the Indian population.

It is a take-pride bill because I noted this morning in the news that we have the highest percentage of home ownership ever in the history of this country, over 66 percent. That is one of the great American traditions, to own your own home. Part of that is trees, not a lot, but some of the trees that come out of our national forests, another great asset of America that is used to help build those homes.

It is a ''take pride in America'' because it provides for Indian hospitals, for Indian schools. It means that the native Americans have a chance to break out, to get an education, to get their health needs met.

I could go on at great length about this, but I think also it is something we can point to with pride that this bill emphasizes maintenance. We recognize that we have to take care of what we have. So we do not try to buy up everything in sight, but rather to say not only selectively buy land or build facilities, but also let us maintain what is already in place. We have added money for maintenance. We have added money for improvements, such as we had noted last night in the Kennedy Center.

I want to address a couple of issues that are of concern to many members, because I think it is very important that we support the rule on this. First of all, the National Endowment for the Arts. I know this has been controversial. A little bit of history. In 1995, we did not have enough votes to pass the rule, so on the Republican side we made an agreement that we would provide 2 years of funding and then eliminate all funding.

Let me point out again, the bill that left the House did not have any money for the National Endowment for the Arts. I would also point out, that in every bill since 1995, the other body has said clearly, we do not agree with this, we are not going to be bound by anything the House does, and we are going to continue to put in funding for the National Endowment for the Arts. When we got into conference, the Members from the other body insisted on their numbers.

I would also point out at this juncture that the total amount of money here is far less than it has been historically. I think at one point we were up around $170 million or more for the NEA. This bill has about $98 million. If we take into account inflation, it is about half of what it used to be. It is almost $40 million less than the President requested. But, also, in view of the Senate's insistence on their position, we put in conditions restricting the way this money would be expended.

□ 1000

First of all, we provide, and this is a suggestion from the gentleman from Illinois [Mr. YATES], and I think a good one, that there be three Members of each House on the board. We reduce the number of public Members from 26 to 14, add 6 Members of the House and Senate, just as we do with the Kennedy Center and with the Smithsonian. I think that is a very important element. It gives us oversight on a daily basis of the NEA.

We also recognize that the States have done an outstanding job, so we provide that instead of the States getting only 34 percent of the money, they will now get 40 percent of the money.

We also provide that no State can get more than 15 percent of the total available to the States. We want to spread this across the Nation. We provide that grants have to be made to companies that are not professional. Under the rules of the NEA, historically only professional companies could get grants. We said let's make these small communities across the United States, where

they have a volunteer ballet or a volunteer opera company, eligible for a little bit of help. So we have done that.

We have put in a strong educational component. We say we want these grants to have an educational impact. I thought, as I listened to the National symphony last night, I just wonder if one of those people performing as part of the symphony might have been inspired by an ensemble that went out from a local community, as they did in ours, and visited the schools. They got a small grant and went out with the small grant, the financing, with an ensemble, to tell students what a symphony is all about. Maybe one of those people last night had that kind of an impact.

We also eliminate seasonal grants and subgranting, because a lot of problems NEA has suffered was a result of their giving a grant which was then subgranted to another group or individual. For example, the experience in Milwaukee, that was a lump sum grant to the institution, and they in turn made a subgrant that we found objectionable. That cannot happen anymore, because we have addressed that problem.

I could mention a number of other things, but I think those are the important ones. More money to the States, spread this over the Nation, get the education component in, and limit what any one State can get, plus, of course, having the oversight of Members of Congress.

I might also add, we have reduced the overhead. We reduced the amount that can be spent on people downtown by $566,000, and there is another feature in here, many of my colleagues who object to NEA say privatize it. Well, we start that. We have a beginning. We give the NEA authority to seek private funds. I think this could lead to an evolution of private financing for the National Endowment for the Arts.

I hope that in making decisions on this, that people will consider what we have done by way of restrictions to ensure that the NEA is focused on the cultural heritage of this Nation; that the NEA is focused on inspiring people to do things that are worthwhile, such as what we saw last night with the National symphony. The other area of contention is in the Forest Service area. I want to point out a few things here.

First of all, we have one of the lowest allowable cuts we have ever had. Just for example, about 10 years ago, we provided for 11 board feet to be cut. This bill limits it to 3.8 billion, a very substantial reduction. I think this should make those of you who are concerned about the environment very happy with this in the bill.

We also provide money to close more roads than we build. That is another very proenvironmental feature of the bill. We provide for forest health. We recognize that we need to have healthy forests for those that want to recreate in our forest, for those who want to enjoy the out of doors.

As a footnote, I might say that twice as many people use the National Forests for recreation as use the national parks, and that is one of the reasons that good roads are very important, because we do not want a family going out there with their kids to camp or to hunt or to fish, going off the road. We do not want these roads pushed through by a bulldozer so when you get the first rain the road goes down in the local creek. So we want them built to certain standards. That is the reason there is an element of Federal control.

We also want roads that when we have insect problems, disease prevention, fire suppression, that our people can get in in a safe way.

So I hope Members will give some thought to that as you make a decision on whether or not to support the rule and support the bill.

We also provide significant withdrawal funds for refuge maintenance. This does not get a lot of attention. But we provide money that they can build dikes, that they can make these facilities more accessible. I know that the Ducks Unlimited people are very supportive of the bill for the reason that we do that, and we are going to have the 100th anniversary of the Fish and Wildlife Service in the year 2003 and we are doing everything we can to make sure that the facilities are in first class condition.

I think there are a lot of positive things in this bill that I would recommend to Members.

One last comment. We have heard a lot about global warming in the last few days, and I think this is another very, very proenvironmental feature of this bill. People are talking about global warming.

How do you address global warming? By reducing emissions. What do we do in this bill? Under the energy section, we have a $42 million increase for conservation programs. Conservation, burn less and do it more efficiently. Part of that is clean coal, part of it is the way we use natural gas and many other things.

But that is the real world of global warming, and that is conservation. We do it. We have increased by $42 million the amount we can allocate to that.

Alternate fuels, new ways. Fuel cells, for example, new technology. Again, this bill provides funding for a number of critical programs, but I want to point out again one feature throughout the bill, and that is we want matching funds. On our energy programs, on the technological developments, we require a match from the private sector, so they, too, have a stake in what is done, and the same thing is true in other parts of the bill.

I think that this partnership approach is an important element in everything we do in terms of research.

There are a lot of other technological items in here, weatherization, which again is designed to conserve fuel to impact on the problem of global warming.

Just let me close by saying to all of my colleagues I am sure that you will find things you do not like about this bill. We all can find things. But we are one Nation, and, on balance, this bill I think overall is good for the United States of America. It is good for the environment. It is fair, it tries to address the problems that we have out there in a way, and we try to do it in a very economical way. That is the reason we were able to reduce the cost $400 million under last year, while at the same time increasing the parks by $79 million, increasing the forest by $42 million, and I could go on.

One last feature I would mention is that we provide 100 percent of the fees collected at the parks, at the forests, in the Fish and Wildlife Service, at the BLM facilities, 100 percent stays in the service. It does not go to the Treasury. It used to go to the Treasury so there was no incentive.

Now, when the management of the parks collect a very modest fee from those parks or forests or any of those facilities, they get to keep it. If you do not think it is great, just talk to a park superintendent about how they have been able to do things that otherwise they were not able to do because of this.

I found one little interesting thing. I visited one of the parks out in California, and the people there told me that since they have had the fee program, vandalism has gone down. Why? Because the individual has got a stake in it.

When they are paying something, they realize that there is value to this. They take better care of it, and at the same time visitation was going up.

So this is a great policy issue that is part of this program, and this is a good bill. This is a good bill. Members should vote for it. It is important to all of us. It is important to the environmental future. It is important to the recreation future. It is important to the conservation, global warming, all of these things. This bill tries to address them in the best possible way.

Mr. Speaker, I urge Members to vote for the rule and vote for the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 7 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in opposition to the rule and the conference report. Those who were here who remember the timber salvage rider, or those who were here in support of the timber salvage rider, one of the worse environmental votes of recent Congresses, and in fact something that was even disastrous for the industry that promoted it because of the backlash, will love this bill. Because this bill is rife with special interest, antienvironment riders, in addition to a rider which effectively repeals the ban on the export of Federal logs.

That is right, we are now going to supply the Japanese with logs from our

Federal lands. There is deep denial on the part of a few who promoted this amendment, particularly our colleague from Washington State, but that is true. I will read later from a report which documents that.

It has a provision that would prevent the Forest Service from updating and revising its forest management plans. No matter which side of the forest debate you are on, you should be opposed to that provision. Even if you want higher harvest on the Federal lands, you would freeze in place the current regime. You will not update the plans. You will fall in conflict with other Federal laws.

It overturns a court injunction against the Forest Service on one-half of the grazing leases on 11 southwestern national forests. It has a provision delaying the completion of the Pacific Northwest interior Columbia ecosystem management process, which may well put us again in conflict with the Endangered Species Act and bring more court injunctions against activities in the Pacific Northwest. It has a provision preventing the reintroduction of grizzly bears into the Bitterroot ecosystem and on and on.

Also, for the first time, it takes land and water conservation funds and not acquiring lands that we need to protect the wildlife of this country, sensitive wetlands and others that are threatened with development, taking things from the huge list of backlogs and land and water conservation funds. No. It gives $10 million to Humboldt County in the district of the gentleman from California [Mr. RIGGS], and $12 million for a road maintenance fund in Montana for the gentleman from Montana [Mr. HILL], and $10 million to the State of Montana in terms of Federal mineral holdings. Why? To offset the impact of actual land water conservation purchases promoted by the administration for the headwaters area and in the new world mine.

These are payoffs, these are unprecedented, and a very, very bad use, and an unauthorized use of land and water conservation funds, but they are protected by the rule, as are these other unauthorized provisions in this bill.

But the worst and least understood provision is one that the Department of Agriculture's own inspector general, despite what some here will protest, who are apologists for the log exporters, say, and I quote, ''They will effectively gut the 1990 law banning the export of unprocessed logs from National Forests in the West.''

Let me repeat that. Effectively gut the 1990 law. She goes on to say? Her opinion, it would basically make enforcement dependent upon voluntary compliance, voluntary compliance, when there are millions of dollars to be made by diverting these scarce Federal resources into export to the Japanese, who do not harvest a single log. Fifteen thousand mills operating in Japan, 350 struggling to operate in the Pacific Northwest.

And, guess what? They do not cut any trees. Why? Because we give them the logs. And under this bill we will give them more logs and they will come off of our Federal lands. It will increase pressure on those Federal lands.

This is a horrible provision, a horrible precedent. Again, the apologists will say, no, we are just fussing it up a little bit. These 12 pages that we put in there, these provisions that the inspector general says will gut the law, they will not really gut the law; do not worry about it, or we will fix the problems later. Not a single hearing was held in the House or Senate by the authorizing committees. Not a single hearing. No discussion on things previously stuck in by the Senate. We are being told we cannot control the Senate.

□ 1015

Two Senators from Washington State and one Representative from Washington State are particularly promoting this provision. Again, they are denying the reality of it. We have the opposition of 60 national and local environmental groups to the provisions of this bill; we have the opposition of the National Carpenter's Union to this bill.

Mr. Speaker, I include for the RECORD these statements in opposition.

The material referred to is as follows:

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
Washington, DC, September 4, 1997.

Representative PETER A. DEFAZIO,
U.S. House of Representatives, Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE DEFAZIO. The United Brotherhood of Carpenters and Joiners has always supported a ban on the export of raw, unprocessed timber from public lands. In response to our calls and those of American workers across the country, Congress approved a ban in 1990. Recently, language was inserted into the Senate FY 1998 Interior Appropriations bill that weakens this bill.

Through the practice of substitution, log exporters can export private, unprocessed timber while buying public timber to make up for the shortfall caused by their own exports. This practice was restricted in the 1990 legislation and any attempts to weaken it should be opposed.

The current Senate rider impacts the anti-substitution aspects of the law. These substitution limitations were included to prevent companies from circumventing the intent of the law by exporting private raw logs and then buying public timber to substitute for the exported logs. This policy was set to encourage companies to make a choice, within any given ''sourcing area,'' between supplying their mills with federal timber or exporting private, unprocessed timber, not both.

The rider would alter the definition of these geographic sourcing areas and render the anti-substitution rules ineffective. The high economic value of these logs and the growing practice of transporting them long distances, between sourcing areas, have diluted the sourcing area limitations. This, along with the Senate rider will make it possible for companies to more easily export raw logs and purchase and process public timber.

Workers suffer when raw logs are exported. Not only do we lose the commodity itself, we lose the manufacturing jobs that turn the raw logs into lumber used for construction and other value-added activities like furniture making.

Representative Peter DeFazio is circulating a letter to President Clinton and the Interior Appropriations Conferees urging them to oppose this weakening of the 1990 log export ban. On behalf of the 500,000 members of the Carpenters Union, I ask you to add your signature to this very worthwhile request.

Sincerely,

DOUGLAS J. MCCARRON,
General President.

SEPTEMBER 5, 1997.

President BILL CLINTON,
The White House, Pennsylvania Avenue NW, Washington, DC.

DEAR MR. PRESIDENT: We urge you to oppose any amendments that may be included in the fiscal year 1998 Interior and Related Agencies Appropriations bill that would weaken the 1990 law banning log exports from federal and state lands in the West, or otherwise prevent the Forest Service from property enforcing the export ban.

As you know, in 1990 Congress overwhelmingly approved a permanent ban on the export of unprocessed timber from National Forests, Bureau of Land Management and state-owned lands in the Western United States. An important part of that law prohibits a log exporting company from purchasing federal timber for its mills as a replacement for private timber the company is exporting. This practice, known as ''substitution,'' is little more than the backdoor export of federal timber.

A Washington State trade group representing the interests of large exporting firms is attempting to significantly weaken the 1990 law. The group has asked members of the House and Senate Appropriations Committees to support an amendment that would make it legal for a company to purchase federal timber as a direct substitute for private timber the company is exporting. Apparently, the Forest Service has drafted an amendment aimed at satisfying the log export lobby's concerns.

Every log exported from the Pacific Northwest increases the economic and political pressure to log the region's federal forests. The Northwest Forest Plan is already under severe stresses and strains from attacks from the timber industry and the 104th Congress. Overcutting federal lands resulted in wild salmon and ancient forest dependent wildlife headed for extinction. Now is not the time to allow for a backdoor to open for cutting down the forests owned by U.S. citizens.

The ban on log exports from public lands enjoys overwhelming support in the Pacific Northwest. Not only is export ban hugely popular, it is critical to the health of the Northwest's forest ecosystems. We urge you to defend the integrity of the 1990 log export ban by insisting that the total prohibition on federal and state log exports continue and that the Forest Service property implement the ban on substitution.

Sincerely,

Steve Thompson (Box 4471, Whitefish, MT 59937) on behalf of, Bonnie Joyce, Friends of the Coquille River (OR); Adrienne Dorf, Gifford Pinchot Task Force (WA); Ellen M. Bishop, Grande Ronde Resource Council (OR); Bill Hallstrom, Green Rock Audubon Society; Julie Norman, Headwaters (OR); Rick Johnson, Idaho Conservation League; John Osborn and Steve Thompson, Inland Empire Public lands Council; David Orr, John Muir Project of Earth Island Institute; Jim Britell, Kalmiopsis Audubon Society (OR); Tim Coleman, Kettle Range Conservation

Group (WA); Chris Magill, Kitsap Audubon Society (WA); Felice Pace, Klamath Forest Alliance (CA); Dave Stone, Lane County Audubon (OR); Amy Schlachtenhaufen, Lighthawk; Susan Crampton, Methow Forest Watch (WA); Alexandra Bradley, Quilcene Ancient Forest Coalition (WA); David Dilworth, Responsible Consumers of Monterey Peninsula; Cynthia Wilkerson and Owen Reese, Student Environmental Action Coalition; Bill Arthur, Sierra Club, Northwest Regional Office; Steve Marsden, Siskiyou Regional Education Project (OR); Cheryll Blevins, Southern New Mexico Group of the Sierra Club; David Biser, SouthWest Center for Biological Diversity (NM); David C. James, Spokane Chapter of Trout Unlimited (WA); Robert M. Freimark, The Wilderness Society; Ken Carloni, Umpqua Watersheds, Inc (OR); Stephen I. Rothstein, Univ. of California, Santa Barbara, Dept. of Ecology, Evolution and Marine Biology; Ben Watkins and Mary Schanz, Voices for Animals (AZ); Martin C. Loesch, Washington Wilderness Coalition; Steve Phillips, Washington Wildlife Federation; and Jeff Stewart, Washington's Eighth District Conservation Coalition.

Mr. Speaker, there are also a number of mills in the Pacific Northwest, including Boise Cascade, and 20 small independent companies in Oregon and Washington, who oppose the log export provisions.

Again, who supports it? Five very powerful large log exporting companies led by Weyerhauser in Washington State, two U.S. Senators from the State of Washington, and our colleague, the gentleman from Washington. That is about it. Those are the people who are promoting this, overturning the intent of Congress, a longstanding Federal law that says we are not going to take our logs and export them from Federal lands to a country, Japan, which does not harvest any trees of its own, and does not allow freely our finished products into its markets; no tariffs on our logs, but big tariffs and barriers on our finished wood products.

This is not a minor technical revision in the law. Again, according to the Department of Agriculture's inspector general, it will force the forests to rely on the voluntary compliance of timber exporters in order to enforce the ban. The ban will still stand, but they will not be able to enforce it. In fact, the IG's office states that this provision would allow exporters to directly export Federal timber, in the full knowledge that their chances of getting caught are near zero.

Mr. Speaker, I include for the RECORD the opinion of the inspector general from the Department of Agriculture into the RECORD, Ms. Rebecca Batts, director of the Rural Development and Natural Resources Division of the Department of Agriculture's IG office.

The material referred to is as follows:

REVIEW OF THE FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT OF 1997

As requested by Jim Lyons, I have reviewed Title VI, H.R. 2107. I was requested to provide the quickest possible assessment, as the bill is currently in conference. Therefore, this evaluation reflects my preliminary conclusions only and does not reflect an ''in-depth'' assessment of the myriad factors that could affect implementation.

Implementation of the proposed bill will effectively gut the ''Forst Resources Conservation and Shortage Relief Act of 1990.'' In essence, that act prohibited export of unprocessed logs harvested on Federal land and established limitations on the ability of an exporter to substitute unprocessed Federal timber for unprocessed timber exported from private lands. The amendments currently under consideration allow some direct substitution in Washington State, west of the Colville National Forest, the area where we have been told that most of the exports originate. A person could acquire federal timber, and, in the same area, export private timber if the timber originates from land he does not own or have an exclusive right to harvest timber for more than seven years. The Act also would allow a purchaser of federal timber to export private timber immediately after disposal of federal timber, without regard to the calendar year restriction currently in place. Under current law, this would have been deemed substitution. Further, the Act subjects certain basic internal controls (e.g., log branding and record keeping) to a cost-benefit test that may make restrictions difficult or impossible to enforce. Without these basic internal controls, the risk of commingling federal and non-federal timber escalates dramatically. With comingling comes an increased opportunity to divert non-export logs into the export market.

Enforcement of proposed bill will be so difficult that the Department will be dependent on the voluntary compliance of timber purchasers, exporters, and mills. Regulations developed to implement the current law were suspended by Congress, in part because of the perceived adverse effect on the Western Forests Products industry. The suspended regulations included key internal controls to enable the Department to enforce the ban on export or substitution. The controls were not significantly different than many currently in place as part of Forest timber theft prevention plans. For example, the suspended regulations required branding and painting of federal timber and reporting information about transactions involving federal timber.

The proposed law subjects the key controls of timber marking and reporting to a cost/benefit analysis—perhaps making it more difficult for the Forest Service to establish these controls which are specifically aimed at the detection of non-compliance. In essence, it will be necessary to demonstrate the existence of violations to obtain support for implementation of the controls. However, demonstrating violation will be nearly impossible, as the controls to allow detection of violations will not be in place. An additional, unintended effect of the requirement could result in Forest Service inability to enforce extant marking requirements aimed at ensuring compliance with domestic timber measurement issues (i.e., branding to ensure proper scaling and payment for federal timber.)

Current requirements mandate reporting of all federal timber acquired and each subsequent transaction involving that timber. The proposed bill would subject the requirement to a cost/benefit analysis and, if the requirement is imposed, allow for waivers in instances where audits have demonstrated substantial compliance during the preceding year or where the tranferor and the transferee enter into an advance agreement to comply with domestic processing requirements.

It will be extremely difficult for an audit to demonstrate that an entity had complied with domestic processing requirements in the absence of an effective system of internal control. Further, the conditions for a waiver will be almost impossible to assess in the subsequent years, when transaction reporting is no longer required, based on demonstrated compliance in the initial year. As a ''worst case scenario'' a purchaser could determine to strictly comply with domestic processing requirements for one year, carefully document compliance for that year, obtain a waiver for the subsequent year, and intentionally fail to document subsequent transactions. Without documentation and concomitant branding, it will be nearly impossible to identify noncompliance, and a purchaser may be able to violate the act with a reasonable certainty that he cannot be caught and prosecuted.

The second basis for a waiver is also problematic—an agreement between the transferor and the transferee to comply with domestic processing requirements. In essence, the Secretary will be saying ''You do not have to report if you agree beforehand to obey the law.'' It would be an unusual timber purchaser or processor who would not be willing to state an intention to comply with federal law, regardless of actions the individual planned to take.

An additional area of concern is the definition of a violation to mean ''with regard to a course of action.'' This could be interpreted to mean that enforcement official must demonstrate a pattern of behavior before taking action. As a result, even egregious ''one-time'' offenses very difficult to address.

A new category of violation is created in the proposed bill. A ''minor violation'' involving less than 25 logs and a total value of less than $10,000 is to be redressed through the contract. In effect, this allows for lower fines to be assessed. It is unclear what effect ''minor violations'' would have on demonstrating a ''course of action.'' If a pattern of minor violations was not sufficient to demonstrate a ''course of action,'' then enforcement officials could be put in the very difficult position of documenting a series of events, each one individually exceeding 25 logs and $10,000 in value, before prosecution.

The proposed bill requires a hearing prior to debarment—even in cases where a criminal conviction has been obtained (e.g., timber theft) or where a civil judgement has been obtained and no material facts are in dispute. Current debarment regulations permit debarment in these situations based on the administrative record. By changing this provision, the Act will allow a person convicted of timber theft, with outstanding civil judgements, to continue to bid on and be awarded federal timber contracts during the period of the proposed debarment. This course of actions seems unwise, at best.

Mr. Speaker, the radical overhaul of the law banning log exports from our public lands could never stand the light of day. That is why it is stuck into this bill with no hearings, no deliberation, and it was only done by a couple of Senators who we cannot control, along with the other antienvironment riders in this bill.

This is a bad precedent for the U.S. House of Representatives. Are we going to allow the Senate to do these sorts of things repeatedly on these bills, or are

we just going to let this cruise by by protecting those things in this rule? I hope not. Future conference reports will be even worse, more rife with special interest riders, if we in the House do not stand up for our prerogatives and oppose this rule.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado, Mr. DAN SCHAEFER.

(Mr. DAN SCHAEFER of Colorado asked and was given permission to revise and extend his remarks.)

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I want to talk about another point which is not brought up here today. I want to say that I am very personally disappointed that we now have a chance to stop another sale of our strategic petroleum reserve.

I understand when the Committee on Appropriations, over the objection of the Committee on Commerce, proposed a one-time sale, just a one-time sale of SPR oil to pay for the decommissioning of Week's Island in Louisiana. I remember at the time, I said, if you open the door, everybody is going to look at this as a giant piggy bank. All of a sudden, if you need some more money, let us sell some more SPR oil.

This is getting to be the fourth time now that we have gone into this oil reserve. It is about time we make a stop. This is emergency energy for this country, and here we are, dipping back into the oil reserve one more time. Mr. Speaker, I think the taxpayers in this country ought to know this. The oil that we have down there is about $35- or $36-a-barrel oil and we are turning around and selling it for about $22.

This is not a good deal for the American taxpayer. This should be stopped as soon as we possibly can. Mr. Speaker, I am in a position here where I think we have some really good things in this bill, but when we look at the possibility of taxpayers in this country getting ripped off, I think this is a good illustration of it. They are getting ripped off.

So therefore, I think what we have to do is go back and review this again. We had a tremendous discussion prior to this bill going to conference, so I would just say now that this rule should not allow the sale of SPR oil. It should not allow it. It is a ripoff to the taxpayers.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I am supporting this rule, and I am going to support this bill. If the administration vetoes it, I will speak to override the veto. I do not want to do so because I think that this bill is perfect. It is not. There are many items in this bill that I believe should not be here. I agree with the gentleman from Oregon [Mr. DEFAZIO] on the log export question. I think that is outrageous. I also think there are a number of other giveaways in this bill.

But I have to say that I honestly believe that on this side of the aisle we did the best job we could negotiating on this bill, given the fact that the people who are quarterbacking the congressional lobbying for the administration are Little Leaguers. I cannot help that. All I can do is work with what God gives me. So we are doing the best we can under the circumstances.

There is no question, in my view, that the administration gave away far more than they should have, both to some interests in this country and to some individual Members of Congress. We hear a lot of talk from the White House about the money that they are going to save on the line-item veto, for instance.

This bill is a classic example of how the executive branch of Government, regardless of party, will, in the present and in the future, use the line-item veto and use their other powers in order to leverage more spending in a bill, because this bill contains at least three items which are out-and-out gifts to individual Members of Congress in order to facilitate the ability of the administration to spend almost $700 million in additional money.

Mr. Speaker, I will support this bill, because in the public interest it is the best we can do under the circumstances. But I for 1 minute do not want to leave the impression that I in any way am thrilled by the content of much of it. I am not. I think on balance it deserves to be supported because the gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. YATES] have done the best job they could under the circumstances, but I cannot help the fact that we have had a sometimes pitiful approach from the other end of the avenue.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. I thank the distinguished gentleman from Georgia for yielding time to me.

Mr. Speaker, I rise to support this rule, this bill, and engage in a brief colloquy with my friend, the gentleman from California, Chairman YOUNG, on a matter involving Outer Continental Shelf drilling.

Mr. Speaker, I have long been interested in the question of oil and natural gas drilling off the coast of the State of Florida. Each year for well over a decade Congress has adopted a moratorium on oil and gas activities in some of our Nation's sensitive waters, and this year's moratorium is included in the conference report before us. We all agree, this is not the best way to do this.

The moratorium does not provide a long-term solution to the principal problem affecting the OCS program. Notably, the current OCS regime does not provide States and localities with sufficient involvement in decisions that can greatly affect them, in the minds of many.

I have introduced legislation which would establish a joint Federal-State task force to resolve this issue. The task force would be charged with reviewing the scientific and environmental data available, commissioning further studies if necessary, and then making a permanent policy recommendation based on sound science.

Others have other views. I would yield to the distinguished chairman for his comments on that.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I appreciate the gentleman's concerns in OCS matters, particularly with respect to the Gulf of Mexico bordering his State of Florida. I agree that leasing moratoria, such as in this conference report, are not a fully satisfactory way to address our policy for oil and natural gas exploration and development in the OCS.

As chairman of the authorizing committee of jurisdiction, I would like to remind my colleagues of the considerable contribution that oil and gas from the OCS makes toward meeting our Nation's energy needs. Therefore, I am interested in a thorough review of the provisions of H.R. 180, and other bills which would authorize permanent closures of portions of the Outer Continental Shelf, in order to weigh the benefits of oil and gas development versus the potential risks to coastal and shelf resources.

I assure the gentleman that the Committee on Resources will hold a hearing on this issue during the next session of Congress.

Mr. GOSS. Reclaiming my time, Mr. Speaker, I thank the gentleman profusely for all of those interested in this issue.

Mr. YOUNG of Alaska. If the gentleman will continue to yield, I would like to say that I rise in support of this rule and this bill. This is of great interest to the gentleman from Wisconsin [Mr. OBEY]. There is a lot in this bill I do not necessarily agree with, either, but this is the work of what I call compromise and working with different factions. I believe this is the best we can do.

There are some parts of it in which I may not agree with the gentleman from Illinois [Mr. YATES], who has done a yeoman's job, but he also has some parts that he does not agree with me. However, this is a good piece of legislation that should be passed.

I urge our colleagues to understand one thing. If this does not pass, a lot of things that are in there will not be available when we go back to the table. I think it is the right thing to do. We should do it. I compliment the gentleman working on it.

Mr. GOSS. Reclaiming my time, Mr. Speaker, I would like to echo the sentiments, and congratulate the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA] for

good work under very difficult circumstances. I urge passage of the bill when it comes time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

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

Mr. HEFNER. Mr. Speaker, I rise in support of this rule, but the comments that I have have absolutely nothing to do with this rule.

Back in May of this year, my brother's wife passed away after a long bout with cancer. I asked for and received permission to be out to attend the funeral. The gentleman from Georgia, at the onset of this debate, said that it had been misrepresented, that the minority had misrepresented so many things around here. I thought this would be a good time to talk about misrepresentation.

There was a press release sent to the newspapers in my district that said that BILL HEFNER had voted against a bill that would cause a train wreck, and would have corrected that. I was not here. I had an excused absence. When I called the NRC, they said they would probably issue an apology or a correction. I approached the gentleman from Georgia and I was told, grow up, this is my job.

If that is the procedure we are going to use in this House, if we talk about comity, it was a very serious thing for me, for a death in my family, as it would be for anybody in this House. And if that is the way politics is going to be played around this place, I think it is a real tragedy for comity in this House.

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

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

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

Mr. DICKS. Mr. Speaker, I want to rise in strong support of the Interior appropriations bill and this rule. We have had a very difficult conference, but we came out of it with $98 million for the National Endowment for the Arts. I think that is a tremendous accomplishment, and something that we could very well lose if we go back into conference.

Second, we came out with $699 million for the Land and Water Conservation Fund, to take care of some very important national priorities. That money could also be lost, and I think probably will be lost, if this conference report is defeated. The other body, people in the other body, senior Members, say they will not put that money in again if this bill does not go through.

To my colleagues, on the question of substitution in the West and on the question of log exports, I believe what we did in this bill is actually going to strengthen the ability to keep public timber at home.

□ 1030

Also, it will allow the free movement of private timber in the Northwest, which will allow more of it to be domestically processed.

Mr. Speaker, let me point out the bottom line is that under the law that was passed in 1990, at the end of last year the State of Washington would have been able to export 25 percent of its State's logs. What this ban does is say, no, we are going to keep public timber, State and Federal, at home. We are not going to allow it to be exported. Fifty-three percent of those sales of State timber in Washington State go down to Oregon, 53 percent.

Mr. Speaker, we did not hear our former colleague, Mr. Wyden, or we have not heard the gentleman from Oregon [Mr. SMITH] or anybody else from Oregon up here denouncing this bill, because they recognize it will mean more timber for small businesspeople in the State of Oregon.

Mr. Speaker, I frankly am outraged by the deceit that has been put in and surrounded on this particular provision. This is a good provision.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to say, ''Thank you, Honorable Congressman SIDNEY YATES.'' I rise today to applaud the inclusion and protection in this legislation of the National Endowment for the Arts. For anyone to think this was an easy fight, they were not here. For anyone to think that this is not an important fight, they do not know the arts.

Mr. Speaker, everywhere I go in the 18th Congressional District there are people who are saying thank goodness for the gentleman from Illinois [Mr. YATES] and the effort to retain the $98 million in this provision.

Mr. Speaker, the fight will continue, but at least we have made the stand. This is an important part of this conference report. The most important part, however, should be that the fight must continue to not undermine the National Endowment for the Arts as it is being directed to be done.

Let me also acknowledge the Honorable Jane Alexander for her continued strength to interact with legislators and to press the point that the National Endowment for the Arts is not special interests, it is not arts for the big cities, it is art for the rural communities and centers around this Nation which provide the access to arts in school, to give exposure to young artists, to provide the legacy and the continuation of our culture.

Mr. Speaker, this bill does raise some concerns for me, great concerns, environmental concerns. But I do believe that there has been such a strong commitment and effort to preserve and protect the National Endowment for the Arts that preserves and protects our culture, that I would argue that this is an important rule and that we must move forward.

Mr. Speaker, the National Endowment for the Arts has been under attack for a number of years. I hope this legislation will get us reformulated in our strategy to increase its funds, to recognize its stand for the preservation of our culture and legacy and fight against the radical right that want to destroy the arts of this Nation.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MILLER].

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

Mr. MILLER of California. Mr. Speaker, I rise in opposition to the rule and to the conference report because, as has been the case with past appropriations bills, this report is riddled with indefensible and unsound and undebated provisions that represent a direct assault on the environment and the resources of this country.

Mr. Speaker, I want to concur in the statements of the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations, that the negotiations on behalf of the White House have been completely bungled and mishandled and the result is a bill that is very, very damaging to America's environment.

Mr. Speaker, I appreciate all of the work that has been done on the arts, and the arts has become the compelling reason to vote for this legislation. But the arts should not be allowed to destroy the environment in that same legislation.

In fact, Mr. Speaker, what we have here is a piece of legislation that is terribly detrimental to the environment. It completely destroys the $700 million in ''priority Federal land acquisitions'' because of the conditions placed on those acquisitions. The report inappropriately delays these important acquisitions, even though the Land and Water Conservation Fund already provides the ample authority for these acquisitions. Moreover, the use of any of the remaining funds of the $700 million can easily be blocked by the actions of a small number of Members.

I also object to the outright political payoffs included in this bill to benefit local Members of Congress in the areas of the acquisition. Humboldt County, where the headwaters of the beautiful ancient rain forest is located, is given $10 million even though there is no concrete evidence that this amount had any relationship to any projected economic losses or that this money will be used to compensate any injury in timbering as a result of the acquisition of these lands.

But even more egregious is in the case of Montana, where $12 million is

earmarked for highway funds as the result of the acquisition of the New World Mine and then another $10 million is promised to that State. But understand this, that if the Governor does not act on that $10 million and does not accept it, he is then offered some coal deposits that may have a value to the taxpayers of this country of $226 million in royalties and bonus bids. So if the Governor sits on his hands, the taxpayers lose $220 million. No hearings, no discussions. That is what is going on in this legislation.

Mr. Speaker, we have also embarked on a new approach here that we now have Federal acquisitions that are expensive enough, of major environmental assets in this country, that now we are going to start compensating people for imagined loss even though the track record is in most instances where we acquire lands for national parks and monuments and wilderness areas, the fact is that the local economy is dramatically stimulated because visitors from throughout America and throughout the world come there to visit these newly designated sites. As we see in the case of Death Valley and the parks and monuments in California, in southern Utah, the economy is springing forth because of that. But now we are going to compensate these economies with a gift of tens of millions of dollars because we imagine that they might suffer some losses.

Mr. Speaker, I am also terribly disturbed about what this does in terms of the timber programs and the timber management of our national forests and lands. We had very close votes in this House on stopping the construction of new timber roads, and yet what we see when they went to the conference committee, they just disregarded the votes in this House and now we have gone beyond the President's budget. The tragedy is that we will see more destruction of more lands in the Nation's timberlands.

The administration had proposed eliminating the road credits, but in fact we did not do that in this legislation. We headed in the opposite direction. This report, as pointed out by the gentleman from Oregon, makes it easier to export logs off of Federal lands, as the Inspector General report tells this Congress. But, again, this step was taken with no hearings, no public review, no discussion about the ramifications of this.

This report also obstructs the efforts for ecosystem planning in the Columbia River Basin. It interferes with the implementation of the grizzly bear program in Idaho under the Endangered Species Act, and it overturns court injunctions helping grazers in the Southwest.

Mr. Speaker, that is the problem with this legislation, that once they got it out of the House, once they got it out of the House where it was a fairly decent bill with respect to the environment, the conference committee went crazy and the administration just badly handled these negotiations. The result is that we now have once again the Interior Appropriations bill with antienvironmental riders on it, the same kind of riders that were added 2 years ago when the Republican majority shut down the Government over this legislation. We now see this legislation with the same kind of riders and we cannot get an answer out of the President of the United States of whether or not he will sign the bill.

Mr. Speaker, this bill should be rejected. The rule should be voted down.

Mr. Speaker, I include for the RECORD information from the Greater Yellowstone Coalition.

DOES THE INTERIOR APPROPRIATIONS BILL GIVE AWAY $10 MILLION OF FEDERAL COAL?

No. It gives away far more than that.

The bill requires the Secretary of Interior to give away either $10 million worth of federal coal agreed to by the Governor of Montana and the Secretary, or the Otter Creek tracts. If the Governor does not agree to take $10 million worth of coal approved by the Secretary, the Secretary must give the Governor the Otter Creek tracts—which are worth far more than $10 million.

The Otter Creek tracts cover 10½ square miles and include reserves of 533 million tons of coal. Similar coal sells for $8–9 a ton at the mine mouth. The bonus bids alone on such tracts average roughly 4 cents per ton—or $21 million. But the real value lies in the 12½% royalty the federal government would collect on the value of the coal mined. The value of the coal is $8/ton 533 million tons, or $4.26 billion, of which the federal government would collect 12½%, or 532 million dollars. Under present law, 50% of that would be sent to the state government. This coal would have returned $266 million to the Treasury. This is what the Interior appropriations bill conveys to the State of Montana for no consideration.

ISN'T THIS AN ACCEPTABLE PRICE TO PAY TO ACHIEVE THE BUY OUT OF THE NEW WORLD MINE, WHICH THREATENS YELLOWSTONE NATIONAL PARK?

No, because that purchase will never be consummated if it is tied to this giveaway. The purchase agreement is tied to the settlement of a Clean Water Act lawsuit brought against the gold mining company by local community interest groups. Settlement of the lawsuit is a prerequisite of the purchase. But several of the plaintiffs are strongly opposed to new coal development in the presently unmined area of the Otter Creek tracts—and will not agree to a settlement if it will lead to mining the Otter Creek tracts. They agreed to a settlement with the gold miners—but not with coal mining of presently unmined ranchlands.

For more information, call Russ Shay at 202–544–3198.

GREATER YELLOWSTONE COALITION,
Bozeman, MT, October 23, 1997.

President, WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: We write to urge you to veto the FY98 Interior Appropriations bill that will soon be on your desk. The provision in the bill requiring that 500 million tons of federal coal be given to the state of Montana as a prerequisite for completing the New World mine agreement is completely unacceptable and only serves to hold Yellowstone National Park hostage to pork barrel politics. If developed today, the coal reserves named in the bill would generate at least $250 million in royalties each to the federal treasury and the State of Montana.

Through your leadership, the conservation community and Crown Butte Mines, Inc. found a way to amicably resolve a potentially explosive, expensive and debilitating debate over a mine proposed on Yellowstone's doorstep. The agreement signed in your presence on August 12, 1996 in Yellowstone National Park was a win for all parties. It protected Yellowstone forever from the threat of industrial mining and its resulting water pollution. It protected Crown Butte's property rights and it called for $22.5 million in pollution clean-up in the mining district which will protect human health and create jobs.

The 1996 agreement was embodied in principle in a tentative pact reached between the Administration and Congressional leadership two weeks ago. This proposal, which funded the agreement, also contained funds for the Beartooth Highway and called for a study of mineral resources in Montana.

Now, in a last-minute political maneuver, Representative Rick Hill and Senator Conrad Burns have included a provision in the FY98 Interior Appropriations bill that requires that coal or other mineral assets be given, free, to the state of Montana. This provision not only fleeces the American taxpayer by requiring that property owned by us all be given away, it brings significant new controversy to a process that has been marked by cooperation.

Coal development in eastern Montana has a long and contentious history. Coal mining adversely affects ranchers property rights and the water they depend on for their livestock operations. Coal mining changes the character of local communities and puts significant strains on community infrastructure and resources. It also changes patterns of public use, putting off-limits to entry land that was used for recreation, hunting and fishing.

Because of the controversial nature of coal development, the federal government has taken a very open and public approach to coal. Areas proposed for leasing go through extensive public review with all values considered. None of this is true of the provision in the FY98 Interior Appropriations bill. No public hearings were held on this provision, no public input sought. Giving coal to Montana is a backroom deal, pure and simple. It will benefit a few at the expense of many.

We are in firm support of the 1996 New World agreement. It is an agreement crafted to protect Yellowstone and its water. Coal has nothing to do with the agreement or in protecting the Park. As plaintiffs to a Clean Water Act lawsuit against Crown Butte Mines, Inc., we urge that you veto the bill and insist that Congress send to you legislation that implements the historic agreement signed in Yellowstone.

Sincerely,

Michael Clark, Executive Director, Greater Yellowstone Coalition; Jim Barrett, Board Member, Beartooth Alliance; Tom Throop, Executive Director, Wyoming Outdoor Council; Joe Gutkoski, President, Gallatin Wildlife Association; Julia Page, President, Northern Plains Resource Council; Tony Jewett, Executive Director, Montana Wildlife Federation; Betsy Buffington, Associate Representative, Sierra Club; Sean Sheehan, Northwest Wyoming Resource Council.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I appreciate the generous grant of time. I would like to go back to the issue of log exports, because the gentleman from Washington [Mr. DICKS] tried to obfuscate the issue a little bit.

Mr. Speaker, let us say it in simple language. The Inspector General of the Department of Agriculture, a qualified attorney, one versed in the laws of the land and the restrictions on the export of logs at the Department of the Government charged with implementing restrictions on the export of logs harvested on Federal lands says, and perhaps the gentleman can understand this language, ''Implementation of the proposed bill will effectively gut the Forest Resources Conservation and Shortage Relief Act of 1990.''

She goes on at great length. I realize it is two pages, single space, and it might be difficult for some to understand. But in those two pages she comes to no different conclusion. This effectively repeals restrictions on the export of Federal logs so that we can become a log exporting colony of Japan where they do not harvest trees. I do not think that is right. I do not think it is good even for those log exporting companies in Washington State that are pushing this, because it is going to bring about a backlash if this goes into place.

Mr. Speaker, when people see the scarcity of logs coming off of Federal lands being diverted into a foreign market which does not allow the import of our finished products, it only wants our raw materials so it can protect its own dying and inefficient industry, outrage will run high in the Pacific Northwest and I believe across the Nation.

Mr. Speaker, this is wrong. This is the effect of this legislation. The gentleman from Washington who spoke so eloquently was also an eloquent supporter of the timber salvage rider when it first passed. I was an outspoken opponent when it first passed. A year later, the same gentleman was an eloquent proponent of repealing the timber salvage rider, the one that he had supported so eloquently the year before, because he said he could not have anticipated the impact.

Mr. Speaker, it is the same here. I urge Members to read the single spaced, two-page report. If we pass this legislation, not only will we have the giveaways of our oil, not only will we violate the Land and Water Conservation Fund and do a couple of blatant payoffs to a number of congressional districts, not only will the other anti-environment riders contained in this legislation go forward, we will repeal the ban on the export of logs from Federal lands. Plain and simple. We cannot deny it. That is the bottom line.

So if Members want to vote for anti-environment riders, if they want to vote for a giveaway of the Elk Hills Naval Petroleum Reserve, if Members love those sorts of things, if they want to give away the authority of the House of Representatives to the Senate and protect unauthorized provisions in this bill, if we want to set that precedent, if we want to roll over for the Senate, then vote for the rule.

But if Members do not, if they want to protect our prerogatives and protect the taxpayers and protect the environment, then Members will vote ''no'' on this rule.

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

Mr. LINDER. Mr. Speaker, urging all of my colleagues to support this rule, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore [Mr. MILLER of Florida). The question is on the resolution.

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

Mr. DEFAZIO. 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 247, nays 166, not voting 20, as follows:

[Roll No. 527]

YEAS—247

Allen
Andrews
Archer
Armey
Baesler
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Bilbray
Bishop
Blunt
Boehlert
Boehner
Bonilla
Borski
Boucher
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Ewing
Farr
Fawell
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hill
Hilliard
Hinojosa
Hobson
Horn
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Manton
Mascara
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Moakley
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Peterson (PA)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rodriguez
Rogers
Ros-Lehtinen
Roukema
Sandlin
Sawyer
Saxton
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snowbarger
Solomon
Spence
Stokes
Sununu
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Waxman
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—166

Abercrombie
Ackerman
Aderholt
Bachus
Baldacci
Barr
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Bliley
Blumenauer
Bonior
Boswell
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Calvert
Capps
Cardin
Carson
Chabot
Christensen
Clay
Clayton
Coburn
Condit
Conyers
Coyne
Crane
Cunningham
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Doggett
Doolittle
Duncan
Ensign
Evans
Everett
Fattah
Fazio
Filner
Furse
Gejdenson
Gephardt
Gibbons
Goodling
Graham
Green
Gutierrez
Hall (TX)
Hefley
Herger
Hilleary
Hinchey
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hutchinson
Inglis
Istook
Jefferson
Jenkins
Johnson, Sam
Jones
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Largent
Lewis (GA)
Lewis (KY)
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (KS)
Myrick
Olver
Owens
Pallone
Pascrell
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Pickering
Pitts
Poshard
Price (NC)
Riley
Rivers
Roemer
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Shays
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Talent
Tanner
Taylor (MS)
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Watt (NC)
Watts (OK)
Weldon (FL)
Weygand

NOT VOTING—20

Bereuter
Bilirakis
Bono
Brown (CA)
Chenoweth
Cubin
Dickey
Dixon
Gonzalez
Houghton
Hunter
McCarthy (NY)
McIntosh
Mollohan

Payne	Ryun	Smith (OR)
Rangel	Schiff	Souder

□ 1106

Messrs. STUPAK, BARR of Georgia, BURTON of Indiana, MORAN of Kansas, HULSHOF, PAXON, PICKERING, CALVERT, PEASE, BENTSEN, KENNEDY of Rhode Island, Mrs. LOWEY, Mrs. THURMAN, and Ms. SLAUGHTER changed their vote from ''yea'' to ''nay.''

Messrs. MCINNIS, DAVIS of Virginia, and COX of California changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMTRAK REFORM AND PRIVATIZATION ACT OF 1997

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 270 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. 2247.

□ 1108

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. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, with Mr. THORNBERRY, 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 Wednesday, October 22, 1997, all time for general debate had expired.

Pursuant to the rule, the Committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered as read.

The text of the Committee amendment in the nature of a substitute is as follows:

H.R. 2247

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 ''Amtrak Reform and Privatization Act of 1997''.

TITLE I—PROCUREMENT REFORMS

SEC. 101. CONTRACTING OUT.

(a) AMENDMENT.—Section 24312(b) of title 49, United States Code, is amended to read as follows:

''(b) CONTRACTING OUT.—(1) When Amtrak contracts out work normally performed by an employee in a bargaining unit covered by a contract between a labor organization and Amtrak, Amtrak is encouraged to use other rail carriers for performing such work.

''(2)(A) Amtrak may not enter into a contract for the operation of trains with any entity other than a State or State authority.

''(B) If Amtrak enters into a contract as described in subparagraph (A)—

''(i) such contract shall not relieve Amtrak of any obligation in connection with the use of facilities of another entity for the operation covered by such contract; and

''(ii) such operation shall be subject to any operating or safety restrictions and conditions required by the agreement providing for the use of such facilities.

''(C) This paragraph shall not restrict Amtrak's authority to enter into contracts for access to or use of tracks or facilities for the operation of trains.''.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 254 days after the date of the enactment of this Act.

SEC. 102. CONTRACTING PRACTICES.

(a) BELOW-COST COMPETITION.—Section 24305(b) of title 49, United States Code, is amended to read as follows:

''(b) BELOW-COST COMPETITION.—(1) Amtrak shall not submit any bid for the performance of services under a contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, commuter rail passenger transportation, or mail or express transportation. For purposes of this subsection, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting.

''(2) Any aggrieved individual may commence a civil action for violation of paragraph (1). The United States district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce paragraph (1). The court, in issuing any final order in any action brought pursuant to this paragraph, may award bid preparation costs, anticipated profits, and litigation costs, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

''(3) This subsection shall cease to be effective on the expiration of a fiscal year during which no Federal operating assistance is provided to Amtrak.''.

(b) THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.—(1) Section 24305(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

''(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(8)(A) of this title, other than a recipient of funds under section 5311 of this title;

''(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

''(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

''(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.''.

(2) Section 24305(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in sections 11322 and 14302 of this title for the purpose of providing improved service to the public and economy of operation.''.

SEC. 103. FREEDOM OF INFORMATION ACT.

Section 24301(e) of title 49, United States Code, is amended by striking ''Section 552 of title 5, this part,'' and inserting in lieu thereof ''This part''.

SEC. 104. TRACK WORK.

(a) OUTREACH PROGRAM.—Amtrak shall, within one year after the date of the enactment of this Act, establish an outreach program through which it will work with track work manufacturers in the United States to increase the likelihood that such manufacturers will be able to meet Amtrak's specifications for track work. The program shall include engineering assistance for the manufacturers and dialogue between Amtrak and the manufacturers to identify how Amtrak's specifications can be met by the capabilities of the manufacturers.

(b) ANNUAL REPORT.—Amtrak shall report to the Congress within 2 years after the date of the enactment of this Act on progress made under subsection (a), including a statement of the percentage of Amtrak's track work contracts that are awarded to manufacturers in the United States.

TITLE II—OPERATIONAL REFORMS

SEC. 201. BASIC SYSTEM.

(a) OPERATION OF BASIC SYSTEM.—Section 24701 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(c) DISCONTINUANCE.—Section 24706 of title 49, United States Code, is amended—

(1) by striking subsection (b);

(2) by striking ''NOTICE OF DISCONTINUANCE.—(1) Except as provided in subsection (b) of this section, at'' and inserting in lieu thereof ''TIME OF NOTICE.—At'';

(3) by striking ''90 days'' and inserting in lieu thereof ''180 days'';

(4) by striking ''a discontinuance under section 24704 or 24707(a) or (b) of this title'' and inserting in lieu thereof ''discontinuing service over a route'';

(5) by inserting ''or assume'' after ''agree to share'';

(6) by striking ''(2) Notice'' and inserting in lieu thereof ''(b) PLACE OF NOTICE.—Notice''; and

(7) by striking ''section 24704 or 24707(a) or (b) of this title'' and inserting in lieu thereof ''subsection (a)''.

(d) COST AND PERFORMANCE REVIEW.—Section 24707 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking '', 24701(a),''.

SEC. 202. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) REPEAL.—Section 24306 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24301 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(o) NONAPPLICATION OF CERTAIN OTHER LAWS.—State and local laws and regulations that impair the provision of mail, express, and auto-ferry transportation do not apply to Amtrak or a rail carrier providing mail, express, or auto-ferry transportation.''.

SEC. 203. ROUTE AND SERVICE CRITERIA.

Section 24703 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 204. ADDITIONAL QUALIFYING ROUTES.

Section 24705 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 205. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

(a) REPEAL.—Section 24704 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(b) EXISTING AGREEMENTS.—Amtrak shall not, after the date of the enactment of this Act, be required to provide transportation services pursuant to an agreement entered into before such date of enactment under the section repealed by subsection (a) of this section.

(c) STATE, REGIONAL, AND LOCAL COOPERATION.—Section 24101(c)(2) of title 49, United States Code, is amended by inserting '', separately or in combination,'' after ''and the private sector''.

(d) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking ''or 24704(b)(2)''.

SEC. 206. AMTRAK COMMUTER.

(a) REPEAL OF CHAPTER 245.—Chapter 245 of title 49, United States Code, and the item relating thereto in the table of chapters of subtitle V of such title, are repealed.

(b) CONFORMING AMENDMENTS.—(1) Section 24301(f) of title 49, United States Code, is amended to read as follows:

''(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.''.

(2) Subsection (a) of this section shall not affect any trackage rights held by Amtrak or the Consolidated Rail Corporation.

SEC. 207. COMMUTER COST SHARING ON THE NORTHEAST CORRIDOR.

(a) DETERMINATION OF COMPENSATION.—Section 24904 of title 49, United States Code, is amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (b);

(3) in subsection (b), as so redesignated by paragraph (2) of this subsection—

(A) by striking ''TRANSPORTATION OVER CERTAIN RIGHTS OF WAY AND FACILITIES'' in the subsection head and inserting in lieu thereof ''FREIGHT TRANSPORTATION'';

(B) by inserting ''relating to rail freight transportation'' after ''subsection (a)(6) of this section'' in paragraph (1); and

(C) by inserting ''to an agreement described in paragraph (1)'' after ''If the parties'' in paragraph (2); and

(4) by inserting after subsection (b), as so redesignated by paragraph (2) of this subsection, the following new subsection:

''(c) BINDING ARBITRATION FOR COMMUTER DISPUTES.—(1) If the parties to an agreement described in subsection (a)(6) relating to commuter rail passenger transportation cannot agree to the terms of such agreement, such parties shall submit the issues in dispute to binding arbitration.

''(2) The parties to a dispute described in paragraph (1) may agree to use the Surface Transportation Board to arbitrate such dispute, and if requested the Surface Transportation Board shall perform such function.''.

(b) PRIVATIZATION.—Section 24101(d) of title 49, United States Code, is amended to read as follows:

''(d) MINIMIZING GOVERNMENT SUBSIDIES.—To carry out this part, Amtrak is encouraged to make agreements with the private sector and undertake initiatives that are consistent with good business judgment, that produce income to minimize Government subsidies, and that promote the potential privatization of Amtrak's operations.''.

SEC. 208. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 of title 49, United States Code, is amended—

(1) in subsection (e), by inserting ''financial or'' after ''Comptroller General may conduct''; and

(2) by adding at the end the following new subsection:

''(h) ACCESS TO RECORDS AND ACCOUNTS.—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.''.

TITLE III—COLLECTIVE BARGAINING REFORMS

SEC. 301. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—(1) Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to—

(A) employee protective arrangements and severance benefits, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; and

(B) contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees,

applicable to employees of Amtrak shall be deemed served and effective on the date which is 90 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice. This subsection shall not apply to issues relating to provisions defining the scope or classification of work performed by an Amtrak employee.

(2) In the case of provisions of a collective bargaining agreement with respect to which a moratorium is in effect 90 days after the date of the enactment of this Act, paragraph (1) shall take effect on the expiration of such moratorium. For purposes of the application of paragraph (1) to such provisions, notices shall be deemed served and effective on the date of such expiration.

(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to each dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 180 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to any dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 180 days after the date of the enactment of this Act.

(d) DISPUTE RESOLUTION.—(1) With respect to any dispute described in subsection (a) which—

(A) is unresolved as of the date which is 180 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c),

Amtrak and the labor organization parties to such dispute shall, within 187 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 194 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad. Nothing in this subsection shall preclude an individual from being selected for more than 1 dispute described in subsection (a).

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 224 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

SEC. 302. SERVICE DISCONTINUANCE.

(a) REPEAL.—(1) Section 24706(c) of title 49, United States Code, is repealed.

(2) Any provision of a contract, entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees, relating to—

(A) employee protective arrangements and severance benefits, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; or

(B) contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees,

applicable to employees of Amtrak is extinguished. This paragraph shall not apply to provisions defining the scope or classification of work performed by an Amtrak employee.

(3) Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

(4) Paragraphs (1) and (2) of this subsection shall take effect 254 days after the date of the enactment of this Act.

(b) INTERCITY PASSENGER SERVICE EMPLOYEES.—Section 1165(a) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1113(a)) is amended—

(1) by inserting ''(1)'' before ''After January 1, 1983'';

(2) by striking ''Amtrak, Amtrak Commuter, and Conrail'' and inserting in lieu thereof ''Amtrak and Conrail'';

(3) by striking ''Such agreement shall ensure'' and all that follows through ''submitted to binding arbitration.''; and

(4) by adding at the end the following new paragraph:

''(2) Notwithstanding any other provision of law, agreement, or arrangement, with respect to employees in any class or craft in train or engine service, Conrail shall have the right to furlough one such employee for each employee in train or engine service who moves from Amtrak to Conrail in excess of the cumulative number of such employees who move from Conrail to Amtrak. Conrail shall not be obligated to fill any position governed by an agreement concerning crew consist, attrition arrangements, reserve boards, or reserve engine service positions, where an increase in positions is the result of the return of an Amtrak employee pursuant to an agreement entered into under paragraph (1). Conrail's collective bargaining agreements with organizations representing its train and engine service employees shall be deemed to have been amended to conform to this paragraph. Any dispute or controversy with respect to the interpretation, application, or enforcement of this paragraph which has not been resolved within 90

days after the date of the enactment of this paragraph may be submitted by either party to an adjustment board for a final and binding decision under section 3 of the Railway Labor Act.''.

TITLE IV—USE OF RAILROAD FACILITIES

SEC. 401. LIABILITY LIMITATION.

(a) AMENDMENT.—Chapter 281 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 28103. Limitations on rail passenger transportation liability

''(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury, death, or damage to property arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State—

''(A) punitive damages shall not exceed the greater of—

''(i) $250,000; or

''(ii) three times the amount of economic loss; and

''(B) noneconomic damages awarded to any claimant for each accident or incident shall not exceed the claimant's economic loss, if any, by more than $250,000.

''(2) If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the claimant may recover in a claim limited by this subsection for economic and noneconomic damages and punitive damages, subject to paragraph (1)(A) and (B).

''(3) For purposes of this subsection—

''(A) the term 'actual damages' means damages awarded to pay for economic loss;

''(B) the term 'claim' means a claim made, directly or indirectly—

''(i) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State; or

''(ii) against an officer, employee, affiliate engaged in railroad operations, or agent, of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State;

''(C) the term 'economic loss' means any pecuniary loss resulting from harm, including the loss of earnings, medical expense loss, replacement services loss, loss due to death, burial costs, loss of business or employment opportunities, and any other form of pecuniary loss allowed under applicable State law or under paragraph (2) of this subsection;

''(D) the term 'noneconomic damages' means damages other than punitive damages or actual damages; and

''(E) the term 'punitive damages' means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future.

''(b) INDEMNIFICATION OBLIGATIONS.—Obligations of any party, however arising, including obligations arising under leases or contracts or pursuant to orders of an administrative agency, to indemnify against damages or liability for personal injury, death, or damage to property described in subsection (a), incurred after the date of the enactment of the Amtrak Reform and Privatization Act of 1997, shall be enforceable, notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to the damages or liability.

''(c) EFFECT ON OTHER LAWS.—This section shall not affect the damages that may be recovered under the Act of April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as the 'Federal Employers' Liability Act') or under any workers compensation Act.

''(d) DEFINITION.—For purposes of this section, the term 'rail carrier' includes a person providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car.''.

(b) CONFORMING AMENDMENT.—The table of sections of chapter 281 of title 49, United States Code, is amended by adding at the end the following new item:

''28103. Limitations on rail passenger transportation liability.''.

TITLE V—FINANCIAL REFORMS

SEC. 501. FINANCIAL POWERS.

(a) CAPITALIZATION.—(1) Section 24304 of title 49, United States Code, is amended to read as follows:

''§ 24304. Employee stock ownership plans

''In issuing stock pursuant to applicable corporate law, Amtrak is encouraged to include employee stock ownership plans.''.

(2) The item relating to section 24304 of title 49, United States Code, in the table of sections of chapter 243 of such title is amended to read as follows:

''24304. Employee stock ownership plans.''.

(b) REDEMPTION OF COMMON STOCK.—(1) Amtrak shall, within 2 months after the date of the enactment of this Act, redeem all common stock previously issued, for the fair market value of such stock.

(2) Section 28103 of title 49, United States Code, shall not apply to any rail carrier holding common stock of Amtrak after the expiration of 2 months after the date of the enactment of this Act.

(3) Amtrak shall redeem any such common stock held after the expiration of the 2-month period described in paragraph (1), using procedures set forth in section 24311(a) and (b).

(c) ELIMINATION OF LIQUIDATION PREFERENCE AND VOTING RIGHTS OF PREFERRED STOCK.—(1)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no liquidation preference.

(B) Subparagraph (A) shall take effect 90 days after the date of the enactment of this Act.

(2)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no voting rights.

(B) Subparagraph (A) shall take effect 60 days after the date of the enactment of this Act.

(d) NOTE AND MORTGAGE.—(1) Section 24907 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(2) The United States hereby relinquishes all rights held in connection with any note obtained or mortgage made under such section 24907, or in connection with the note, security agreement, and terms and conditions related thereto entered into with Amtrak dated October 5, 1983.

(e) STATUS AND APPLICABLE LAWS.—(1) Section 24301(a)(3) of title 49, United States Code, is amended by inserting '', and shall not be subject to title 31'' after ''United States Government''.

(2) Section 9101(2) of title 31, United States Code, relating to Government corporations, is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (L) as subparagraphs (A) through (K), respectively.

SEC. 502. DISBURSEMENT OF FEDERAL FUNDS.

Section 24104(d) of title 49, United States Code, is amended to read as follows:

''(d) ADMINISTRATION OF APPROPRIATIONS.—Federal operating assistance funds appropriated to Amtrak shall be provided to Amtrak upon appropriation when requested by Amtrak.''.

SEC. 503. BOARD OF DIRECTORS.

(a) AMENDMENT.—Section 24302 of title 49, United States Code, is amended to read as follows:

''§ 24302. Board of Directors

''(a) EMERGENCY REFORM BOARD.—

''(1) ESTABLISHMENT AND DUTIES.—The Emergency Reform Board described in paragraph (2) shall assume the responsibilities of the Board of Directors of Amtrak 60 days after the date of the enactment of the Amtrak Reform and Privatization Act of 1997, or as soon thereafter as such Board is sufficiently constituted to function as a board of directors under applicable corporate law. Such Board shall adopt new bylaws, including procedures for the selection of members of the Board of Directors under subsection (c) which provide for employee representation.

''(2) MEMBERSHIP.—(A) The Emergency Reform Board shall consist of 7 members appointed by the President, by and with the advice and consent of the Senate.

''(B) In selecting individuals for nominations for appointments to the Emergency Reform Board, the President should consult with—

''(i) the Speaker of the House of Representatives concerning the appointment of two members;

''(ii) the minority leader of the House of Representatives concerning the appointment of one member;

''(iii) the majority leader of the Senate concerning the appointment of two members; and

''(iv) the minority leader of the Senate concerning the appointment of one member.

''(C) Appointments under subparagraph (A) shall be made from among individuals who—

''(i) have technical qualification, professional standing, and demonstrated expertise in the fields of intercity common carrier transportation and corporate management; and

''(ii) are not employees of Amtrak, employees of the United States, or representatives of rail labor or rail management.

''(b) DIRECTOR GENERAL.—If the Emergency Reform Board described in subsection (a)(2) is not sufficiently constituted to function as a board of directors under applicable corporate law before the expiration of 60 days after the date of the enactment of the Amtrak Reform and Privatization Act of 1997, the Chief Justice of the United States shall appoint a Director General, who shall exercise all powers of the Board of Directors of Amtrak until the Emergency Reform Board assumes such powers.

''(c) BOARD OF DIRECTORS.—Four years after the establishment of the Emergency Reform Board under subsection (a), a Board of Directors shall be selected pursuant to bylaws adopted by the Emergency Reform Board, and the Emergency Reform Board shall be dissolved.

''(d) AUTHORITY TO RECOMMEND PLAN.—The Emergency Reform Board shall have the authority to recommend to the Congress a plan to implement the recommendations of the 1997 Working Group on Inter-City Rail regarding the transfer of Amtrak's infrastructure assets and responsibilities to a new separately governed corporation.''.

(b) EFFECT ON AUTHORIZATIONS.—If the Emergency Reform Board has not assumed the responsibilities of the Board of Directors of Amtrak before March 15, 1998, all provisions authorizing appropriations under the amendments made by section 701 of this Act for a fiscal year after fiscal year 1998 shall cease to be effective.

SEC. 504. REPORTS AND AUDITS.

Section 24315 of title 49, United States Code, as amended by section 208 of this Act, is further amended—

(1) by striking subsections (a) and (c);

(2) by redesignating subsections (b), (d), (e), (f), (g), and (h) as subsections (a), (b), (c), (d), (e), and (f), respectively; and

(3) in subsection (d), as so redesignated by paragraph (2) of this section, by striking ''(d) or (e)'' and inserting in lieu thereof ''(b) or (c)''.

SEC. 505. OFFICERS' PAY.

Section 24303(b) of title 49, United States Code, is amended by inserting ''The preceding sentence shall cease to be effective on the expiration of a fiscal year during which no Federal operating assistance is provided to Amtrak.'' after ''with comparable responsibility.''.

SEC. 506. EXEMPTION FROM TAXES.

Section 24301(l)(1) of title 49, United States Code, is amended—

(1) by inserting '', and any passenger or other customer of Amtrak or such subsidiary,'' after ''subsidiary of Amtrak'';

(2) by striking ''or fee imposed'' and all that follows through ''levied on it'' and inserting in lieu thereof '', fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority, directly or indirectly on Amtrak or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or a rail carrier subsidiary of Amtrak, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom''; and

(3) by amending the last sentence thereof to read as follows: ''In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997.''.

TITLE VI—MISCELLANEOUS

SEC. 601. TEMPORARY RAIL ADVISORY COUNCIL.

(a) APPOINTMENT.—Within 30 days after the date of the enactment of this Act, a Temporary Rail Advisory Council (in this section referred to as the ''Council'') shall be appointed under this section.

(b) DUTIES.—The Council shall—

(1) evaluate Amtrak's performance;

(2) prepare an analysis and critique of Amtrak's business plan;

(3) suggest strategies for further cost containment and productivity improvements, including strategies with the potential for further reduction in Federal operating subsidies and the eventual partial or complete privatization of Amtrak's operations; and

(4) recommend appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles.

(c) MEMBERSHIP.—(1) The Council shall consist of 7 members appointed as follows:

(A) Two individuals to be appointed by the Speaker of the House of Representatives.

(B) One individual to be appointed by the minority leader of the House of Representatives.

(C) Two individuals to be appointed by the majority leader of the Senate.

(D) One individual to be appointed by the minority leader of the Senate.

(E) One individual to be appointed by the President.

(2) Appointments under paragraph (1) shall be made from among individuals who—

(A) have technical qualification, professional standing, and demonstrated expertise in the fields of transportation and corporate management; and

(B) are not employees of Amtrak, employees of the United States, or representatives of rail labor or rail management.

(3) Within 40 days after the date of the enactment of this Act, a majority of the members of the Council shall elect a chairman from among such members.

(d) TRAVEL EXPENSES.—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide to the Council such administrative support as the Council requires to carry out this section.

(f) ACCESS TO INFORMATION.—Amtrak shall make available to the Council all information the Council requires to carry out this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection which is a trade secret or commercial or financial information that is privileged or confidential.

(g) REPORTS.—(1) Within 120 days after the date of the enactment of this Act, the Council shall transmit to the Amtrak board of directors and the Congress an interim report on its findings and recommendations.

(2) Within 270 days after the date of the enactment of this Act, the Council shall transmit to the Amtrak board of directors and the Congress a final report on its findings and recommendations.

(h) STATUS.—The Council shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.) or section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

SEC. 602. PRINCIPAL PLACE OF BUSINESS.

Section 24301(b) of title 49, United States Code, is amended—

(1) by striking the first sentence;

(2) by striking ''of the District of Columbia'' and inserting in lieu thereof ''of the State in which its principal place of business is located''; and

(3) by inserting ''For purposes of this subsection, the term 'State' includes the District of Columbia. Notwithstanding section 3 of the District of Columbia Business Corporation Act, Amtrak, if its principal place of business is located in the District of Columbia, shall be considered organized under the provisions of such Act.'' after ''in a civil action.''.

SEC. 603. STATUS AND APPLICABLE LAWS.

Section 24301 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking ''rail carrier under section 10102'' and inserting in lieu thereof ''railroad carrier under section 20102(2) and chapters 261 and 281''; and

(2) by amending subsection (c) to read as follows:

''(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.''.

SEC. 604. WASTE DISPOSAL.

Section 24301(m)(1)(A) of title 49, United States Code, is amended by striking ''1996'' and inserting in lieu thereof ''2000''.

SEC. 605. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 606. RAIL SAFETY SYSTEM PROGRAM.

Section 24313 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 607. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 608. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) REPEAL.—Section 24903 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24902(a)(1)(A) of title 49, United States Code, is amended by striking ''and 40 minutes''.

SEC. 609. BOSTON-NEW HAVEN ELECTRIFICATION PROJECT.

Section 24902(f) of title 49, United States Code, is amended—

(1) by inserting ''(1)'' before ''Improvements under''; and

(2) by adding at the end the following new paragraph:

''(2) Amtrak shall design and construct the electrification system between Boston, Massachusetts, and New Haven, Connecticut, to accommodate the installation of a third mainline track between Davisville and Central Falls, Rhode Island, to be used for double-stack freight service to and from the Port of Davisville. Amtrak shall also make clearance improvements on the existing main line tracks to permit double stack service on this line, if funds to defray the costs of clearance improvements beyond Amtrak's own requirements for electrified passenger service are provided by public or private entities other than Amtrak. Wherever practicable, Amtrak shall use portal structures and realign existing tracks on undergrade and overgrade bridges to minimize the width of the right-of-way required to add the third track. Amtrak shall take such other steps as may be required to coordinate and facilitate design and construction work. The Secretary of Transportation may provide appropriate support to Amtrak for carrying out this paragraph.''.

SEC. 610. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) APPLICATION TO AMTRAK.—Amtrak, and with respect only to the facilities it jointly uses with Amtrak, a commuter authority, shall not be subject to any requirement under section 242(a)(1) and (3) and (e)(2) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(a)(1) and (3) and (e)(2)) until January 1, 1998. For stations jointly used by Amtrak and a commuter authority, this subsection shall not affect the allocation of costs between Amtrak and the commuter authority relating to accessibility improvements.

(b) CONFORMING AMENDMENT.—Section 24307 of title 49, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 611. DEFINITIONS.

Section 24102 of title 49, United States Code, is amended—

(1) by striking paragraphs (2), (3), and (11);

(2) by redesignating paragraphs (4) through (8) as paragraphs (2) through (6), respectively;

(3) by inserting after paragraph (6), as so redesignated by paragraph (2) of this section, the following new paragraph:

''(7) 'rail passenger transportation' means the interstate, intrastate, or international transportation of passengers by rail;'';

(4) in paragraph (6), as so redesignated by paragraph (2) of this section, by inserting '', including a unit of State or local government,'' after ''means a person''; and

(5) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

SEC. 612. NORTHEAST CORRIDOR COST DISPUTE.

Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.

SEC. 613. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) AMENDMENT.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''Amtrak,''.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978.

SEC. 614. CONSOLIDATED RAIL CORPORATION.

Section 4023 of the Conrail Privatization Act (45 U.S.C. 1323), and the item relating thereto in the table of contents of such Act, are repealed.

SEC. 615. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(1) retaining an existing service or commencing a new service;

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities and intermodal passenger facilities;

(B) the purchase of locomotives; and

(C) operational improvements, including communications, signals, and other systems.

(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

(3) on such terms and conditions as the States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law.

SEC. 616. CONFORMING AMENDMENTS.

Part C of subtitle V of title 49, United States Code, is amended—

(1) in section 24307(b)(3), as so redesignated by section 610(b)(2) of this Act, by striking ''Interstate Commerce Commission'' and inserting in lieu thereof ''Surface Transportation Board'';

(2) in section 24308—

(A) by striking ''Interstate Commerce Commission'' in subsection (a)(2)(A) and inserting in lieu thereof ''Surface Transportation Board''; and

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board'';

(3) in section 24311(c)—

(A) by striking ''Interstate Commerce Commission'' in paragraph (1) and inserting in lieu thereof ''Surface Transportation Board'';

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board''; and

(C) by striking ''Commission's'' in paragraph (2) and inserting in lieu thereof ''Board's'';

(4) in section 24902(j)—

(A) by striking ''Interstate Commerce Commission'' each place it appears and inserting in lieu thereof ''Surface Transportation Board''; and

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board''; and

(5) in section 24904(b), as so redesignated by section 207(a)(2) of this Act—

(A) by striking ''Interstate Commerce Commission'' in paragraph (2) and inserting in lieu thereof ''Surface Transportation Board''; and

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board''.

SEC. 617. MAGNETIC LEVITATION TRACK MATERIALS.

The Secretary of Transportation shall transfer to the State of Florida, pursuant to a grant or cooperative agreement, title to aluminum reaction rail, power rail base, and other related materials (originally used in connection with the Prototype Air Cushion Vehicle Program between 1973 and 1976) located at the Transportation Technology Center near Pueblo, Colorado, for use by the State of Florida to construct a magnetic levitation track in connection with a project or projects being undertaken by American Maglev Technology, Inc., to demonstrate magnetic levitation technology in the United States. If the materials are not used for such construction within 3 years after the date of the enactment of this Act, title to such materials shall revert to the United States.

SEC. 618. RAILROAD LOAN GUARANTEES.

(a) DECLARATION OF POLICY.—Section 101(a)(4) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801(a)(4)) is amended to read as follows:

''(4) Continuation of service on, or preservation of, light density lines that are necessary to continued employment and community well-being throughout the United States.''.

(b) MAXIMUM RATE OF INTEREST.—Section 511(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(f)) is amended by striking ''shall not exceed an annual percentage rate which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market.'' and inserting in lieu thereof ''shall not exceed the annual percentage rate which is equivalent to the cost of money to the United States.''.

(c) MINIMUM REPAYMENT PERIOD AND PREPAYMENT PENALTIES.—Section 511(g)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(2)) is amended to read as follows:

''(2) payment of the obligation is required by its terms to be made not less than 15 years but not more than 25 years from the date of its execution, with no penalty imposed for prepayment after 5 years;''.

(d) DETERMINATION OF REPAYABILITY.—Section 511(g)(5) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(5)) is amended to read as follows:

''(5) either the loan can reasonably be repaid by the applicant or the loan is collateralized at no more than the current value of assets being financed under this section to provide protection to the United States;''.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL EXPENDITURES.—Section 24104(a) of title 49, United States Code, is amended to read as follows:

''(a) CAPITAL EXPENDITURES.—There are authorized to be appropriated to the Secretary of Transportation—

''(1) $230,000,000 for fiscal year 1995;
''(2) $230,000,000 for fiscal year 1996;
''(3) $224,000,000 for fiscal year 1997;
''(4) $501,000,000 for fiscal year 1998;
''(5) $516,000,000 for fiscal year 1999; and
''(6) $531,000,000 for fiscal year 2000,

for the benefit of Amtrak for capital expenditures under chapters 243 and 247 of this title.''.

(b) OPERATING EXPENSES.—Section 24104(b) of title 49, United States Code, is amended to read as follows:

''(b) OPERATING EXPENSES.—There are authorized to be appropriated to the Secretary of Transportation—

''(1) $542,000,000 for fiscal year 1995;
''(2) $405,000,000 for fiscal year 1996;
''(3) $365,000,000 for fiscal year 1997;
''(4) $387,000,000 for fiscal year 1998;
''(5) $292,000,000 for fiscal year 1999; and
''(6) $242,000,000 for fiscal year 2000,

for the benefit of Amtrak for operating expenses.''.

(c) ADDITIONAL AUTHORIZATIONS.—Section 24104(c) of title 49, United States Code, is amended to read as follows:

''(c) ADDITIONAL AUTHORIZATIONS.—In addition to amounts appropriated under subsection (a), there are authorized to be appropriated to the Secretary of Transportation—

''(1) $200,000,000 for fiscal year 1995;
''(2) $115,000,000 for fiscal year 1996;
''(3) $255,000,000 for fiscal year 1997;
''(4) $250,000,000 for fiscal year 1998;
''(5) $250,000,000 for fiscal year 1999; and
''(6) $250,000,000 for fiscal year 2000,

for the benefit of Amtrak to make capital expenditures under chapter 249 of this title.''.

(d) REDUCTION OF AMOUNTS.—Section 24104 of title 49, United States Code, is further amended by adding at the end the following new subsection:

''(g) REDUCTION OF AMOUNTS.—For each fiscal year, the total amount authorized to be appropriated under subsections (a) and (c) combined shall be reduced by any amount made available to Amtrak pursuant to the Taxpayer Relief Act of 1997 for that fiscal year.''.

(e) CONFORMING AMENDMENTS.—Section 24909 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(f) GUARANTEE OF OBLIGATIONS.—There are authorized to be appropriated to the Secretary of Transportation—

(1) $50,000,000 for fiscal year 1998;
(2) $50,000,000 for fiscal year 1999; and
(3) $50,000,000 for fiscal year 2000,

for guaranteeing obligations of Amtrak under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831).

(g) CONDITIONS FOR GUARANTEE OF OBLIGATIONS.—Section 511(i) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(i)) is amended by adding at the end the following new paragraph:

''(4) The Secretary shall not require, as a condition for guarantee of an obligation under this section, that all preexisting secured obligations of an obligor be subordinated to the rights of the Secretary in the event of a default.''.

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 105–334 and an amendment in the nature of a substitute by the gentleman from Minnesota [Mr. OBERSTAR]. That amendment may be offered only after the disposition of the amendments printed in the report, shall be considered read, shall be debatable for 30 minutes, equally divided and controlled by an opponent and a proponent, and shall not be subject to an amendment.

The amendments printed in the report may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, except as specified in the report. And shall not be subject to a demand for division of the question.

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.

PREFERENTIAL MOTION OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. BONIOR].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 214, not voting 24, as follows:

[Roll No. 528]

AYES—195

Abercrombie	Bishop	Cardin
Ackerman	Blagojevich	Carson
Allen	Blumenauer	Clay
Baesler	Bonior	Clayton
Baldacci	Borski	Clement
Barcia	Boswell	Clyburn
Barrett (WI)	Boucher	Condit
Becerra	Boyd	Conyers
Bentsen	Brown (FL)	Costello
Berman	Brown (OH)	Coyne
Berry	Capps	Cramer

Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Goode
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Andrews
Bereuter
Bilirakis
Bono
Brown (CA)
Chenoweth
Cubin
Dickey
Fawell
Forbes
Gonzalez
Goodling
Houghton
McCarthy (NY)
McIntosh
Mollohan
Payne
Rangel
Ryun
Scarborough
Schiff
Smith (OR)
Souder
Weldon (PA)

□ 1128

Mr. WALSH and Mr. OXLEY changed their vote from ''aye'' to ''no.''

So the motion was rejected.

The result of the vote was announced as above recorded.

(Mr. ARMEY asked and was given permission to speak out of order for 1 minute.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Chairman, I take this time for the purpose of advising the Members about the day's schedule.

Mr. Chairman, of course, as we all know, we are approaching the end of the legislative year. This is always a hectic time in our lives. There are always important matters that must be resolved before we finish.

We come to the point of time in the year's schedule when it becomes difficult, and, many times impossible, to postpone legislation, and while, during the course of the year and at all times I do my very best to in fact honor the commitment for Members with respect to their ability to get away from the week's work at the appointed time, I feel like it is only fair for all the Members to get an early warning, as early as I can realize it, when it might be that we may not be able to meet the departure time for the day.

Today we were, of course, promised, as is our usual custom on Fridays, a 2 o'clock departure time. But we do have two very important pieces of legislation that must be completed today, Amtrak and the Interior conference report. Already today we have had some votes that perhaps we might not have had to have that indicate to me that the 2 o'clock departure time is not likely to be something we can meet.

I would like to, of course, retain the completion of our work to some period of time as soon after 2 o'clock as possible, and I would encourage all our Members to be circumspect and respectful of one another in the use of our time so that we can complete these two important legislative pieces today and finish our work. But it is only fair that I encourage everybody to understand that under any circumstances, we simply do not have time in the legislative calendar into which we can postpone these two pieces of work, if we are then to complete the other work that is still before us.

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

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

Mr. FAZIO of California. I think everyone here, Mr. Leader, would like to proceed on the agenda to complete this Congress, and certainly I think most of us would have hoped we could have taken up the Amtrak matter yesterday, as we had scheduled to.

But it seems to me the one key component to getting agreement from both sides of the aisle to proceed on all these important matters is an overridingly important issue that relates to the gentlewoman from Orange County, CA [Ms. SANCHEZ].

She will be having an anniversary, as we all will, of our election here before we leave this town the first Tuesday of November, and yet she has not been accorded the same ability to take and hold her seat that the rest of us have.

I think it is fair to say the people on this side of the aisle, who showed the power of their support for her last night, retain that interest, and implore the majority to bring that issue to close before we leave. If that assurance can be given, I think the process here can be eased greatly.

Mr. ARMEY. Mr. Chairman, reclaiming my time, I thank the gentleman for his remarks, and it is my understanding that the gentlewoman from California [Mrs. SANCHEZ] is in fact seated in the body, is voting, does have her committee assignments, and is working on the same basis as any other Member. The House did, of course, spend some time yesterday addressing this issue. It is an important issue, as the gentleman from California says, and it is in fact so important that it will be done fully, completely, professionally, objectively and fairly.

Finally, before I yield back my time, I should say that another very important component to the effect of successful completion of work is civility.

AMENDMENT OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Chairman, I offer an amendment, made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LATOURETTE:

Page 2, strike lines 4 through 6, and insert in lieu thereof the following:

(a) AGREEMENT BY PARTIES.—Section 24312(b)(1) of title 49, United States Code, is

amended by inserting '', unless the parties otherwise agree'' after ''in the bargaining unit''.

(b) USE OF OTHER RAIL CARRIERS.—Section 24312 of title 49, United States Code, is further amended by adding at the end the following new subsection:

(c) USE OF OTHER RAIL CARRIERS.—(1) When Amtrak contracts * * *

Page 3, line 1, strike ''(b) EFFECTIVE DATE.—Subsection (a)'' and insert in lieu thereof ''(c) EFFECTIVE DATE.—Subsection (b)''.

Page 12, line 11, through page 15, line 16, amend section 301 to read as follows:

SEC. 301. RESOLUTION OF LABOR PROTECTION AND CONTRACTING OUT ISSUES.

Amtrak and a labor organization representing Amtrak employees may present proposals, to a Presidential Emergency Board appointed under section 10 of the Railway Labor Act (45 U.S.C. 160) with respect to a dispute to which Amtrak and the labor organization are parties, concerning all issues relating to—

(1) the provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; and

(2) the limitations imposed under section 24312(b) of title 49, United States Code.

If no contract has been agreed to after the expiration of the 30-day period following the report of the Presidential Emergency Board, then, consistent with the Railway Labor Act, the employees may strike and Amtrak may lock out the employees or impose terms of employment containing changes with respect to issues described in paragraph (1) or (2), notwithstanding sections 24706(c) and 24312(b) of title 49, United States Code. This section shall not apply to any dispute concerning which a Presidential Emergency Board has reported before the date of the enactment of this Act. This section shall not apply to any issue that has been resolved by an agreement between Amtrak and a labor organization. This section shall not apply to issues relating to provisions defining the scope or classification of work performed by an Amtrak employee. Nothing in this Act shall affect the level of protection provided to employees of freight railroads or of transit systems.

Page 15, line 18, through page 16, line 13, amend subsection (a) to read as follows:

(a) EMPLOYEE PROTECTIVE ARRANGEMENTS.—

(1) AMENDMENT.—Section 24706(c)(3) of title 49, United States Code, is amended by inserting '', unless the parties otherwise agree'' after ''of this title''.

(2) APPLICATION OF OTHER LAW.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees if an agreement described in the amendment made by paragraph (1) of this subsection is in effect.

The CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Ohio [Mr. LATOURETTE] and a Member opposed each will control 10 minutes. Does the gentleman from Pennsylvania [Mr. SHUSTER] seek the time in opposition?

Mr. SHUSTER. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I ask unanimous consent that half of my 10 minutes in support of the amendment be given to the coauthor of the amendment, the gentleman from Ohio [Mr. TRAFICANT], and that he be permitted to yield time.

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

There was no objection.

(Mr. LATOURETTE asked and was given permission to revise and extend his remarks.]

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

Mr. Chairman, initially I want to thank the cosponsor of this amendment, my fine colleague, the gentleman from Ohio, [Mr. TRAFICANT]. I also want to commend the chairman of our full committee, the gentleman from Pennsylvania [BUD SHUSTER], for not only his work on this bill, but also in the way that he has been willing to work with us, and even appear at the Committee on Rules and suggest that this amendment be made in order.

This bill is sound in many respects, as it serves to reform Amtrak and many important areas. There is no doubt that one reason that Amtrak continues to run deficits is due to the lack of reform. Where I must respectfully part company, however, with our chairman, is whether the C–2 labor protections for Amtrak are part of that problem.

I supported this bill in the last Congress and in committee this year out of respect for our chairman and the arguments that he made. But that support was based upon the argument that C–2 protections were adversely impacting the financial health of Amtrak.

Based upon information received during the committee hearing, I have doubts, serious doubts, about those claims. Amtrak's current net loss is in the neighborhood of $322 million. In 1995 and 1996 Amtrak paid out only $2 million in labor protection to approximately 2,000 employees. This works out to approximately $1,000 per employee.

The cost of labor protection and contracting out is open to debate, and in regard to C–2 labor protections, which we heard so much about during the course of the rule debated, Amtrak has been unable to produce a single individual who has ever received the C–2 labor protection.

In a July letter written by Tom Downs, the CEO of Amtrak, which I will include for the RECORD, he stated Amtrak does not experience a significant cost in C–2 expenses, so that the impact of the repeal of C–2 would not save us any significant funds except ultimately in the bankruptcy of Amtrak. I also state that I would prefer to be able to negotiate C–2 provisions with labor than to have Congressman date changes.

I mention the Downs letter simply to stress there is an honest difference of opinion regarding the issue of existing labor protection and the prohibition of contracting out. Given this fact, it is only fair that these issues be subject to collective bargaining. The amendment will provide for these issues to be bargained between Amtrak and its union organizations and ensure that neither party negotiates from a disadvantaged position.

Mr. Chairman, I urge my colleagues to support the LaTourette-Traficant amendment and reserve the balance of my time.

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

Mr. Chairman, I must rise in opposition to this amendment. This amendment will destroy the labor reforms in the legislation, leaving in place the status quo that has helped bring us to the brink of bankruptcy with Amtrak. Indeed, this amendment will destroy the labor reform in this legislation, which is, and I emphasize this, which is precisely, exactly, the same labor reform which passed this House in the last Congress by a vote of 406 to 4.

Indeed, the labor reform which passed this House overwhelmingly in the last Congress and which is in this legislation before us today was drafted by Congressman QUINN back in 1995 with Labor's full participation, and, indeed, is exactly word for word the same labor reforms that Labor supported in the last Congress.

So if we are going to save Amtrak, if we are going to unlock the $2.3 billion needed to help save Amtrak, it is necessary, it is vital, that we keep in place the labor reforms, which this House previously overwhelmingly agreed to.

For that reason, I must oppose the amendment of my friend.

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

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, those concerned about the cost of labor protection need to understand what the gentleman from Ohio [Mr. LATOURETTE], has said. Two thousand people were laid off by Amtrak at an average cost of slightly over $1,000, far less than the plans of most major corporations.

In terms of undoing labor reforms, what you do with the LaTourette-Traficant amendment is you say there will be no more automatic labor protection clauses, no more automatic C–2. Instead, it becomes a subject of collective bargaining, and, indeed, if they do not reach agreement, Amtrak can unilaterally do away with those labor protection clauses.

All we are asking is you treat now these railroad workers with the same ability that you treat those in the private sector. Permit them to go to collective bargaining where labor protection comes in the mix with wages and working conditions and grievance procedures. So one can be bargained away for the other, but at least the workers have something to say about that. That is why it is so important to support the LaTourette-Traficant amendment.

Mr. SHUSTER. Mr. Chairman, I want to deal with this issue of how much it costs Amtrak to lay off workers and the argument that it hasn't really cost them anything.

It begs the question. In fact, it is a red herring. The very fact that 6 years of labor protection and pay must be paid is the reason why Amtrak could not adjust their labor force and layoff anybody, because it was too costly to do so. So it is true they have not spent much money in these layoffs. The reason is they could not afford to do it because of the 6-year guarantee.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin, [Mr. PETRI], the distinguished chairman of the Subcommittee on Surface Transportation.

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

I rise in opposition to the LaTourette-Traficant amendment. The amendment would gut the labor reforms in the Amtrak bill, leaving Amtrak with the onerous labor provisions that it has been saddled with for the last 26 years.

Let me be clear about what current labor requirements entail. Amtrak must pay up to 6 years of full wages and benefits to any worker who is laid off due to a route elimination or frequency reduction to below three times per week. That is right, 6 years of severance pay.

Even worse, any worker who is asked to move his or her job location more than 30 miles is eligible for the 6 years of benefits. So workers do not even have to be laid off in order to claim the 6 years of pay.

In addition, there is currently a Federal law that prevents Amtrak from contracting out any work other than foods or beverage service if it will result in the layoff of a single employee in a bargaining unit. This prohibits Amtrak from gaining any of the savings that are possible through contracting out work.

Mr. Chairman, the bill before us contains a compromise reform proposal on these two issues that was worked out in the last Congress with the full participation and support of organized labor. It is a fair compromise that allows labor and management to negotiate through the collective bargaining process the issues of labor protection and contracting out. Amtrak could agree to any terms on these issues. Federal law would not predetermine the outcome in any way. It is important to note that at the end of the bargaining process, if there were no agreement, labor would have the right to strike just as it would under any other railroad labor collective bargaining agreement.

□ 1145

Mr. Chairman, we do not require airlines to pay laid-off employees for 6 years. We do not prevent the airlines from contracting out work. Why should we do that for Amtrak?

I urge my colleagues to defeat the LaTourette amendment, pass the bill, and secure Amtrak's future.

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

Mr. Chairman, like the chairman of the full committee, I have great respect for the chairman of the Subcommittee on Surface Transportation, but I would again point out that Amtrak has yet to point out one single employee who has successfully accessed the horrible 6-year severance package they are talking about.

Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio [Mr. TRAFICANT], the distinguished ranking member of the full committee,

Mr. TRAFICANT. I thank the gentleman for yielding time to me, Mr. Chairman, and I yield to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, I rise today in strong support of the LaTourette amendment. We have seen a pattern of trying to undermine and trying to impose incremental changes in labor agreements on this floor. Parties signed agreements. They should change the agreements in collective bargaining. It is not up to the Congress of the United States to take away labor protections. When we have the head of management saying that if these protections are removed, they are going to have very little effect upon the total package, what more do we wish? Labor and management are on the same page. Why should we rip out that page?

If we do not have this amendment, we will eliminate wage protections for displaced passenger rail employees which have been in place since 1930. Many of these workers gave up their seniority on freight railroads to come over to Amtrak when it was created. They would lose severance benefits they deserve under this bill.

Mr. Chairman, I rise in strong support of this amendment.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 4 minutes to the distinguished gentleman from Georgia [Mr. COLLINS].

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

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

Mr. Chairman, I regret having to oppose my good friends from Ohio. I know we share the strong belief that the men and women who work in the trenches every day are the backbone of each and every business. It is the working men and women who are responsible for the success or failure of a company, and they should be treated fairly and allowed to reap the benefits of their successes.

At the same time, I believe working men and women must share in the responsibilities of maintaining the profitability of the companies from which they derive their livelihood. Unfortunately, I believe the LaTourette amendment would gut some of the most important provisions in the Amtrak reform legislation which Amtrak must have to survive. These are the labor provisions.

As mandated by law today, Amtrak must pay any worker up to 6 years of full wages and benefits if that worker is laid off due to route elimination, or even a reduction in frequency of service below three times a week. Even more costly for Amtrak is the provision that in the case of realignment, an employee can be paid up to 6 years of full wages and benefits if he is asked to move his job location by more than 30 miles and does not wish to do so.

Some have argued that these provisions are not important since payments for labor protection have been relatively low. However, that argument ignores the fundamental need for this legislation. The legislation will allow Amtrak for the first time to act like a business and realign routes and services to be profitable. Today this cannot be done. Why? Because Congress has required Amtrak to provide certain routes and services, whether or not they are profitable. Therefore, labor has been protected from operational changes and costs have been minimal.

However, the GAO has estimated that the total labor protection obligation of Amtrak would cost between $2 and $5 billion, up to more than five times the total annual Federal funding for Amtrak. The taxpayers simply cannot afford this. The LaTourette amendment would leave the current law on labor protection in place. If negotiations set forth under legislation fail, the current labor provisions would remain. Therefore, there would be little or no incentive to negotiate in good faith and the status quo would be maintained.

In this legislation, Congress will determine the future of passenger rail service in this country. With roads and highways becoming increasingly jammed and with regulations on air quality becoming increasingly stringent, many States are having a reviewed and renewed interest in the use of rail.

We are at a point where we have three basic choices. We may choose, first, to raise the amount of subsidy; second, to give Amtrak the opportunity to survive with the reforms provided in this legislation; or third, we can decide that passenger rail service to any great extent is not necessary or desirable in this country.

I urge my colleagues to vote against the LaTourette amendment, and vote in support of passenger rail service in the United States.

Mr. TRAFICANT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. OBERSTAR], the ranking member, and a man who was born to be chairman of this committee, like the gentleman from Pennsylvania [Mr. SHUSTER].

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

Mr. Chairman, I want to come back to the fundamental issue here, what is driving this issue; what are the costs that are driving the Amtrak problem.

Last year, Amtrak had a $322 million deficit, in 1996. How much of that was

caused by labor protection? About $1 million. We cannot lay all of Amtrak's problems at the feet of the working people who run the trains. Amtrak over 2 years laid off 2,000 people. It cost $2 million in labor protective costs. That does not break the back of Amtrak.

Does labor protection provisions, a requirement to pay severance costs to the laid-off workers, prevent Amtrak from shutting off rail service? No, it does not. Ask the people in Idaho, Utah, Alabama, Massachusetts, Florida. Amtrak canceled routes in all those States last year because they knew that the labor protection cost was so small, there were so few employees involved, that the effect would be negligible on savings, so they shut the routes down. We cannot lay the problems of Amtrak at the feet of working men and women.

Mr. Chairman, what does this amendment that Mr. LATOURETTE and Mr. TRAFICANT are offering do? It sets up a process by which the Railway Labor Act can function to resolve these problems. Amtrak and its labor workers can negotiate changes in labor protection and contracting out. If they fail to agree, they can go to a Presidential emergency board to ask it to make recommendations. If they still fail to agree, they can resort to usual self-help remedies. Amtrak management can lock out or impose contract terms. Labor can strike. That is all this does. We ought to support the LaTourette-Traficant amendment.

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

Mr. Chairman, the issue today is the collective bargaining process. By voting for Quinn, we treat Amtrak workers differently, and take away a fundamental right under American law that Congress has steadfastly supported, the right for workers with management to negotiate the salient points of the terms of their employment.

This is not about Amtrak today; this vote is about the collective bargaining process, the sanctity of that process, and the terms guaranteed within the rights to negotiate. If Members vote for the Quinn measure, they take away the right of Amtrak workers to negotiate.

The gentleman from Georgia [Mr. COLLINS] is exactly right. I do not have any more respect any greater for anybody else than for the gentleman from Georgia [Mr. COLLINS], but not once, I would say to the gentleman, has there been a severance pay by Amtrak. They negotiated it.

We cannot, Congress, save Amtrak by destroying and killing Amtrak workers. But by god, if Congress goes forward and sets the precedent today to throw out the window the gains of the collective bargaining process, Congress will have failed itself. Congress would have set a new law, a tragic law.

Let me say this, Republicans are mad, and rightfully so. Labor tried to screw them, but striking back at labor today is not what they are doing. What they are doing is turning back the clock on the rights of workers, duly assembled under our constitutional freedoms, to bargain in good faith, to negotiate and bargain in good faith.

God almighty, how can we be having this debate? There was a blue ribbon panel since the last vote, Mr. Chairman, and that blue ribbon panel says none of these labor provisions is costly or consequential to Amtrak. They do not care what we do. I say the people of America and the workers of America know what we do.

I do not think the Republicans are as unfriendly to working people as to take away a precedent of collective bargaining in this country. This is a sad day. I voted with them many times. The gentleman from New York [Mr. QUINN] has been a friend of labor. He should be very careful, because by treating Amtrak workers differently today, he negotiates a new labor type of system in America where collective bargaining and negotiation in good faith is not important to the Congress of the United States.

Shame, Congress. Shame, Congress. I ask Members to vote ''no'' on Quinn.

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

Mr. Chairman, I appreciate the enthusiasm of my good friend, the gentleman from Ohio [Mr. TRAFICANT]. But facts are stubborn things. The facts are that the legislation before us does not take away the collective bargaining rights of Amtrak employees. In fact, it puts in place the ability of the Amtrak employees and management to engage in collective bargaining. That is a fact. It is in the legislation. All the steamy rhetoric in Washington is not going to change that fact.

Beyond that, it is also significant to note that the 6-year labor protection was not something that was negotiated through collective bargaining. Ironically, the 6-year imposed labor protection was imposed by the Department of Labor, not through collective bargaining. I appreciate all the enthusiastic, steamy rhetoric about taking away collective bargaining and protecting collective bargaining, but facts are facts. The facts are just as I recited them.

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

Mr. SHUSTER. I yield to the gentleman from New York.

Mr. QUINN. Mr. Chairman, I just want to point out for the RECORD in the few minutes we have remaining, when we talk about collective bargaining, there is nobody in this House, I do not believe, who has fought for collective bargaining longer and harder than me. What is ironic to me is that this same bill, the identical bill of 2 years ago, which talked about collective bargaining and had the support of labor for collective bargaining, is back here again, identical as the first time.

I cannot understand for the life of me, Mr. Chairman, why we had the support and belief that it did not break contracts back then, but somehow it breaks contracts today, the exact same language. We will talk more about it in the amendment.

Mr. SHUSTER. Mr. Chairman, it is interesting that the very Members who are speaking so forcefully about the lack of collective bargaining in this voted in favor of this very legislation just in the last Congress.

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

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

Mr. Chairman, I rise just briefly, not to rebut but to make a response.

□ 1200

This bill, 254 days from the date that it is going into enactment, repeals all of the labor protection statutes that are available to Amtrak workers. It creates no incentive. There was an observation made that there is no incentive there for the workers to negotiate. It creates no incentive for the Amtrak workers to negotiate, because they are all gone.

After 16 years of deferrals, wage freezes, entry level wage decreases, the Amtrak worker who just as late as 1980 made a buck-seven, less than a BART worker in San Francisco, now makes $7.39 an hour less. That is not right.

Mr. Chairman, this is the right amendment, and just because of the confusion I want to stress one thing. We need people to vote ''no'' on Quinn so we have a vote on LaTourette-Traficant.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of the LaTourette-Traficant amendment to H.R. 2247, the Amtrak Reauthorization Act of 1997. My colleagues, in today's highly competitive marketplace we need to preserve labor protections and collective bargaining rights of employees and to level the playing field between the employers and employees in negotiating wages, benefits and severance payments.

The LaTourette-Traficant amendment to H.R. 2247 will level the playing field in negotiations between Amtrak and it's employees. H.R. 2247, as drafted fails to do this, it removes labor protections from workers and eliminates statutory wage protection for Amtrak employees, while claiming that it simply subjects these issues to collective bargaining. This is not good for Amtrak workers and that is not good for America in trying to preserve a national railway system for this country.

The LaTourette-Traficant amendment requires Amtrak employees to enter into collective bargaining on two provisions which are currently nonnegotiable under current law. These two provisions prohibit Amtrak from taking Federal funds, firing an employee, and contracting out work and providing protection to Amtrak employees who lost their jobs when a route is eliminated.

The LaTourette amendment requires employees to engage in bargaining with Amtrak on these two issues, just as they must bargain with Amtrak on all collective bargaining issues.

The key issue with these amendments is that these two provisions remain in place while

the bargaining continues. If Amtrak is not satisfied with the outcome of the bargaining, Amtrak may refuse to sign a contract with the employees, and the only recourse of the employees is to strike.

Amtrak has also publicly stated that all it wants is to bargain with its employees about these two issues. Privately, Amtrak President Tom Downs has said the LaTourette amendment is acceptable to him.

Porponents of the H.R. 2247 say that this amendment will hurt the financial security of Amtrak. This argument is ridiculous. The two provisions being currently debated have no bearing on Amtrak's financial future. The current bill as written eliminates labor protections and abrogates collective bargaining agreements negotiated between Amtrak and its employees, and repeals existing prohibitions on contracting out Amtrak's operation.

The contracting out provisions in the law bars Amtrak from firing a current employee and contracting out his or her job. But this provision does not really prohibit contracting out—in fact, Amtrak contracts out $10 million worth of work. The labor protections provide severance for workers who lose their jobs when a route is eliminated entirely. Since the layoff of 4,000 employees in the last 2 years, Amtrak has paid out thousands of dollars in protective benefits. Amtrak has said repeatedly that these provisions have nothing to do with its future economic security.

The LaTourette amendment is a fair, sensible compromise. I believe that this amendment reasonably protects the rights of Amtrak employees while satisfying the concerns of Amtrak. My colleagues, all the evidence highlights the continued need for labor protections and statutory wage protections between Amtrak and its employees and to secure Amtrak's future. I urge my colleagues to support the LaTourette amendment which will ensure a strong and secure future of Amtrak and its 20,000 workers.

Mr. KUCINICH. Mr. Chairman, I rise today to support the amendment by Mr. LATOURETTE and Mr. TRAFICANT, my colleagues from northern Ohio, and to honor the men and women who have built and operate the Amtrak railway system.

More than 100 years ago, it was the railroads that formed the basic infrastructure of our country—the infrastructure that enabled our economy to expand and prosper. Hundreds of thousands of dedicated workers—many of them immigrants working for low wages—gave their lives to build America's railroads. Today, railroads employees use their skills to keep the railroads safe—to move freight and passengers quickly and efficiently.

When Amtrak was founded in 1971, the Federal Government made a compact with its workers. We made a pact to treat Amtrak workers fairly, to protect the incomes of Amtrak workers who gave up jobs in higher-paying freight railroad companies. The Government promised to compensate Amtrak employees who are displaced because of the process of restructuring. This Amtrak Reform Act abandons those commitments. It eliminates essential worker protections and places arbitrary time limits on the collective bargaining process. It would lead to greater labor strife in the Amtrak system because workers would have their contract rights canceled. It would demoralize Amtrak workers, forcing them to sacrifice so the system can obtain the Federal financing that was set aside in the Balanced Budget Act. This is blatantly unfair to the people who keep Amtrak running. And it violates the public interest of our Nation.

The amendment by Mr. LATOURETTE and Mr. TRAFICANT is a fair and reasonable compromise. It balances the financial needs of Amtrak with the respect that we owe to Amtrak's dedicated employees. I commend my Ohio colleagues for proposing this measure and I urge my colleagues to support it.

Mr. PAYNE. Mr. Chairman, I rise today in opposition to the Amtrak Reform and Privatization Act because I believe it violates both worker and passenger rights and safety. The bill as it is currently written would violate the rights of Amtrak workers by eliminating wage protections and allowing the company to hire outside contractors. It has been proven that eliminating wage protection or contracting out will do little to improve the financial stability of the company. By eliminating this protection it will only prove to be helpful to Amtrak if the company is forced to lay off a large number of employees. This would be a cruel send off to many dedicated railway workers who have given the best years of their lives to help keep Amtrak going. The bill also threatens the safety of both employees and passengers from receiving the damages due to them and their families as a result of a rail accident. I represent an area of New Jersey that relies heavily on Amtrak service and Amtrak rails to provide needed public transportation to millions of people in one of the most congested areas of the country. Therefore, I cannot support this piece of legislation unless these negative provisions are taken out. I believe Representative LA TOURETTE and Representative TRAFICANT's amendment will allow employees of the rail company to have the proper and safe standards they currently rely on while still ensuring that this bill will reform Amtrak to become a stable and one day profitable company. I urge my colleagues to vote for this amendment and against the bill if the LaTourette-Traficant amendment or the Oberstar substitute is not agreed to.

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

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

AMENDMENT NO. 2 OFFERED BY MR. QUINN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. LATOURETTE

Mr. QUINN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment No. 2 offered by Mr. QUINN as a substitute for the amendment offered by Mr. LATOURETTE:

Page 15, after line 16, insert the following new paragraph:

(7) Nothing in this Act shall affect the level of protection provided to employees of freight railroads or of transit systems.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 270, the gentleman from New York [Mr. QUINN] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 10 minutes.

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

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

Mr. Chairman, I am glad I was here on the floor this past Wednesday to witness the open debate that we held on H.R. 2247, which of course was the ''Amtrak Reform and Privatization Act of 1997,'' because if I had been in my office, Mr. Chairman, and watched the debate on our TV sets I would have thought that I was watching a videotape of our discussion 2 years ago in the full committee markup of this Amtrak bill.

Mr. Chairman, I heard people on the floor just a day or two ago arguing how this bill would break contracts. I heard people argue how thousands of jobs would be lost and how Amtrak would contract out all of its work and how the job loss would wreak havoc with the Railroad Retirement System.

Ironically, Mr. Chairman, those are exactly the same arguments that I used to gain support for amendments that we offered that day. Those were arguments that Members in the House used, both Democrats and Republicans, to get the compromise that we had then and the same compromise that we have this morning.

Has the House forgotten that we amended the bill that day? Have we forgotten that we won a major victory for the working men and women of the railroad that day?

Mr. Chairman, we came up with a fair compromise that would help Amtrak gain the necessary reforms it needed to survive.

I thought about that word ''Congress,'' and thought about the word ''compromise'' a little bit at the same time. I went back to the office and I got the Webster's Dictionary and looked up ''compromise.'' It said, ''A settlement of differences by arbitration or by consent reached by mutual concessions.'' Consent reached by mutual concession. Is that not what we had on this legislation the last time, consent reached by mutual concession?

Mr. Chairman, the original committee bill that I objected to would have dropped Amtrak labor protections from 6 years to 6 months, no questions asked. It would have happened. The original committee bill would have allowed Amtrak to contract out almost all of its work, no questions asked.

We put together a compromise which we offered on behalf of everybody so that we would have mutual concessions from both sides. That is the definition of a compromise, Mr. Chairman. Unfortunately, I have to rise today with this substitute to the amendment of the gentleman from Ohio [Mr. LATOURETTE], my good friend and colleague. I would have hoped that we would have been able to keep the amendment separate; however, with the rule before us, that is not going to be possible.

While I respect and admire my good friend from Ohio, his amendment would strike from the bill the compromise language that we all worked on, with

the support of labor, to protect the rights of working men and women at Amtrak.

I am a little disappointed, Mr. Chairman, with the level of some of that discussion here on the floor. We have been fighting for the survival of Amtrak for over 2 years now, and it makes everything sound that this amendment, this Quinn amendment, is all of the sudden antilabor. I respectfully disagree that I am offering an antilabor amendment today. It is a prolabor amendment that simply does this: It walls off the Amtrak employees so that we are not having any effect today on freight labor or transit labor workers in this act. Plain and simple. Otherwise, it is exactly the same.

Today's amendment would, in addition to walling off those provisions, say to our workers across the country and in our individual districts that we are going to keep Amtrak alive and well and working so that all the jobs can be retained. I am very concerned, Mr. Chairman, if we are not successful here this afternoon, where this funding for Amtrak will end up.

Mr. Chairman, we have a golden opportunity to do the right thing and to save our country's national rail passenger system today while preserving the dignity of its workers. The LaTourette amendment, by stripping out the Quinn compromise, will jeopardize that funding. The release of that money is contingent upon real Amtrak reform. What better reform is there than the compromise reform that we agreed upon in this House 406 to 4? Which Republicans, Democrats and organized labor all agreed to?

I suggest that we keep the necessary compromise reforms in this bill, strip out the unintentional effect that it could have had on freight and transit labor workers, and I ask my colleagues to support the Quinn substitute.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, to first debunk a few myths, one is the myth of the vote of the last Congress. We had an election since then. Seventy-six new Members of Congress. We do not expect them to be retained to whatever was done by their predecessor in Congress.

Second, in the aftermath of that legislation to which senior members of rail labor signed on, there has been an election as well and those two labor leaders were defeated and replaced by new leadership who has charted a new direction for their members and said that it is not a good deal.

Third, the Quinn amendment is opposed by the AFL–CIO, the Transportation Trades Department, AFL–CIO, the United Transportation Union, the Brotherhood of Locomotive Engineers, the Transportation Communications Union, the Brotherhood of Maintenance of Way Employees, the Brotherhood of Railroad Signalmen, and the Transport Workers Union, and all other rail unions. That was set forth in a statement from the Transportation Trades Department this morning.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I want to say in response to the gentleman from New York [Mr. QUINN], my good friend, I am certainly not saying that his amendment is an anti-labor amendment. I think everybody on our side recognized the gentleman as a friend of labor. My problem with the Quinn amendment is this: It walls off freight labor, but it does nothing for the men and women who work for Amtrak.

The fact of the matter is if the Quinn amendment passes we will not have a vote on the LaTourette amendment. What that means is that all of the labor provisions that are in place 254 days after the enactment of the bill, that are in place for all the men and women who work so hard for Amtrak, will blow up. That clearly will put the management at Amtrak, which issued a memorandum to itself saying that they should be careful not to give themselves no more than a 15 percent increase, while the wages of the Amtrak employees have continued to decline.

The observation that I made in the Committee on Rules and that the gentleman from Minnesota [Mr. OBERSTAR] made on the floor the other day is exactly right. The Quinn amendment is a good amendment, but it is half a loaf. We need the whole loaf to protect the good men and women that work for Amtrak.

Mr. QUINN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full committee.

Mr. SHUSTER. Mr. Chairman, I rise in strong support of the Quinn amendment. I certainly would concur that new Members who were not here in the past Congress are totally free to vote however they choose. But I do believe that Members who were here and with whom we negotiated in good faith, I am quite surprised that they now would flip-flop even though we did work out a compromise.

In fact, the distinguished ranking member of the Subcommittee on Railroads said about virtually this same legislation the last time we had it before us that,

> I was initially concerned that the Amtrak employees might not be treated equitably in the bill. However, after some of the changes were made in the bill, a reasonable compromise was reached. The bill will enable Amtrak to downsize and control its costs while ensuring the fair treatment of Amtrak employees if there is a loss of jobs.

Mr. Chairman, that was their position then. The Secretary of Transportation at the time said,

> I am pleased that the labor provisions of the bill have been altered so the change will be achieved through labor-management dialog. The committee's proposed legislation is a positive contribution to the debate on how to ensure the long-term vitality of inner city transportation.

And Mr. Greg Lawler representing rail labor said at the time,

> We think this is a good compromise on Amtrak. We hope it goes forward. We like it.

This is the biggest flip-flop since Humpty Dumpty fell off the wall. This is not antilabor. This is pro-Amtrak. We are trying to save Amtrak. And at the time, talk about good faith negotiation, at the time we sat down with the Senate and tried to work out funding for Amtrak the agreement was that the $2.3 billion would be put in the reconciliation tax package for Amtrak subject to, contingent upon, real regulatory reforms, meaningful reforms taking place.

So, Mr. Chairman, if the Quinn amendment fails, then I do not believe there is going to be any bill. There is not going to be any bill because we will be in the position of not being able to fulfill our commitment that we made back at the time the $2.3 billion was made contingent upon real reform. If there is no real reform, there is not going to be any bill and there is not going to be any $2.3 billion for Amtrak, and I deeply regret that because I want to save Amtrak.

Mr. Chairman, it is crucial that we pass the Quinn amendment so we can then proceed to pass this legislation.

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

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, in this discussion we need to talk about the important role passenger rail plays in the lives of our citizens and our economy. What this Amtrak authorization bill really is about is keeping the vital links open.

There are provisions in the authorizing bill that disregard labor agreements already agreed to by labor and management. If we are really serious about keeping Amtrak running, if we are really serious about supporting the working people of Amtrak and getting people to work, we must vote ''no'' on this Quinn amendment.

Mr. Chairman, when I served in the Florida House of Representatives we had a saying: ''Loving a bill to death.'' That is what is happening here. We are talking about how we support Amtrak and we support Amtrak workers, but we are putting provisions in here that we know are a killer to the working people of Amtrak and the men and women of this country.

Mr. Chairman, in this discussion, we need to talk about the important role passenger railroads play in the lives of our citizens and to our economy.

What this Amtrak authorization bill really is about is keeping this vital link open. There are provisions in this authorization bill that disregard labor agreements already agreed to by labor and management.

This will kill the chance for a smooth labor negotiation and create a transportation nightmare.

The LaTourette-Traficant bill adds reason and fairness to this bill. It leaves the issues of wage and contracting to the labor and management negotiators.

This amendment must be part of the bill.

The negotiators must have the ability to work out the best deal.

If we are really serious about keeping Amtrak running and getting people to work, we must vote ''yes'' on this amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, the distinguished gentleman from Pennsylvania [Mr. SHUSTER] recalled my words on the floor 2 years ago, so I want to rise to that challenge. The fact is, as the chairman points out, this bill passed 406 to 4, left the House 406 to 4.

But, Mr. Chairman, I would say to my colleagues, please note, walk 100 yards down the hall to the other body. It went nowhere. One of the reasons it went nowhere is because of the provisions in this bill as well as the provisions dealing with liability restrictions.

Do we want an Amtrak bill? Do we want the trains to continue running in the Northeast corridor? Do we want to see some legislation this year? Then we have to vote against the Quinn amendment and for the LaTourette amendment.

Also, because the predictions that were made 2 years ago so eloquently in the debate about what would happen if these provisions were not included in the bill have proven not to come forth. Indeed, the so-called labor protections have resulted in less than slightly more than $1,000 per severed employee, not a great sum to Amtrak.

So for those reasons, 406 to 4, yes, out of this House and the bill then went absolutely nowhere. Stalled on a siding.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana [Ms. CARSON].

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

Ms. CARSON. Mr. Chairman, I rise to express strong opposition to the Quinn amendment. While the Amtrak reform and privatization bill makes some vital improvements to the Nation's passenger rail system, it also includes very dangerous provisions that will hurt Amtrak's employees and passengers.

It throws Amtrak employees into the same uncertainty that faces so many other American workers today. The bill ends race protections for displaced and downgraded Amtrak workers that have been in place since the 1980's. It does away with the law protecting Amtrak employees against being replaced by contract workers without the same guarantees of wages and benefits like health care.

In my district, this provision in the bill would allow Amtrak to replace 706 workers at the Amtrak maintenance shop in Beech Grove, IN, with contract workers in other States. Taking away people's jobs is not reform. Let us not balance Amtrak's books by depriving people like the Beech Grove shop workers of their jobs.

Mr. Chairman, I urge my colleagues to support the LaTourette-Traficant amendment and to reject the Quinn amendment.

Mr. QUINN. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA], a member of the full committee and a member of the Subcommittee on Railroads.

□ 1215

Mr. MICA. I thank the gentleman for yielding me the time.

Mr. Chairman, why can we not pass the same bill that this House passed last year by a vote of almost every Member of the House? I submit it is because special interests weighed in.

Here are the folks that supported the legislation last time that have now reversed their position. Special interests have weighed in.

I have a unique approach today. Let us not represent special interests. Let us represent the American taxpayer.

We heard it is not costing us anything. Let me put this in perspective. For every time someone got on an Amtrak passenger train last year, the taxpayer paid $25, $25. There were 20 million boardings. That is hundreds of millions of taxpayer dollars. So it does cost the taxpayer money. In fact, it has cost the taxpayer, since 1971, $19 billion to subsidize Amtrak.

Testimony to our committee said that we could transport people by chauffeured limousine along some of these routes at a lower cost. Why can we not make these changes? Because special interests say that if we eliminate a route, we must pay 6 years full wages and benefits.

We have tried Band-Aids. We have tried bailing wire. We have tried masking tape. I submit that the taxpayer demands that we make real reforms that fix Amtrak.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, thank God we are in the 105th Congress. That was a chart from the 104th Congress.

Specifically speaking, in subtitle 5 of title 49, section 24706, it is very clear what the language is that they are going to take out with the Quinn amendment. It says the following: Employee protective arrangements, Amtrak or a rail carrier shall provide fair and equitable arrangements to protect the interests of employees of Amtrak or a rail carrier, as the case may be, affected by the discontinuance of intercity rail passenger service.

We are talking about the preservation of rights, privileges and benefits of the employees to continuation of collective-bargaining rights, the protection of individual employees against a worsening of their positions related to employment, assurances of priority of employment, reemployment, et cetera, et cetera. All that we are talking about in the LaTourette amendment is to place the words at the end of that section saying, ''unless the parties agree.''

They cannot even accept that. This is antilabor. I will say it here on the floor.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, if we take away the incentive to bargain in good faith, we kill collective-bargaining, period. Every word of the Quinn amendment is in LaTourette and Traficant. If Members vote for LaTourette-Traficant, they vote for Quinn. But what is not in Quinn are basic labor protections.

I am tired of hearing about 2 years ago. Workers were willing to hurt themselves to save Amtrak. But since then there has been a blue ribbon panel that said we do not have to kill the workers. That is not the big cost factor.

Let us allow our workers to negotiate with management. Let us not set a precedent today that does kill collective-bargaining. If we do not incentivize collective-bargaining and we provide a disincentive, we kill collective-bargaining.

That is the issue today. That is the issue today. If Members are supporting Quinn, everything that Quinn says is in LaTourette and Traficant. I want Members to know that. But when they vote for Quinn, they are killing the incentive to negotiate in good faith. Let there be no mistake. That is a sad day.

H.R. 2247, the Amtrak Reform and Privatization Act of 1997, makes some much needed changes to Amtrak that will allow it to streamline its operations and cut costs.

However, as drafted the bill makes changes in current law that are unnecessary and will have a negative impact on Amtrak's employees.

The LaTourette-Traficant amendment does exactly what the Quinn substitute does: it says that freight and transit workers will not be affected by any changes made in the bill.

But the amendment goes further than Quinn: It also says that statutory provisions on labor protection and contracting out will remain in place.

Under the Quinn amendment, Amtrak workers are treated differently than freight or transit workers. Under the Quinn amendment, freight and transit workers retain the protections afforded under the current law. Amtrak workers lose that protection under the Quinn amendment.

The LaTourette-Traficant amendment affords Amtrak management and labor the opportunity to collectively bargain over these issues. The amendment allows these provisions to be altered or eliminated through the collective bargaining process.

Let's tell it like it is. Amtrak seldom, if ever, pays labor protection severance when a route is terminated. When there are job cutbacks, senior employees have rights under collective bargaining agreements to bump more junior employees holding other jobs. These junior employees are eligible for very limited protection.

Over the past 5 years, Amtrak was able to lay off more than 2,000 employees out of a work force of 23,000. The labor protection costs amounted to about $500 per employee.

Let's take a look at contracting out. H.R. 2247, also repeals the statutory prohibition on Amtrak contracting out work if it results in any Amtrak employees losing their jobs.

The fact is, current law allows Amtrak to contract out work, and every year Amtrak contracts out tens of millions of dollars of work.

Yes, in the last Congress almost an identical bill passed with over 400 votes. I supported that bill.

But a lot has changed in 2 years. A blue ribbon panel was established to review Amtrak. The panel did not find that statutory labor protection and contracting out provisions are a major factor in hindering Amtrak's performance.

Since the last Congress, we have also had more time to examine the exact costs Amtrak has incurred because of statutory labor protection and contracting out provisions. Those costs are minimal.

Passing this amendment will not, in any way, compromise the major thrust of the bill, which is to make much needed reforms to Amtrak's operations.

The LaTourette-Traficant amendment ensures that any changes to the current relationship between management and labor are mode through the collective bargaining process—not through the dictates of Congress. That's the way it should be.

Vote ''no'' on the Quinn amendment and ''yes'' on the LaTourette-Traficant amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. LATOURETTE], cosponsor with the gentleman from Ohio [Mr. TRAFICANT] of the underlying amendment.

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

To amplify on what our good friend from Youngstown, OH, had to say, in 1981 Amtrak unions negotiated an agreement calling for a package of wage increases. Soon after the passage of that agreement, that contract, the unions were told by Amtrak and Members of Congress that Amtrak could not afford what the company just agreed to. The workers were told that they had to defer two-thirds of those increases.

It is now 1997, 16 years later, and that wage increase remains deferred. Amtrak workers have sacrificed for the good of Amtrak.

Again, to reiterate, the Quinn amendment, if we think of a train ride from New York City to Los Angeles, the train stops in Buffalo sadly. It does not get all the way to Los Angeles. In order to get all the way to Los Angeles, we need to reject the Quinn amendment and support LaTourette-Traficant.

The CHAIRMAN pro tempore [Mr. THORNBERRY]. The gentleman from Minnesota [Mr. OBERSTAR] has the right to close debate as he is defending the committee position on a substitute amendment.

Mr. QUINN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I would like to point out that my good friend, the gentleman from Ohio [Mr. TRAFICANT] pointed out what is needed in this bill and referred to the comments of the gentleman from Pennsylvania [Mr. SHUSTER].

If we do not enact these reforms, we are not going to have Amtrak. Maybe some Members in this House do not care about Amtrak. Maybe some Members say it does not affect them. But it does. It is an important component of our rail system that we need to pass the Quinn amendment to be able to keep this alive.

The gentleman from New York [Mr. QUINN] has worked tirelessly on these issues to help promote the common good, to try to draw Members together, to try to draw consensus. If we are to move forward with Amtrak, we need these reforms to be able to put in place the funding.

So if Members care about Amtrak, if they want to see Amtrak continue to operate, this is essential. That is the bottom line. We can talk all we want about everything else. There will not be any jobs. It will be bankrupt. It will be belly up. Those jobs will be gone. So we want these reforms enacted so we can protect it.

Mr. QUINN. Mr. Chairman, I yield myself the balance of my time. Just to close the last 30 seconds that we have, I think the point that the gentleman from New Jersey [Mr. LOBIONDO] and other speakers have made is critically important to all Members before they come over here to vote this afternoon.

We can talk about blue ribbon panels. We can talk about charges back and forth and who is for labor and who is against labor. But at the end of the day, in the next half hour, the important concept is whether or not Amtrak is able to survive.

I will submit that a vote against Quinn is a vote to contribute to the collapse of Amtrak. Support the Quinn substitute.

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

I want to thank the distinguished gentleman from Ohio for his principled stand and the gentleman from Ohio [Mr. TRAFICANT] for his stand on this issue of fundamental importance to rail labor.

I have heard some very disturbing comments in the course of the debate yesterday or the day before in reference to labor bosses. Today reference to special interests. Since when are working men and women special interests? It is just a way of blurring their name, smudging their name. I resent it.

Who do you call captains of industry? Management. Fancy term. Why cannot labor be referred to in the same terms of respect?

Make no mistake about it, we support what the gentleman from New York [Mr. QUINN] is attempting to do. His concepts are incorporated into the LaTourette amendment, but we never get to the LaTourette amendment, the LaTourette-Traficant amendment, if we support Quinn. To get to the real reforms in Amtrak we need to defeat the pending amendment of the gentleman from New York in order to vote on what working men and women have said in their elections that they support as the right way to deal with labor conditions in America's passenger rail.

Let us make no mistake about it. The committee bill does this year, as it did in the last Congress, set up a process for wiping out contractual agreements freely entered into between labor and management. I would say, and in the last Congress I did support this bill because it was something I inherited, I kept the word of my predecessor.

I would not have negotiated this bill. But my father told me, what is sacred is what labor negotiates with management. You can never wipe it out. The Congress will wipe out the sacred trust between labor and management in the contract freely negotiated. Defeat the Quinn amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. QUINN] as a substitute for the amendment offered by the gentleman from Ohio [Mr. LATOURETTE].

The question was taken; and the Chairman pro tempore announced that the ayes have it.

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to not less than 5 minutes the time for any electronic vote, if ordered, on the LaTourette amendment without intervening business or debate.

The vote was taken by electronic device, and there were—ayes 195, noes 223, not voting 16, as follows:

[Roll No. 529]

AYES—195

Aderholt	Castle	Fowler
Archer	Chabot	Franks (NJ)
Armey	Chambliss	Frelinghuysen
Bachus	Christensen	Gallegly
Baker	Coble	Ganske
Ballenger	Coburn	Gekas
Barr	Collins	Gibbons
Barrett (NE)	Combest	Gilchrest
Bartlett	Cook	Gingrich
Barton	Cooksey	Goode
Bass	Cox	Goodlatte
Bateman	Crane	Goodling
Bilbray	Cunningham	Goss
Bliley	Davis (VA)	Graham
Blunt	Deal	Granger
Boehlert	DeLay	Greenwood
Boehner	Dooley	Gutknecht
Bonilla	Doolittle	Hansen
Bono	Dreier	Hastert
Brady	Duncan	Hastings (WA)
Bryant	Dunn	Hayworth
Bunning	Ehlers	Hefley
Burr	Ehrlich	Herger
Buyer	Emerson	Hill
Calvert	Ensign	Hilleary
Camp	Everett	Hobson
Campbell	Ewing	Hoekstra
Canady	Fawell	Horn
Cannon	Foley	Hostettler
Cardin	Forbes	Houghton

Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf

NOES—223

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Capps
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gillmor
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDade
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—16

Bereuter
Bilirakis
Callahan
Chenoweth
Cubin
Dickey
Gonzalez
Klug
McCarthy (NY)
McIntosh
Mollohan
Payne
Rangel
Ryun
Schiff
Smith (OR)

□ 1247

The Clerk announced the following pair:

On this vote:

Mr. SMITH of Oregon for, with Mr. RANGEL against.

Ms. SLAUGHTER and Messrs. NEUMANN, TIAHRT, WELLER and METCALF, and Ms. KELLY changed their vote from ''aye'' to ''no.''

Mr. WHITFIELD and Mr. TAYLOR of Mississippi changed their vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to address the Committee for 1 minute.

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

Mr. OBERSTAR. Mr. Chairman, reserving the right to object, is it the objective of the gentleman that the Committee rise at this point after his 1-minute?

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, that is my objective, yes.

Mr. OBERSTAR. Mr. Chairman, further reserving the right to object, would not the regular order of business be, without this intervening 1-minute, to proceed immediately to the vote on the underlying amendment of the gentleman from Ohio (Mr. LATOURETTE)?

The CHAIRMAN pro tempore. It would be the next order of business to proceed on the vote on the LaTourette amendment, the substitute having failed.

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

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

There was no objection.

Mr. SHUSTER. Mr. Chairman, when the Taxpayer Relief Act provided $2.3 billion for capital improvements to save Amtrak, it was contingent on enactment of meaningful labor reforms. Unfortunately by the changing, the switching votes here since that previous Congress, we find ourselves in the position where we have no meaningful reforms. Under these circumstances, we simply cannot proceed. I believe we have jeopardized the future of Amtrak's existence.

(Mr. OBERSTAR asked and was given permission to address the Committee for 1 minute.)

Mr. OBERSTAR. Mr. Chairman, I respect the statement the Chairman of our Committee has just made, but I just want to point out that the legislation providing for the $2.3 billion simply calls for a reform, no adjectives to it. The underlying LaTourette amendment is reform. We could proceed to vote on it. It would do the job and it would release the $2.3 billion. I want to make that very clear.

Mr. SHUSTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. COMBEST) having assumed the chair, Mr. THORNBERRY, 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. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, had come to no resolution thereon.

ADJOURNMENT TO TUESDAY, OCTOBER 28, 1997

Mr. COX of California. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, October 28, 1997, for morning hour debates.

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

There was no objection.

MOTION TO ADJOURN

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

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

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

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 244, not voting 21, as follows:

[Roll No. 530]

AYES—168

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)

DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gordon
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Nadler
Neal
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

NOES—244

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
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Christensen
Coble
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Combest
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Cooksey
Cox
Crane
Crapo
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
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Hall (OH)
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Hamilton
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Hostettler
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Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaHood
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Latham
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Lewis (CA)
Lewis (KY)
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Livingston
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Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
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Metcalf
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Miller (FL)
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Moran (KS)
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Murtha
Myrick
Nethercutt
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Northup
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Radanovich
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Redmond
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Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Bereuter
Bilirakis
Callahan
Chenoweth
Cubin
Dickey
Gekas
Gephardt
Gonzalez
Granger
Klug
McCarthy (NY)
McIntosh
Mollohan
Ney
Payne
Peterson (PA)
Rangel
Ryun
Schiff
Smith (OR)

□ 1311

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, regrettably I was not present to vote on rollcall vote 530 on the motion to adjourn. I was detained in a conference with the House leadership. Had I been present, I would have voted "no."

LEGISLATIVE PROGRAM

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

Mr. OBEY. Mr. Speaker, I take this time so that I may ask the gentleman from Ohio [Mr. REGULA] a question about the schedule.

Mr. Speaker, there are a number of Members on this side of the aisle who are concerned about what the schedule is for the remainder of the day. Is it correct and can Members be assured that the only remaining business today is the disposition of this conference report, and that we will not be going on to any other legislative matters?

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

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, yes, I have been advised by the leadership that the last vote of the day will be the vote on the Interior conference report, and I also want to assure the Members, because many of them have plane schedules, that we are going to meet the 2 o'clock deadline. We will cut the speeches short, at least on our side, because we have heard it all. So we want to make the deadline.

CONFERENCE REPORT ON H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998.

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 277, I call up the conference report on 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 277, the conference report is considered read.

(For conference report and statement, see proceedings of the House of October 22, 1997, at page H9004.)

The SPEAKER pro tempore. The gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. Yates) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

□ 1315

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2107, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, I would say to the gentleman from Illinois [Mr. YATES], I have had a couple of requests for colloquies, and I would like to do those now so we can pace our time here.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I would like to engage the chairman in a colloquy.

As the chairman knows, the Fish and Wildlife Service proposed to divide its Pacific region into two regions beginning on October 1, 1997. A new region would be created located in Sacramento, CA. This transfer was intended to assist the large work load on the west coast that is putting a strain on the regional office in Portland, OR.

I understand that the committee is concerned about the outyear costs of the program and that the bill directs the Fish and Wildlife Service to consider alternatives to establishing an additional regional office in Sacramento. However, the language in this bill would not preclude establishing a regional office in Sacramento; is that correct?

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

Mr. FAZIO of California. I yield to the gentleman from Ohio.

Mr. REGULA. Yes, Mr. Speaker, that is correct, that such establishment requires committee approval. The committee will continue to work with the

Department of the Interior to identify an acceptable solution to the problem.

Mr. FAZIO of California. Mr. Speaker, the commitment of the administration to include funding for the regional office in its 1999 fiscal year budget, as Interior Secretary Babbitt has indicated he is going to do in a recent letter to the chairman, will help address the committee's concern that the establishment of this office would be facilitated at the expense of other priorities of the Fish and Wildlife Service in the annual Interior appropriations bill.

Mr. REGULA. If the gentleman will continue to yield, Mr. Speaker, that is correct. The committee is also concerned that the budget submitted by the administration to the Congress for fiscal year 1999 appropriately addresses this problem in the context of service-wide priorities for the Fish and Wildlife Service.

Mr. FAZIO of California. I thank the chairman for his assurances.

Mr. YATES. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS] for a colloquy with the chairman.

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

Mr. Speaker, the conference report includes several provisions related to management of the national forests. I would like to engage the chairman in a brief discussion about a couple of those.

One of those provisions, from the Senate bill, relates to national forest lands in New Mexico and Arizona, where the Forest Service is under court order to adjust grazing levels. As I understand it, the language says that the Forest Service cannot make those adjustments until they have issued an adjustment schedule, or March 1 of next year, whichever comes first. Is that the gentleman's understanding?

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

Mr. SKAGGS. I yield to the gentleman from Ohio.

Mr. REGULA. Yes, the gentleman is correct.

Mr. SKAGGS. So as I understand it, this will not prevent the Forest Service from making these adjustments as they were ordered to do, once the adjustment schedule has been issued, or March 1, at the latest?

Mr. REGULA. That is correct, Mr. Speaker.

Mr. SKAGGS. On another point, concerns have been expressed about section 332 of the conference report which deals with the process of revising national forest plans. This also originated in the other body, and I understand that as it was approved there, it would have directly affected several forests in Colorado as well as many forests in other States.

While the conference report does include a similar provision, the original language has been revised, and I would like to make sure I understand the effect of this part of the report. I understand the Forest Service has already given notice of its intention to revise the plans for some forests.

Am I right in understanding that in those cases, the revisions can proceed?

Mr. REGULA. If the gentleman will continue to yield, Mr. Speaker, yes, if the Forest Service has given notice prior to October 1 the revisions can proceed.

Mr. SKAGGS. Sometimes there are court orders calling for planned revisions. What about those cases, I would ask the chairman?

Mr. REGULA. Again, those revisions can go forward.

Mr. SKAGGS. I also understand that plan amendments, as opposed to general plan revisions, are not affected by this revision. I ask the gentleman, is that correct?

Mr. REGULA. Yes, that is correct.

Mr. SKAGGS. Finally, would the chairman agree that the Forest Service can and should go ahead with necessary environmental analysis and other work related to the planning process? Would the chairman agree with me that the Forest Service can and should go ahead with necessary environmental analysis and other work related to the planning process to avoid more delays and backlogs, once the process of plan revisions resumes?

Mr. REGULA. Yes.

Mr. SKAGGS. I thank the chairman very much for his discussion of these matters.

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

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

Mr. VENTO. Mr. Speaker, I rise in opposition to this. It is tough to do. There is much in this bill that is very popular and issues we have all worked very hard for. But nevertheless, in the context of acting on measures that are important, we should not be forced to accept spending and a spending policy path that is inappropriate. This bill goes beyond just the responsibility of the Committee on Appropriations and writes fundamental law dealing with many issues.

We won a court case in Alaska of $1.6 billion. In this bill, the authorization exists to send half of that back to the State of Alaska, maybe for good purposes, maybe for bad purposes. I do not know what the consequence of that is going to be.

The timber road credit, which put a limit of $25 million on this bill, takes the limit off, and in fact goes in the reverse in terms of that particular issue. There are many, many additions in this bill that do a lot of good, but it is not worth it. I think we could have done better. These provisions were not in the bill when it left the House. We should not be held up by the Senate and forced to accept these types of antienvironmental provisions.

Mr. Speaker, I rise in strong opposition to the fiscal year 1998 Interior appropriations conference report and urge my colleagues to vote no on this bill. If Congress passes this bill and the President signs it into law, the ramifications for protection and enjoyment of America's natural resources will be grave.

Appropriation measures don't require a rule, if in fact the committee stays within its responsibility, but this measure, not for technical, but for substantive political reasons, is misusing the rule and abusing the process of this House to make bad public policy and wasteful expenditure. I have heard a lot of reasons why I should vote for this bill. There's more money for the parks and national wildlife refuges. There are sensible Indian health provisions. There's importantly $98 million for the NEA when the House measure that passed, didn't even permit a vote upon this issue, but hid behind the lack of reauthorization. There's just enough in this bill to satisfy everybody, but not too much to make folks too angry—at least that's what the supporters of this flawed bill would have you believe.

The popular programs funded by this measure are being used to enact numerous provisions that will cause havoc with our public lands and parks and cost the American taxpayer billions of dollars. I feel compelled to note the flawed policy decisions that have been forced on us in this conference report. Most of these ridiculous proposals have never had a hearing in the House and Senate or been subjected to proper legislative procedures. In short, Mr. Speaker, these proposals were slipped into this bill without review, hearing, or debate. Perhaps after explanation, Members will understand why these measures were shielded from open debate and the light of day.

There is a provision in this law that basically guts the ban on logging exports from our national forests and State-owned lands in the West. This popular law will now be unenforced. It will instead depend on the voluntary compliance of exporters. Voluntary compliance? We wouldn't need a law banning exports if we thought there was going to be voluntary compliance. So we can effectively kiss this timber—that is apparently so important for maintaining our domestic supply of paper products—goodbye.

There is a provision that prevents the Forest Service from updating and revising its forest management plans. This is required by the National Forest Management Act. That sets a foolish precedent, and essentially forces the Forest Service to be unresponsive to the needs of the lands they manage and the people that manage them.

There is a provision in this bill that prevents the reintroduction of grizzly bears into the Bitteroot ecosystem of Idaho and Montana. This hinders proper application of the Endangered Species Act and is based not on sound science but on the fears of a vocal minority. It has absolutely no place in

this conference report, a sop to the fears and the pseudo-science that dominates this Congress the past years more concerned with anecdote than facts.

This bill ignores provisions passed by the House earlier this year that placed limits on special subsidies for road construction by the timber industry to $25 million for such credits. I was a supporter of tighter limits than the House passed, but I thought we had begun to make some progress. I thought we may have sent a message to the timber industry that they were going to have start paying their own way if they wanted to despoil our Nation's forests. Apparently, I was wrong. The purchaser road credit program is now just as it always was: bloated, inefficient, and completely unnecessary, wasting tax dollars and despoiling our forests.

This conference report sets a new low mark in establishing a precedent of expending the Land and Water Conservation Fund into the Road Maintenance and Political Payback Slush Fund. This is indeed a sad day and consequence when we don't have the funds to fulfill the purposes of law, the preservation, and conservation of lands. Now we will see these scarce dollars expended. Specifically, this bill now provides a $10 million payoff to Humboldt County, CA and a $12 million road maintenance fund for a highway in Montana—paid for by the LWCF. The State of Montana also will receive a $10-million gift in the form of Federal mineral holdings which three tracts in the year 2000 may be valued at $500 million—also paid for by the LWCF or paid even more by the mineral assets of the American people. Apparently, these gifts serve to ease the blow of protecting the important Headwaters Forest and the proposed New World Mine site. In fact the preservation of such land is a benefit, not a negative to the two States and areas. That sets a horrible precedent, Mr. Speaker. Allowing LWCF money to be used for nonland acquisition purposes is not something that I have ever, can ever, or will ever support. On these grounds alone, the President should veto this bill if Congress makes the mistake and passes it.

The measure directs $800 million into a fund—improper legislation on this appropriation measure—for capital improvements in our national parks and for research on Alaska fisheries—maybe positive purposes—but again no hearings and only in one State—$160 million in research. The source of the funds is the $1.6 billion awarded the U.S. Federal Government in court over submerged lands and a disagreement with the State of Alaska. So the consequence is the U.S. taxpayer won, but now we convey significant amounts which enure principally to the benefit of Alaska.

There are many more flaws in this bill—the moratoria on road rights of way in law isn't repaired—but I think the ones I have summarized here give the Members of this House an idea of why we should return this legislation to conference. I should note that I do not, Mr. Speaker, believe this conference report is beyond repair. As I have said, there are provisions in this bill that I support and are good policy. I applaud Mr. REGULA and Mr. YATES for making progress in these areas.

But until we fix the LWCF provisions in this bill, until we fix the logging export provisions in this bill, until we restore limits on special subsidy programs for the timber industry, I will oppose it. I urge my colleagues to do the same.

Mr. YATES. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. I thank the gentleman for yielding me the time, Mr. Speaker.

Mr. Speaker, I want to thank the chairman and the ranking member for including language with regard to the Salton Sea, which is now beginning to move forward, and the step required here for a plan of remediation will be of extreme benefit and will lead to a much more definitive program being presented in future years for appropriations to really solve the problem. But the first step I think is adequately taken care of here. I thank the chairman for what he is doing.

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the Interior appropriations conference report for fiscal year 1998. While it is not perfect, it represents a fair compromise on the many difficult environmental issues that the subcommittee had to wrestle with under this bill.

I am especially pleased, Mr. Speaker, that the conferees were able to reach agreement on the funding level for land acquisition in our national parks. The nearly $400 million that will be available for this purpose will greatly enhance the possibility that funding will be made available for the purchase of two important parcels in Salt River National Park and the Virgin Islands National Park, in my district.

I also want to thank the chairman and ranking member of the subcommittee, the gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. YATES], for their willingness to include in the bill two other provisions that are very important to the economic recovery of the Virgin Islands. This is a good compromise conference report, Mr. Speaker, and I urge my colleagues to vote in favor of it.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. NETHERCUTT], a member of the subcommittee, a very valued member, I might add, for a colloquy.

Mr. NETHERCUTT. Mr. Speaker, I am pleased to enter into this colloquy with the chairman.

On my own behalf, but also, obviously, of the Speaker of the House, who has worked very hard and diligently in favor of research for diabetes funding, I would just engage the chairman, and ask if the chairman would enter into this colloquy regarding the establishment of a coherent and unified policy and the expeditious distribution of Federal money as appropriated by the Balanced Budget Act of 1997 for special diabetes programs for Indians, subsection 4922.

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

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

Mr. REGULA. Mr. Speaker, I would be glad to discuss this important issue with a subcommittee member and co-chairman of the House Diabetes Caucus. I understand that the gentleman has developed this colloquy in consultation with the Speaker of the House.

Mr. NETHERCUTT. I have indeed, Mr. Speaker, because of the Speaker's great leadership on this issue relative to diabetes.

Mr. Speaker, I would ask the chairman of the subcommittee, is it his understanding that in subsection 4922 of the Balanced Budget Act of 1997, that the 5-year $150 million special diabetes programs for Indians grant be distributed in a timely manner with a coherent, detailed policy formulated by those within the Indian Health Service who have direct programmatic oversight responsibility and expertise in diabetes care for Native Americans?

Mr. REGULA. Yes. We feel those professionals from the IHS diabetes program who deal on a daily basis with the clinical and public health implementation of issues related to diabetes should have full authority, and all necessary resources given to them by national IHS officials to make decisions and administer these grants, after timely consultation with tribal leaders, which shall be completed by November 30, 1997.

Mr. NETHERCUTT. Mr. Speaker, further, I ask the chairman, is it the committee's intent that the extensive epidemiologic data related to prevalence, complications, care process, and outcomes currently collected and coordinated on an earlier basis by the Indian Health Service diabetes program shall be used as the primary basis for the distribution of these funds?

Mr. REGULA. Mr. Speaker, the gentleman is correct.

Mr. NETHERCUTT. Furthermore, is it the intent of the committee that the IHS diabetes program fully consider that 25 percent of the grant should be used for primary diabetes prevention and 75 percent of the grant should be utilized for secondary and tertiary diabetes prevention?

Mr. REGULA. The gentleman is correct.

Mr. NETHERCUTT. I thank the gentleman very much for clarifying the committee's intent on how this money should be utilized. I urge strongly that this conference report be

approved. I thank the chairman for his leadership, and that of the Speaker of the House, as well.

Mr. YATES. Mr. Speaker, I yield 30 seconds to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to address a question to the subcommittee chairman. How much money is included in this bill for the National Endowment for the Arts?

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

Mr. TAYLOR of Mississippi. I yield to the gentleman from Ohio.

Mr. REGULA. $98 million.

Mr. YATES. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to commend Chairman REGULA for the job he has done on this bill. It was a very difficult bill. In all the years I have been dealing with Interior bills in this Congress, I have never participated in one that had as many controversies as this had. I think it is a testimonial to the expertise, the effectiveness, and the popularity of Chairman REGULA that we have this bill and this conference report here today.

I find this bill acceptable, Mr. Speaker. I would have preferred if it had other environmental provisions in it than the ones it has, but we succeeded in toning down many of the environmental positions from their original writing.

The bill does give life to the National Endowment for the Arts and Humanities, and that is a very, very good thing. I shall vote for this bill, and I urge its passage.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska, [Mr. YOUNG], chairman of the House authorizing committee.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this bill has been a torture to get to the floor, primarily because of two issues that came under my jurisdiction, the Headwaters Forest acquisition of $250 million, and the New World Mine acquisition of $65 million.

I agreed to this position of the Headwaters authorization in this bill because of the gentleman from California, [Mr. FRANK RIGGS]. The gentleman from California, [Mr. RIGGS], did an outstanding job conveying the fact that there has been a war in the Headwaters area for about 10 years, and it is time to solve this problem. So I considered this a very good point to solve the problem of the Headwaters, and remember, the President asked for this. We have given it to him, as we should.

The big reason I worked on the New World Mine is because of the gentleman from Montana, [Mr. RICK HILL], who is a member of my committee. The gentleman from Montana, [Mr. HILL], argued for months that Montana was going to lose 300 rural jobs and lose revenues because of the buyout the administration agreed to. I believe, very frankly, that the mine would have gone ahead.

But the gentleman from Montana has done an excellent job protecting Montana and providing jobs in his district. May I suggest, Mr. Speaker, we have heard some rumblings that the extremist fringes of the President's advisers may recommend vetoing this bill. If that occurs, I think we should send the President a clean bill, I mean strip everything out of it, send him down a bill with none of the so-called extras, including the money he wanted for the project I just spoke of.

So I will suggest, Mr. Speaker, that this conference report is a good conference report; tremendously hard to do, a tremendous effort put forth by the gentleman from Illinois, [Mr. YATES], and the gentleman from Ohio, [Mr. REGULA]. I want to compliment them in their work, but especially these, the gentleman from California, [Mr. RIGGS], and the gentleman from Montana, [Mr. RICK HILL].

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. DICKS] for a colloquy with the chairman.

□ 1330

Mr. DICKS. Mr. Speaker, I understand that part of the bill provides authority for the acquisition of the Headwaters Forest in California. One of the key provisions related to the acquisition makes further land acquisitions that enlarge the Headwaters Forest by more than 5 acres at a time subject to specific authorization by Congress. I would ask the gentleman, is that correct?

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

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

Mr. REGULA. Mr. Speaker, yes, the gentleman is correct.

Mr. DICKS. Mr. Speaker, reclaiming my time, would this provision affect land acquisitions by the Federal Government through donation, exchanges, or legal settlement or is it limited to land that is acquired through purchase with appropriated funds?

Mr. REGULA. Mr. Speaker, if the gentleman would continue to yield, the provision requiring an authorization is limited to acquisitions of the Federal Government that are purchased through appropriated funds. It would not restrict the acquisition of lands or interest in lands exceeding 5 acres that are received through donation, exchange, or settlements with the Federal Government.

For example, this provision would not restrict the Federal Government from enlarging ownership of the Headwaters Forest as a result of settlement involving the Federal Deposit Insurance Corporation or the Office of Thrift Supervision.

Mr. DICKS. Mr. Speaker, again reclaiming my time, I would like to have a colloquy with the gentleman from Ohio [Mr. REGULA] on title VI of the log export provision contained in the Interior appropriations agreement.

Mr. Speaker, it is my understanding that there is nothing in the language of the log export provision which would allow the holder of a sourcing area to export private timber from within their sourcing area. Is that the gentleman's understanding as well?

Mr. REGULA. Mr. Speaker, if the gentleman would continue to yield, yes, that is my understanding of the language.

Mr. DICKS. Mr. Speaker, again reclaiming my time, would the chairman be willing to work with me and those who supported this provision to monitor implementation with the Forest Service to ensure that concerns such as this are addressed?

Mr. REGULA. Mr. Speaker, if the gentleman would continue to yield, I will be pleased to work with the gentleman from Washington to monitor the provision's implementation.

Mr. DICKS. Mr. Speaker, reclaiming my time, I would like to say that I strongly support the conference report and urge my colleagues to adopt it.

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I believe there are a number of very significant provisions in this bill, riders added to this bill that have had no review by the House, added by the Senate, that are very much to the detriment of the environment. I spoke about them at length during the rule. Nothing has changed here before us. I would urge Members to vote against this bill.

Mr. Speaker, the gentleman from Washington [Mr. DICKS] is trying to clarify some very complicated provisions added into the bill by the Senate having to do with the export of logs. I still have the opinion of the IG from the Department of Agriculture who says, no, in fact this would allow the virtual explicit export of Federal logs. The gentleman says he is trying to fix that. I appreciate that.

Mr. Speaker, that points out the whole problem with doing legislation on appropriations bills. It is an extraordinarily complicated subject. It has not been reviewed by the committee of jurisdiction in either the House or the Senate. It has been added to this bill without any scrutiny.

The gentleman is now trying to say that it does not do what this attorney who works for the agency charged to enforce the law says it does do. I do not really know. Who knows?

So, Mr. Speaker, we should reject this bill. If we need changes in substitution, we should do it in the regular order, not in an appropriations bill.

Mr. YATES. Mr. Speaker, I yield 30 seconds to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, first of all, as I understand it, the memo that the gentleman from Oregon is reading from is a draft provision that has not been cleared by the Department. We will get

this straightened out. I guarantee that what we have just said will cure the problem because there was not a problem in the first place.

Mr. REGULA. Mr. Speaker, I want to assure Members that are watching this that we are going to stay on schedule and we are going to be done with this before 2 p.m.

Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Speaker, there may be some malignment in the debate here with regard to a road, a road called the Bear Tooth Highway that someone suggested existed in Montana. I want to point out to my colleagues this is not a Montana road. It is actually within the borders of Wyoming, but it is a U.S. Government road and constructed for the purpose of creating access to Yellowstone Park. Only the Federal Government has jurisdiction and responsibility over this road.

Mr. Speaker, the President's initiative to purchase the New World Mine is going to eliminate 466 jobs in a small community called Cooke City, MT. This road simply provides tourists access to Cooke City, MT. With the withdrawal of these minerals and withdrawal of these roads, it is a community that is isolated and dependent on tourism for its economy in the future. I urge my colleagues to support the bill.

Mr. REGULA. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I promise my colleagues I will be brief. I hear the calls of ''vote.''

Mr. Speaker, this legislation has a tremendous impact on my district, as has been pointed out by certain of my colleagues earlier today. Last September, Pacific Lumber Co., which is the largest private employer in the largest county of my congressional district, agreed to sell the so-called Headwaters Forest, this last old growth stand of redwood trees, to the Federal Government and the State of California.

Mr. Speaker, I endorsed the agreement along with our Senator from California, Senator FEINSTEIN, who worked hard to bring all of the parties to this agreement together. A number of conditions that are set out in this bill must be met before the Headwaters agreement will be finalized.

The bill before us today helps the achievement of one of those conditions by authorizing and appropriating the Federal funds necessary to consummate the transaction, $250 million in Federal taxpayer funding through the Land and Water Conservation Fund.

Mr. Speaker, getting to this very point today, as the gentleman from Ohio [Mr. REGULA] will attest, was not easy. I thank the gentleman and his very capable staff, and I want to thank Chairman LIVINGSTON and Jim Dyer for their work on this, and especially the members of the authorizing committee, Chairman YOUNG, Chief of Staff Lloyd Jones, and somebody who deserves special note, Senior Counsel Duane Gibson, who worked so hard on this agreement.

Mr. Speaker, many in Congress had serious reservations about whether this acquisition which was contemplated by the bipartisan agreement to balance the budget should go forward. For my part, the Government already has a very strong presence in my congressional district along California's north coast. My district includes all or part of four national parks or forests, including the largest and most expensive national park, the most expensive to acquire national park in the continental United States, the Redwood National Park.

This bill provides certainty, though, that this acquisition will happen in the right way. The Federal Government gets access to the funds needed to uphold its part of the bargain. Pacific Lumber Company and the State of California gets certainty that the Headwaters agreement can go forward and will happen and Humboldt County gets an upfront payment plus continuing compensation in the form of a payment in lieu of taxes to mitigate the economic impacts of Headwaters. This is not to compensate for lost timber business, but to compensate for the loss of property tax revenues by transferring this land from private ownership to public ownership and removing it from the tax rolls.

Mr. Speaker, I want to thank all involved for helping this legislation become a reality and helping to resolve a long-simmering dispute in my congressional district.

Mr. Speaker, I rise in strong support of the conference report. I commend the chairman of the subcommittee, Mr. REGULA, for the attention he has given an issue of great importance to my constituents, going so far as to visit my district to learn the facts first-hand for himself. I also thank the chairman of the full committee, Mr. LIVINGSTON and his capable staff for their efforts to reach an agreement that takes into account often-conflicting interests.

In my view, the most significant element of this conference report is title 5, which both authorizes and funds a number of priority land acquisitions. Foremost among these is the acquisition of Headwaters Forest, in my congressional district. Headwaters Forest, the largest stand of old-growth redwoods remaining in private hands, is owned by Pacific Lumber Co., the largest private employer in Humboldt County, CA.

Last September, Pacific Lumber agreed to sell Headwaters Forest to the Federal Government and State of California. I endorsed this agreement, along with our State's senior Senator, Senator FEINSTEIN, who worked hard to bring the parties together.

A number of conditions must be met before the Headwaters agreement can be finalized. The bill before us today helps the achievement of one of those conditions by authorizing and appropriating the Federal funds necessary to consummate the transaction—$250 million. Getting to this point was not easy.

Many of us in Congress had strong reservations about whether this acquisition should go forward. For my part, the Federal Government already has a strong presence along California's north coast. My district includes all or part of four national parks and forests, including the largest and most expensive to acquire national park in the continental United States, Redwood National Park.

This presence has had a heavy impact on the area, and not wholly in a positive way. It has impacted us in the form of greater regulation, lost tax revenues, closed mills, and lost living wage jobs that have not been replaced despite government promises.

On the part of many of my colleagues, there was a feeling that the Federal Government has already acquired too much land. At a minimum, they wanted to assure that the large expenditure for Headwaters was justified, and that the executive branch was not rushing forward without a plan for management of the property to be acquired.

For these reasons, I consistently emphasized to all of the parties the need to involve Congress in the acquisition. Not only would this further legitimize such a large expenditure of public funds, but it would also permit Congress to correct some items the administration had failed to address.

This would also give us an opportunity to address the economic impact of the acquisition on the people of Humboldt County.

Nonetheless, the administration wanted to give the Congress no say in the Headwaters transaction. They said that Congress should just provide the money from the Land and Water Conservation Fund. Yet they could not answer such basic questions as which agency would manage the property, what arrangements would be made for public access, or how they knew the Government was getting fair value it money. Interior Secretary Babbitt even went to so far to say in a July 18, 1997, press release that he did ''not believe that requirements for additional authorization are necessary or helpful.''

This could not stand. And it did not stand, Mr. Speaker, thanks to your personal intervention and the insistence of the authorizing committees. Mr. Speaker, you assured that action would not be taken in this bill affecting the people I represent without my involvement on their behalf.

Months ago, you promised me that you would look out for the interests of my constituents. You kept that promise by giving me a direct role in negotiating the Headwaters legislation, and by personally interceding when it appeared that negotiations were not on track. For your leadership, I thank you.

I also thank the chairman of the House Resources Committee, the gentleman from Alaska, Mr. DON YOUNG. He brought to the table his extensive knowledge and experience. Because he also represents an area of our country whose economy is heavily resource based, he understands how the Headwaters acquisition impacts Humboldt County.

Perhaps his greatest contribution, however, was allowing members of his senior committee staff to devote a substantial amount of time to the negotiations, including Chief of Staff Lloyd Jones and Counsel Duane Gibson.

Duane merits special recognition. Not only did he travel twice of Humboldt County in recent months, but he was lead negotiator for the committee. On both the Headwaters and Crown Butte, MT, transactions, he fashioned a legislative solution that serves well the interests of all of the parties.

I would be remiss if I did not also thank all of the executive branch personnel who participated in these difficult negotiations. I want to particularly acknowledge T.J. Glauthier of the Office of Management and Budget, who demonstrated both firmness and compromise when appropriate, and who continually was able to disagree without being disagreeable.

I believe, Mr. Speaker, that our persistence has led to a win-win result. This is a balanced package that protects living wage jobs, respects the rights of private property owners, and preserves key environmental assets.

The bill provides certainty that this acquisition can happen the right way. The Federal Government gets access to the funds needed to uphold its part of the bargain; Pacific Lumber Co. and the State of California get certainty that the Headwaters agreement can go forward; Congress gets a role in how $250 million in taxpayer funds are spent; and Humboldt County gets an up-front payment, plus continuing compensation, to mitigate its law enforcement expenses and other economic impacts of the Headwater agreement.

I will not detail all of the provisions of the Headwaters legislation, but I do want to highlight a few.

Securing financial guarantees for Humboldt County was my highest priority in these negotiations. Going forward without an aid package was not an option; economic mitigation had to be on the table or there would be no settlement.

The $10 million to Humboldt County included in this bill is unprecedented. Together with annual payments in lieu of taxes from the Federal Government and increased revenue from timber harvesting on Pacific Lumber lands, the county should be made more than whole.

Another important provision is the limitation on growth of Headwaters Forest. Except for parcels of 5 acres or less, no Federal money can be used to purchase additional land to expand Headwater Forest without express congressional authorization.

I am an ardent believer in private property rights. That is why I fought hard to assure that upon completion of the multispecies habitat conservation plan [HCP] covering Pacific Lumber Co. property, the lands of abutting smaller property owners will be removed from the critical habitat designation for the marbled murrelet.

Of course, Pacific Lumber Co. and Headwaters do not exist in a vacuum in Humboldt County. That is why I was able to get included in this legislation two other notable provisions. In view of the unique circumstances faced by others engaged in harvesting timber, this bill establishes that the Pacific Lumber HCP is not to be considered precedent.

To help both Federal and State officials in California, a provision is included that allows greater flexibility in cooperative management of government lands. This effectively enacts H.R. 262, which I had earlier introduced at the urging of Redwood National Park, but which will be beneficial to many of our National and State parks.

Mr. Speaker, last week my congressional office in Eureka was vandalized by individuals who are not satisfied that we are only protecting 7,500 acres of timber. But I do not believe that this action of a few extremists who favor a 60,000-acre preserve reflects the views of most people. A calm appraisal of this legislation will reveal its balance.

This is a Headwaters solution that all fair-minded people can support. I urge my colleagues to vote in favor of the conference report.

Mr. YATES. Mr. Speaker, I yield 30 seconds to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise in opposition to this bill. Earlier this year a majority of the Members of this body, in a recorded vote, voted to eliminate funding for the National Endowment for the Arts. We knew what the vote was on. A majority of us said, ''No more money. You have misused what you had, and it simply does not make sense to tell our 13,000 soldiers, sailors, airmen, and marines who are on food stamps that we do not have enough money for them to get them off of food stamps, but we have money for the National Endowment for the Arts; to tell those military retirees who are not getting the health care that they were promised that we do not have enough money for them, but we have $100 million for the National Endowment for the Arts.''

We spoke on this subject. I want to remind my colleagues that it has made its way back into this bill and if they were serious about the vote earlier in the year, then vote against this bill today.

Mr. YATES. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I should tell the gentleman from Mississippi [Mr. TAYLOR] that the House of Representatives lost the vote by one vote when the opportunity was being presented to offer an amendment on the National Endowment for the Arts in changing a rule.

Second, Mr. Speaker, on my motion to instruct the House conferees when they went to conference to accept the provisions of the Senate bill which provided funding for the National Endowment for the Arts and for the Humanities, the House voted without an objection to do that.

So the gentleman's statement that the attitude of the House is opposed to the National Endowment is entirely incorrect.

Mr. Speaker, I yield 1½ minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I have been around here a long time and I have often seen a lot of peculiar things happen. Many of us have seen on many occasions individual Members of this House drag their feet or oppose a project or do very little to promote the project until that project is going to pass, and then all of the sudden there are an awful lot of instant fathers for the project.

Mr. Speaker, I would simply like to say that for the sake of historical accuracy, the RECORD ought to show that with respect to the creation of the Headwaters project in this bill today that without question the driving force in the Congress behind that project was, first of all, the distinguished gentleman from California [Mr. MILLER], the ranking Democrat on the Committee on Resources, and Senator FEINSTEIN, who worked extremely hard to get that project developed.

With respect to the comments of the gentleman from Mississippi, I would simply say if this Congress simply stopped funding idiotic projects like the B–2 bomber or the F–22, we would not only have enough money to put every soldier off food stamps, we would have enough money to put them all in alligator boots.

Mr. REGULA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to commend my staff and especially Barbara Wainman. Barbara has been with me 17 years working with Interior matters, and she will be leaving us. This is her last time on this, and we very much appreciate what she has done.

This truly is a ''Take Pride in America'' bill, as I mentioned this morning. It does a lot of very positive things for the environment, for the culture of this Nation, for the enjoyment of our parks and our forests, and just a lot of positive things.

Mr. Speaker, three points: It is $400 million less than last year, if we take out the 700 special amount, so we are managing very carefully yet we are getting a lot accomplished. Second, my colleagues heard the colloquies on the forest issue, and I think it is clear that there is latitude in the forest planning that will meet the needs.

Third, on the arts issue, we have constrained the NEA as much as possible in light of the Senate action, and I think all in all the Members should support this bill. It is something I believe we can point to with pride. When Members come over to vote, if they are interested, we have all the sheets about what is contained in the bill.

I want to take this opportunity to clarify that the funding provided to the U.S. Fish and Wildlife Service for habitat conservation planning for the Prebles Meadow Jumping Mouse applies to four counties in Colorado. These mice range over four counties in Colorado and two counties in Wyoming. However, they are on private land in Colorado and on Federal land in Wyoming. The Habitat Conservation Plan only applies to the private lands in Colorado.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	575,664,000	587,495,000	581,591,000	578,851,000	583,270,000	+7,606,000
Wildland fire management	352,042,000	280,103,000	280,103,000	282,728,000	280,103,000	-71,939,000
Central hazardous materials fund	12,000,000	14,900,000	12,000,000	14,900,000	12,000,000	.....
Construction	4,333,000	3,154,000	3,254,000	3,154,000	3,254,000	-1,079,000
Payments in lieu of taxes	113,500,000	101,500,000	113,500,000	124,000,000	120,000,000	+6,500,000
Land acquisition	10,410,000	9,900,000	12,000,000	8,600,000	11,200,000	+790,000
Oregon and California grant lands	103,015,000	101,406,000	101,406,000	101,406,000	101,406,000	-1,609,000
Range improvements (indefinite)	9,113,000	7,510,000	9,113,000	9,113,000	9,113,000	.....
Service charges, deposits, & forfeitures (indefinite)	7,966,000	7,966,000	7,966,000	7,966,000	7,966,000	.....
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000	7,605,000	7,605,000	.....
Total, Bureau of Land Management	1,195,648,000	1,121,539,000	1,128,538,000	1,138,323,000	1,135,917,000	-59,731,000
United States Fish and Wildlife Service						
Resource management	526,047,000	561,614,000	591,042,000	585,064,000	594,842,000	+68,795,000
Construction	59,256,000	35,921,000	40,256,000	42,053,000	45,006,000	-14,250,000
Natural resource damage assessment fund	4,000,000	4,628,000	4,128,000	4,328,000	4,228,000	+228,000
Land acquisition	44,479,000	44,560,000	53,000,000	57,292,000	62,632,000	+18,153,000
Cooperative endangered species conservation fund	14,085,000	14,000,000	14,000,000	14,000,000	14,000,000	-85,000
National wildlife refuge fund	10,779,000	10,000,000	10,000,000	10,779,000	10,779,000	.....
Rewards and operations	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	.....
North American wetlands conservation fund	9,750,000	15,000,000	10,500,000	13,000,000	11,700,000	+1,950,000
Rhinoceros and tiger conservation fund	400,000	400,000	400,000	400,000	400,000	.....
Wildlife conservation and appreciation fund	800,000	800,000	800,000	800,000	800,000	.....
Total, United States Fish and Wildlife Service	670,596,000	687,923,000	725,126,000	728,716,000	745,387,000	+74,791,000
National Park Service						
Operation of the national park system	1,154,611,000	1,220,325,000	1,232,325,000	1,250,429,000	1,233,664,000	+79,053,000
National recreation and preservation	37,976,000	42,063,000	43,934,000	45,284,000	44,259,000	+6,283,000
Historic preservation fund	36,612,000	45,612,000	40,412,000	39,812,000	40,812,000	+4,200,000
Construction	182,744,000	150,000,000	148,391,000	173,444,000	214,901,000	+32,157,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	-30,000,000	.....
Land acquisition and state assistance	53,915,000	70,900,000	129,000,000	126,690,000	143,290,000	+89,375,000
Everglades restoration fund	.....	100,000,000	.....	.....	.....	.....
Total, National Park Service (net)	1,435,858,000	1,598,900,000	1,564,062,000	1,605,659,000	1,646,926,000	+211,068,000
United States Geological Survey						
Surveys, investigations, and research	740,051,000	745,388,000	755,795,000	758,160,000	759,160,000	+19,109,000
Minerals Management Service						
Royalty and offshore minerals management	156,955,000	157,922,000	139,621,000	135,722,000	137,521,000	-19,434,000
Oil spill research	6,440,000	6,118,000	6,118,000	6,118,000	6,118,000	-322,000
Total, Minerals Management Service	163,395,000	164,040,000	145,739,000	141,840,000	143,639,000	-19,756,000
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	94,172,000	93,209,000	94,937,000	96,937,000	94,937,000	+765,000
Receipts from performance bond forfeitures (indefinite)	500,000	500,000	500,000	500,000	500,000	.....
Subtotal	94,672,000	93,709,000	95,437,000	97,437,000	95,437,000	+765,000
Abandoned mine reclamation fund (definite, trust fund)	177,085,000	177,348,000	179,624,000	177,624,000	177,624,000	+539,000
Total, Office of Surface Mining Reclamation and Enforcement	271,757,000	271,057,000	275,061,000	275,061,000	273,061,000	+1,304,000
Bureau of Indian Affairs						
Operation of Indian programs	1,443,502,000	1,542,305,000	1,526,815,000	1,529,024,000	1,528,588,000	+85,086,000
Construction	100,531,000	125,118,000	110,751,000	125,051,000	125,051,000	+24,520,000
Indian land and water claim settlements and miscellaneous payments to Indians	69,241,000	59,352,000	41,352,000	43,352,000	43,352,000	-25,889,000
Indian guaranteed loan program account	5,000,000	5,004,000	5,000,000	5,000,000	5,000,000	.....
(Limitation on guaranteed loans)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	.....
Total, Bureau of Indian Affairs	1,618,274,000	1,731,779,000	1,683,918,000	1,702,427,000	1,701,991,000	+83,717,000
Departmental Offices						
Insular Affairs:						
Assistance to Territories	37,468,000	39,494,000	40,494,000	39,494,000	39,794,000	+2,326,000
Northern Marianas Islands Covenant	27,720,000	27,720,000	27,720,000	27,720,000	27,720,000	.....
Subtotal, Assistance to Territories	65,188,000	67,214,000	68,214,000	67,214,000	67,514,000	+2,326,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Compact of Free Association	10,038,000	8,445,000	8,445,000	8,545,000	8,545,000	-1,493,000
Mandatory payments	13,500,000	12,000,000	12,000,000	12,000,000	12,000,000	-1,500,000
Subtotal, Compact of Free Association	23,538,000	20,445,000	20,445,000	20,545,000	20,545,000	-2,993,000
Total, Insular Affairs	88,726,000	87,659,000	88,659,000	87,759,000	88,059,000	-667,000
Departmental management	58,286,000	58,286,000	58,286,000	58,286,000	58,286,000	.....
Office of the Solicitor	35,443,000	35,443,000	35,443,000	35,443,000	35,443,000	.....
Office of Inspector General	24,439,000	24,500,000	24,439,000	24,500,000	24,500,000	+61,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	.....
Office of Special Trustee for American Indians	32,126,000	39,337,000	32,126,000	35,689,000	33,907,000	+1,781,000
Total, Departmental Offices	240,020,000	246,225,000	239,953,000	242,677,000	241,195,000	+1,175,000
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	6,335,599,000	6,566,851,000	6,518,192,000	6,592,863,000	6,647,276,000	+311,677,000
Appropriations	(6,365,599,000)	(6,596,851,000)	(6,548,192,000)	(6,622,863,000)	(6,677,276,000)	(+311,677,000)
Rescissions	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	.....
(Limitation on guaranteed loans)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	.....
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	179,786,000	179,781,000	187,644,000	188,644,000	187,944,000	+8,158,000
State and private forestry	155,461,000	156,408,000	157,922,000	162,668,000	161,237,000	+5,776,000
National forest system	1,278,176,000	1,325,672,000	1,364,480,000	1,337,045,000	1,348,377,000	+70,201,000
Wildland fire management	1,080,016,000	514,311,000	591,715,000	582,715,000	584,707,000	-495,309,000
Reconstruction and construction	180,184,000	146,084,000	154,522,000	155,669,000	166,045,000	-14,139,000
Land acquisition	40,575,000	41,057,000	45,000,000	49,176,000	52,976,000	+12,401,000
Acquisition of lands for national forests special acts	1,069,000	1,069,000	1,069,000	1,069,000	1,069,000	.....
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000	210,000	210,000	.....
Range betterment fund (indefinite)	3,995,000	3,811,000	3,811,000	3,811,000	3,811,000	-184,000
Gifts, donations and bequests for forest and rangeland research	92,000	92,000	92,000	92,000	92,000	.....
Midewin national tallgrass prairie restoration fund	.....	100,000	100,000	100,000	100,000	+100,000
Cooperative work, Forest Service	.....	.....	128,000,000	.....	.....	.....
Total, Forest Service	2,919,564,000	2,368,595,000	2,634,565,000	2,481,199,000	2,506,568,000	-412,996,000
DEPARTMENT OF ENERGY						
Clean coal technology:						
Rescission	-140,000,000	-153,000,000	-101,000,000	-101,000,000	-101,000,000	+39,000,000
Deferral	.....	-133,000,000	.....	.....	.....	.....
Subtotal	-140,000,000	-286,000,000	-101,000,000	-101,000,000	-101,000,000	+39,000,000
Fossil energy research and development	364,704,000	346,408,000	313,153,000	363,969,000	362,403,000	-2,301,000
Alternative fuels production (indefinite)	-4,000,000	-1,500,000	-1,500,000	-1,500,000	-1,500,000	+2,500,000
Naval petroleum and oil shale reserves	143,786,000	117,000,000	115,000,000	107,000,000	107,000,000	-36,786,000
Energy conservation	569,762,000	707,700,000	644,766,000	629,357,000	611,723,000	+41,961,000
Economic regulation	2,725,000	2,725,000	2,725,000	2,725,000	2,725,000	.....
Strategic petroleum reserve	-11,000,000	209,000,000	.....	.....	.....	+11,000,000
(By transfer)	(220,000,000)	.....	(209,000,000)	(207,500,000)	(207,500,000)	(-12,500,000)
Energy Information Administration	66,120,000	62,800,000	66,800,000	62,800,000	66,800,000	+680,000
Total, Department of Energy:						
New budget (obligational) authority (net)	992,097,000	1,158,133,000	1,039,944,000	1,063,351,000	1,048,151,000	+56,054,000
Appropriations	(1,132,097,000)	(1,444,133,000)	(1,140,944,000)	(1,164,351,000)	(1,149,151,000)	(+17,054,000)
Rescission	(-140,000,000)	(-153,000,000)	(-101,000,000)	(-101,000,000)	(-101,000,000)	(+39,000,000)
Deferral	.....	(-133,000,000)	.....	.....	.....	.....
(By transfer)	(220,000,000)	.....	(209,000,000)	(207,500,000)	(207,500,000)	(-12,500,000)
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,806,269,000	1,835,465,000	1,829,008,000	1,958,235,000	1,841,074,000	+34,805,000
Indian health facilities	247,731,000	286,535,000	257,310,000	168,501,000	257,538,000	+9,807,000
Total, Indian Health Service	2,054,000,000	2,122,000,000	2,086,318,000	2,126,736,000	2,098,612,000	+44,612,000
DEPARTMENT OF EDUCATION						
Office of Elementary and Secondary Education						
Indian education	61,000,000	.....	.....	.....	.....	-61,000,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	19,345,000	19,345,000	18,345,000	15,000,000	15,000,000	-4,345,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	5,500,000	5,500,000	3,000,000	5,500,000	4,250,000	-1,250,000
Smithsonian Institution						
Salaries and expenses	318,492,000	334,557,000	334,557,000	333,708,000	333,408,000	+14,916,000
Construction and improvements, National Zoological Park	3,850,000	3,850,000	3,850,000	3,850,000	3,850,000	.....
Repair and restoration of buildings	39,000,000	32,000,000	50,000,000	32,000,000	32,000,000	-7,000,000
Construction	10,000,000	58,000,000	.....	33,000,000	33,000,000	+23,000,000
Total, Smithsonian Institution	371,342,000	428,407,000	388,407,000	402,558,000	402,258,000	+30,916,000
National Gallery of Art						
Salaries and expenses	54,281,000	53,899,000	55,837,000	55,837,000	55,837,000	+1,556,000
Repair, restoration and renovation of buildings	5,942,000	5,942,000	6,442,000	5,942,000	6,192,000	+250,000
Total, National Gallery of Art	60,223,000	59,841,000	62,279,000	61,779,000	62,029,000	+1,806,000
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	12,475,000	11,375,000	11,375,000	11,375,000	11,375,000	-1,100,000
Construction	12,400,000	9,000,000	9,000,000	9,000,000	9,000,000	-3,400,000
Total, John F. Kennedy Center for the Performing Arts	24,875,000	20,375,000	20,375,000	20,375,000	20,375,000	-4,500,000
Woodrow Wilson International Center for Scholars						
Salaries and expenses	5,840,000	5,840,000	1,000,000	5,840,000	5,840,000	.....
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	82,734,000	119,240,000	.....	83,300,000	81,240,000	-1,494,000
Matching grants	16,760,000	16,760,000	.....	16,760,000	16,760,000	.....
Total, National Endowment for the Arts	99,494,000	136,000,000	.....	100,060,000	98,000,000	-1,494,000
National Endowment for the Humanities						
Grants and administration	96,100,000	118,250,000	96,100,000	96,800,000	96,800,000	+700,000
Matching grants	13,900,000	17,750,000	13,900,000	13,900,000	13,900,000	.....
Total, National Endowment for the Humanities	110,000,000	136,000,000	110,000,000	110,700,000	110,700,000	+700,000
Institute of Museum and Library Services/ Office of Museum Services						
Grants and administration	22,000,000	26,000,000	23,390,000	22,290,000	23,280,000	+1,280,000
Total, National Foundation on the Arts and the Humanities	231,494,000	298,000,000	133,390,000	233,050,000	231,980,000	+486,000
Commission of Fine Arts						
Salaries and expenses	867,000	867,000	907,000	907,000	907,000	+40,000
National Capital Arts and Cultural Affairs						
Grants	6,000,000	6,000,000	6,000,000	7,000,000	7,000,000	+1,000,000
Advisory Council on Historic Preservation						
Salaries and expenses	2,500,000	2,745,000	2,700,000	2,745,000	2,745,000	+245,000
National Capital Planning Commission						
Salaries and expenses	5,390,000	5,740,000	5,700,000	5,740,000	5,740,000	+350,000
Franklin Delano Roosevelt Memorial Commission						
Salaries and expenses	500,000	.....	.....	.....	.....	-500,000
United States Holocaust Memorial Council						
Holocaust Memorial Council	31,707,000	31,707,000	31,707,000	31,707,000	31,707,000	.....
Total, title II, related agencies:						
New budget (obligational) authority (net)	6,792,244,000	6,533,095,000	6,434,637,000	6,463,487,000	6,443,162,000	-349,082,000
Appropriations	(6,932,244,000)	(6,819,095,000)	(6,535,637,000)	(6,564,487,000)	(6,544,162,000)	(-388,082,000)
Rescission	(-140,000,000)	(-153,000,000)	(-101,000,000)	(-101,000,000)	(-101,000,000)	(+39,000,000)
(By transfer)	(220,000,000)	.....	(209,000,000)	(207,500,000)	(207,500,000)	(-12,500,000)
TITLE III - EMERGENCY APPROPRIATIONS						
Emergency appropriations (P.L 105-18)	386,592,000	.....	.....	.....	.....	-386,592,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE V - PRIORITY LAND ACQUISITIONS AND EXCHANGES						
Priority land acquisitions and exchanges	.....	700,000,000	.....	700,000,000	699,000,000	+699,000,000
Grand total:						
New budget (obligational) authority (net)	13,514,435,000	13,799,946,000	12,952,829,000	13,756,350,000	13,789,438,000	+275,003,000
Appropriations	(13,297,843,000)	(14,115,946,000)	(13,083,829,000)	(13,887,350,000)	(13,920,438,000)	(+622,595,000)
Emergency appropriations	(386,592,000)	.....	.....	.....	.....	(-386,592,000)
Rescissions	(-170,000,000)	(-183,000,000)	(-131,000,000)	(-131,000,000)	(-131,000,000)	(+39,000,000)
(Limitation on guaranteed loans)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	.....
(By transfer)	(220,000,000)	.....	(209,000,000)	(207,500,000)	(207,500,000)	(-12,500,000)
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,195,648,000	1,121,539,000	1,128,538,000	1,138,323,000	1,135,917,000	-59,731,000
United States Fish and Wildlife Service	670,596,000	687,923,000	725,126,000	728,716,000	745,387,000	+74,791,000
National Park Service	1,435,858,000	1,598,900,000	1,564,062,000	1,605,659,000	1,646,926,000	+211,068,000
United States Geological Survey	740,051,000	745,388,000	755,795,000	758,160,000	759,160,000	+19,109,000
Minerals Management Service	163,395,000	164,040,000	145,739,000	141,840,000	143,639,000	-19,756,000
Office of Surface Mining Reclamation and Enforcement	271,757,000	271,057,000	275,061,000	275,061,000	273,061,000	+1,304,000
Bureau of Indian Affairs	1,618,274,000	1,731,779,000	1,683,918,000	1,702,427,000	1,701,991,000	+83,717,000
Departmental Offices	240,020,000	246,225,000	239,953,000	242,677,000	241,195,000	+1,175,000
Total, Title I - Department of the Interior	6,335,599,000	6,566,851,000	6,518,192,000	6,592,863,000	6,647,276,000	+311,677,000
TITLE II - RELATED AGENCIES						
Forest Service	2,919,564,000	2,368,595,000	2,634,565,000	2,481,199,000	2,506,568,000	-412,996,000
Department of Energy	992,097,000	1,158,133,000	1,039,944,000	1,063,351,000	1,048,151,000	+56,054,000
Indian Health Service	2,054,000,000	2,122,000,000	2,086,318,000	2,126,736,000	2,098,612,000	+44,612,000
Indian Education	61,000,000	.....	.....	.....	.....	-61,000,000
Office of Navajo and Hopi Indian Relocation	19,345,000	19,345,000	18,345,000	15,000,000	15,000,000	-4,345,000
Institute of American Indian and Alaska Native Culture and Arts Development	5,500,000	5,500,000	3,000,000	5,500,000	4,250,000	-1,250,000
Smithsonian Institution	371,342,000	428,407,000	388,407,000	402,558,000	402,258,000	+30,916,000
National Gallery of Art	60,223,000	59,841,000	62,279,000	61,779,000	62,029,000	+1,806,000
John F. Kennedy Center for the Performing Arts	24,875,000	20,375,000	20,375,000	20,375,000	20,375,000	-4,500,000
Woodrow Wilson International Center for Scholars	5,840,000	5,840,000	1,000,000	5,840,000	5,840,000	.....
National Endowment for the Arts	99,494,000	136,000,000	.....	100,060,000	98,000,000	-1,494,000
National Endowment for the Humanities	110,000,000	136,000,000	110,000,000	110,700,000	110,700,000	+700,000
Institute of Museum Services	22,000,000	26,000,000	23,390,000	22,290,000	23,280,000	+1,280,000
Commission of Fine Arts	867,000	867,000	907,000	907,000	907,000	+40,000
National Capital Arts and Cultural Affairs	6,000,000	6,000,000	6,000,000	7,000,000	7,000,000	+1,000,000
Advisory Council on Historic Preservation	2,500,000	2,745,000	2,700,000	2,745,000	2,745,000	+245,000
National Capital Planning Commission	5,390,000	5,740,000	5,700,000	5,740,000	5,740,000	+350,000
Franklin Delano Roosevelt Memorial Commission	500,000	.....	.....	.....	.....	-500,000
Holocaust Memorial Council	31,707,000	31,707,000	31,707,000	31,707,000	31,707,000	.....
Total, Title II - Related Agencies	6,792,244,000	6,533,095,000	6,434,637,000	6,463,487,000	6,443,162,000	-349,082,000
TITLE III - EMERGENCY APPROPRIATIONS						
Emergency appropriations (P.L 105-18)	386,592,000	.....	.....	.....	.....	-386,592,000
TITLE V - PRIORITY LAND ACQUISITIONS AND EXCHANGES						
Priority land acquisitions and exchanges	.....	700,000,000	.....	700,000,000	699,000,000	+699,000,000
Grand total	13,514,435,000	13,799,946,000	12,952,829,000	13,756,350,000	13,789,438,000	+275,003,000

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

Mr. CRANE. Mr. Speaker, I rise in strong opposition to the conference report to H.R. 2107.

While I may have disagreements with other portions of the bill, I would like to focus my remarks on the funding provided for the National Endowment for the Arts [NEA]. Again, let me state that my primary objection to the NEA is that the agency is constitutionally indefensible. Of course, I object, too, to the cavalier attitude exhibited by the bureaucrats at the NEA in the funding of lewd, sacrilegious, and pornographic art over the years. But regardless of the type of art funded by the NEA, the agency is unnecessary and a waste of taxpayer dollars.

Rather than reiterate my well known objections to the NEA, I want to address the funding and the reforms for the NEA in this conference report. First, the funding for the NEA is hardly a compromise with the other body. When the House passed H.R. 2107, it contained no funding for the NEA. When the other body considered the bill, they inserted $100 million for the fiscal year 1998 operations of the agency. The bill then went to conference. A conference committee is designed to arrive at a compromise between the differences of the two Houses. Yet, this conference report exhibits no signs of compromise on the NEA. A logical compromise may have been a $50 million funding level for the agency, but instead, the bill provides $98 million—a mere $1.5 million cut from last year's appropriation.

Now, my colleagues that served on the conference committee are claiming that the real compromise was with regard to the so-called NEA reforms. While some of these may modestly improve the performance of the agency, history has demonstrated that merely reforming the NEA has produced insignificant results. The arts in America will be better off only when Washington bureaucrats no longer determine what good and proper art deserves the support of involuntarily raised tax dollars.

This NEA appropriation amounts to less than 1 percent of the annual private sector contributions to the arts and humanities in America, which is more than $10 billion. Clearly artists in America rely on privately raised money rather than NEA grants to survive. Yet, with one of the reforms in this bill, the NEA will be allowed to begin to compete with private arts foundations for private contributions. If Congress is allowing the NEA to solicit private contributions, why does the agency need these extravagant taxpayer subsidies?

Mr. Speaker, I would suggest to my colleagues that our constituents will never believe that Washington will balance the budget unless Congress musters the fortitude to eliminate unnecessary and wasteful Government agencies. While the NEA appropriation is a relatively small percentage of the entire Federal budget, it is a huge symbol of both Washington's insatiable appetite for the money of American taxpayers, as well as the attitude that Washington knows better than our constituents what is best for them.

I urge my colleagues to reject this conference report.

Mr. BLUMENAUER. Mr. Speaker, this conference report is really a mixed bag. There are many provisions I strongly support. There are others I just as strongly oppose. On balance, I believe I must oppose this bill because I am deeply concerned about the impact of some of these provisions on our Nation's public lands.

This is a difficult decision for me, because I am impressed with the work of the conferees. They have agreed to some pretty wise investments that are important to me and my constituents. For example, I was pleased to see that the conferees agreed to fund the National Endowment of the Arts at $98 million, especially after the bitter disappointment arts advocates suffered during House consideration of this appropriation. An investment in the arts is an investment in our Nation's culture and the livability of our communities. As a strong advocate of the public/private partnership that characterizes arts funding, it is encouraging to see that the conferees have not abdicated their responsibility to our Nation's cultural heritage.

In addition, the conferees included funding for land acquisition in the Columbia River Gorge National Scenic Area. The Columbia River Gorge is a national treasure—rich in the historical, cultural, and resource legacy of the Nation. Among the countless waterfalls that spill from high hanging valleys is Multnomah Falls, one of the tallest in the United States and the single most visited attraction in the entire National Forest System.

I remain grateful to conferees for providing funds to continue our Nation's commitment to preserving the gorge. The funds provided in the conference report will allow for the purchase of lands critical to the ongoing protection of this geologic, historical, and botanical wonder.

However, in spite of all that is good about this conference report, I will be opposing this legislation. There are simply too many environmental riders that I cannot support, including: Language that effectively guts the 1990 law banning log exports from our National Forests and State-owned lands in the West; delays in funding Land and Water Conservation Fund purchases of the Headwaters and New World Mine; the use of $32 million in LWCF funds for payoff to Humboldt County, CA and for a road maintenance fund in Montana; language that eliminates any limits on the Forest Service's use of purchaser road credit. Congress needs to develop a comprehensive policy on the construction, reconstruction, maintenance and decommissioning of forest roads. These ongoing attempts to legislate forest policy on the Interior appropriation bill simply exacerbate efforts to develop a policy that makes sense.

Mr. Speaker, I support much of this report, and applaud the work of the conferees in making critical investments in the arts and the preservation of our natural resources. I cannot in good conscience, however, vote for a bill that I believe will, in the end, cause more harm than good to our public lands. I urge the conferees to reassess the environmental riders and present to the House a conference report we can all support.

Mr. THUNE. Mr. Speaker, I wish to commend the leadership of the committee and subcommittee and the conferees for the hard work they have done to bring the conference report to H.R. 2107, the Department of Interior and Related Agencies Appropriations Act of 1997, to the House floor. I especially want to express my gratitude to the subcommittee chair, Mr. REGULA, and the ranking minority member, Mr. YATES, for their willingness to work with the conferees to include in the conference report language regarding Marty Indian School, in Marty, SD. The report language promises to be helpful to the Indian School where conditions are a threat to the health and safety of the young students there. I can attest to the serious problems, having been there myself. The language calls on the Bureau of Indian Affairs to consider ''high priority requirements'' at the Marty Elementary School through the Facilities Improvement and Repair Program. It is my hope that something can be done in the fiscal year 1998 or 1999 budget.

After years of negotiations with the BIA, the Marty School obtained funds to replace half of the school. The leadership at the school and of the Yankton Sioux Tribe decided to use the funds to replace the high school because of the tremendous dropout rate of Indian high school students who attend the public high schools in the area. The dropout rate has traditionally been less at Marty Indian High School.

However, the young elementary school students face attending a facility which is scattered among several deteriorating buildings, some of which are 70 years old. A few years back, the BIA determined that it was not economically feasible simply to repair the school and that the entire school needed to be replaced. However, a grant awarded Marty was enough to do half of the job.

The conference report in my opinion gives clear direction to the BIA to address immediately this serious problem. The tribe's environmental specialists have estimated that it will cost up to $1 million to renovate all elements of the heating system alone. No public school system should allow its students to be educated in such a facility.

It has been my pleasure to work with the chair of the Yankton Sioux Tribal Council, Steve Cournoyer; the vice-chair of the tribal council and former school board president, Bob Cournoyer; the president of the school board, Mike Red Lightning, and his colleagues on the school board. I admire their wilingness to make every effort to have a suitable school for the students at the Marty School and their recognition that the future of the Yankton Sioux Tribe is embodied in their children. I look forward to continuing to work with these good leaders and the BIA. Again, I thank the Committee and its leadership for what it has done to help Marty.

Mr. ADAM SMITH of Washington. Mr. Speaker, I rise to reluctantly oppose H.R. 2107, the Interior appropriations conference report.

There are many programs in this appropriations conference report that I strongly support. I applaud the conferees on their decision to restore funding for the National Endowment for the Arts. I thank President Clinton for his leadership in restoring funds for the land and water conservation fund. I also commend my colleague Senator SLADE GORTON for dropping his opposition to removal of two dams on the Elwha River and allowing the dams to be eligible for acquisition and future removal.

However, I am voting against the legislation because of an issue that has been very controversial amongst my constituents throughout the Interior appropriations process.

Earlier this year the House approved an amendment to the Interior appropriations bill which would have reduced the appropriation for the roads budget of the Forest Service and

would have placed a cap on the use of the Purchaser Road Credit Program. Offered as a compromise, the Dicks amendment was a balanced alternative to an enormously controversial policy of the Forest Service.

The Purchaser Road Credit Program may have been an effective tool for some small timber companies in the past, but I feel that it has outlived its usefulness and should be phased out. Timber companies should take more financial responsibility up front when roads are needed for a timber harvest on public lands, as they do currently on private lands.

Unfortunately, the Interior appropriations conferees refused to accept this compromise language, instead opting to raise the cap on the Purchaser Road Credit Program. I am disappointed because the House approved the Dicks amendment, the Senate came within one vote of approving a very similar amendment, and President Clinton has indicated his willingness to begin phasing out the Purchaser Road Credit Program.

Again, I regret that I cannot support this bill because there are many good things in it. However, my concern that we are not taking the first step to reform the outdated Purchaser Road Credit program has forced me to vote ''no'' on this bill.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of the Interior appropriations conference report, H.R. 2107, and to express my appreciation for the hard work of my chairman RALPH REGULA, the distinguished ranking member, SIDNEY YATES, and my other colleagues on the subcommittee. I also want to recognize the staff of the subcommittee, including Debbie Weatherley, Barbara Waneman, Loretta Beaumont, Chris Topik, Joel Kaplan, and Angie Perry. I have thoroughly enjoyed working on the committee and agree with Chairman REGULA that this is one of the most important communities in the House.

I know that some of my colleagues still have problems with this bill because of concerns about the environment. This bill certainly is not perfect. For example, I opposed the provision allowing unlimited use of timber purchaser credits, which funds the construction of new National Forest logging roads. These purchaser credits allow timber companies to build roads throughout our forest system and be reimbursed at taxpayer expense. It's bad policy and I regret that this provision remains in the conference report.

I was also concerned about the provision preventing the revision of forest management plans until the Forest Service issues a final rule on forest plans. Two forests in Virginia are currently on the process of revising their plans and such a provision would have prevented them from completing the work to help bring needed changes into the management of these forests. I support the changes made to the language which exempt plans currently being revised from the provision in the bill and appreciate any clarification the chairman may give on this issue.

There are other provisions in this bill that I have problems with. Looking at the bill as a whole, however, I think it represents a fair compromise on most of the important issues and represents a step forward in funding important initiatives that benefit our environment.

The $699 million appropriation for land acquisitions will ensure that two important acquisitions, the Headwaters Forest and the New World Mine can take place, protecting fragile ecosystems from environmental harm. The remaining funds can be used by the Forest Service, the National Park Service, the BLM, and the Fish and Wildlife Service for additional land acquisitions in environmentally sensitive areas.

I am pleased with the changes in the bill removing provisions allowing Alaska Native corporations to file claims to 30,000 acres of coastal lands within the Lake Clark National Park. Any division of the park, particularly of the coast line, would destroy the integrity of the park as a complete ecosystem and prohibit essential public access to the park.

The additional $136 million in the bill for the Everglades will help provide needed restoration of flora and fauna within the Everglades system; $384 million for maintenance of our National Parks; and an additional $41 million for operating the National Wildlife Refuges will be used for operational and maintenance backlogs on refuges and parklands. This additional funding is sorely needed and will help to improve our refuge and park systems, making them more accessible for all Americans.

As Chairman REGULA has mentioned, there is a large increase in energy conservation programs under the bill, including State energy programs and weatherization assistance programs, which help low-income families insulate their homes to make them more energy efficient.

Finally, I am particularly pleased that the conference committee agreed to restore funding to the NEA. Our country needs the NEA to bring the arts to underserved, underprivileged communities across this country. We have no better tool to help leverage private dollars with Federal dollars to generate quality arts programming. The NEA is a success story and we need to put politics aside and recognize how much it does for citizens across the country. I hope that in the next Congress we can provide a much needed increase to NEA funding so that it does not merely survive, but flourish.

Mr. Chairman, the conference agreement appropriates a total of $13.8 billion for fiscal year 1998 for the Department of Interior and related agencies. While we can all point to certain programs within the bill with which we might disagree, overall I think the conference agreement will improve our environment and enhance the stewardship of our natural resources. I urge my colleagues to support this conference report.

Mr. STUPAK. Mr. Speaker, I would like to clarify the intent of an amendment I offered to the House's version of this bill, which was accepted, in regards to current leaseholders in the Sleeping Bear Dunes National Lakeshore. The conference report contains a different version of my original amendment, and I wish to clarify for the record my intent behind it.

Many of the current leases at Sleeping Bear Dunes will expire soon. While the National Park Service has stated that it plans on restoring the properties of expired leases to their natural state, they do not have the funds to restore these properties. Clearly, this amendment prohibits the Park Service from evicting current leaseholders until they have the necessary funds to do so. However, my intent was also to have the Park Service restore the existing abandoned residential structures before evicting any additional leaseholders.

Currently, there are numerous abandoned structures that have been standing empty for a number of years. Not only are these deteriorating structures blights on the natural beauty of the lakeshore, but they are also health and safety hazards for the visiting public and local citizens. The National Park Service Report on ''Residential Occupancy Under Special use Permits'' dated June 21, 1996, raises serious concerns about the Park Service's ability to remove the structures on park property. The report states, ''Without sufficient funding the lag time between abandonment of a structure and its ultimate disposition will increase. This will create safety, and other problems, for the park.''

Who will be served by evicting these families from their homes, leaving deteriorating structures that will become eyesores and health and safety hazards? No one. These families take great price in maintaining the integrity and beauty of Sleeping Bear Dunes. It makes no sense to continue evicting families, adding to the number of deteriorating structures that are blights on this pristine National Lakeshore, when the Park Service has yet to take care of the currently abandoned and decaying structures. It is my hope that the Park Service is willing to address this situation before evicting more families and adding to a growing problem.

In addition, the Park Service has indicated that they may use funds raised through the Recreation Fee Demonstration Program to restore the properties of leases that expire during fiscal year 1998. I believe that this would be a misuse of the revenue generated by this program and violate the intent of the Congress. In 1996, the Congress authorized the National Park Service to collect entrance fees to deal with a growing backlog of maintenance problems due to funding shortfalls. I believe that using the revenues created by this program to restore the properties of leases that will expire during fiscal year 1998, and thereby ignoring the existing backlog of residential structures, is inconsistent with the desire of the Congress in authorizing this program. These fees should be used to address the restoration of properties that have been neglected over years past, not to evict current leaseholders.

Thank you, Mr. Speaker. I hope to work with the National Park Service to address these concerns and find a solution to this problem that is satisfactory to all parties involved.

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

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 171, not voting 29, as follows:

[Roll No. 531]

YEAS—233

Abercrombie	Barrett (NE)	Boehlert
Ackerman	Bass	Boehner
Allen	Bateman	Bonilla
Archer	Bentsen	Bono
Armey	Berry	Boswell
Baesler	Bilbray	Boucher
Baker	Bilirakis	Boyd
Baldacci	Bishop	Brown (CA)
Barcia	Bliley	Burr

Buyer
Calvert
Canady
Cannon
Capps
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Cook
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
Deutsch
Diaz-Balart
Dicks
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Farr
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hefner
Herger
Hill
Hilliard
Hobson
Horn
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Kaptur
Kelly
Kennelly
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaTourette
Lazio
Lewis (CA)
Lewis (GA)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Manton
Martinez
Mascara
Matsui
McCrery
McDade
McHale
McHugh
McInnis
McIntyre
McKeon
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moran (VA)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Pastor
Peterson (PA)
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rodriguez
Rogers
Ros-Lehtinen
Roukema
Sabo
Sawyer
Saxton
Scott
Serrano
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (TX)
Smith, Linda
Snyder
Solomon
Spence
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thune
Torres
Towns
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—171

Aderholt
Andrews
Bachus
Ballenger
Barr
Barrett (WI)
Bartlett
Barton
Becerra
Berman
Blagojevich
Blumenauer
Blunt
Bonior
Borski
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Camp
Campbell
Carson
Chabot
Christensen
Coble
Coburn
Combest
Condit
Conyers
Costello
Cox
Crane
Cunningham
Davis (IL)
DeFazio
DeGette
Delahunt
DeLay
Dellums
Dingell
Dixon
Doggett
Doolittle
Duncan
Ehrlich
Engel
Ensign
Evans
Filner
Frost
Furse
Gejdenson
Gibbons
Goodling
Graham
Green
Gutierrez
Hall (TX)
Hastings (FL)
Hayworth
Hefley
Hilleary
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hutchinson
Inglis
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
Levin
Lewis (KY)
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Miller (CA)
Minge
Moakley
Moran (KS)
Morella
Myrick
Nadler
Neal
Neumann
Pallone
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Petri
Pickering
Pitts
Poshard
Riley
Rivers
Roemer
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Salmon
Sanchez
Sanders
Sanford
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shimkus
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snowbarger
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Talent
Taylor (MS)
Thornberry
Thurman
Tiahrt
Tierney
Velazquez
Vento
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand

NOT VOTING—29

Bereuter
Callahan
Chenoweth
Cooksey
Cubin
Dickey
Everett
Ewing
Foglietta
Ford
Gephardt
Gonzalez
Houghton
Istook
Klug
LaHood
Leach
McCarthy (NY)
McIntosh
Mollohan
Parker
Payne
Pelosi
Rangel
Ryun
Sandlin
Scarborough
Schiff
Smith (OR)

□ 1405

The Clerk announced the following pairs:

On this vote:

Mr. Smith of Oregon for, with Mr. Scarborough against.

Mr. Rangel for, with Mr. Gephardt against.

Messrs. BACHUS, SHIMKUS, MOAKLEY, HINOJOSA, STENHOLM, and SESSIONS, and Mrs. MALONEY of New York changed their vote from ''yea'' to ''nay.''

Messrs. JEFFERSON, OWENS, and TORRES changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, on Friday October 24, 1997, I was granted a leave of absence. Unfortunately, I missed rollcall votes 526 through 531.

Had I been here, I would have voted: ''Yea'' on rollcall 526, on approval of the Journal; ''nay'' on rollcall 527, rule for fiscal year 1998 DOI conference report; ''nay'' on rollcall 528, motion to rise; ''yea'' on rollcall 529, Representative Quinn Amendment to H.R. 2247; ''nay'' on rollcall 530, motion to adjourn; and ''nay'' on rollcall 531, final passage fiscal year 1998 DOI conference report.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1270, THE NUCLEAR WASTE POLICY ACT OF 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–345) on the resolution (H. Res. 280) providing for consideration of the bill (H.R. 1270) to amend The Nuclear Waste Policy Act of 1982, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I would like to inquire of the majority leader the schedule for the remainder of the day and of next week.

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

I am happy to announce that we have concluded legislative business for the week.

The House will meet on Tuesday, October 28, at 10:30 a.m. for morning hour and 12 noon for legislative business. We do not plan to have any recorded votes before 5:00 p.m. on Tuesday, October 28.

On Tuesday, the House will consider a number of bills under suspension of the rules, a list of which will be distributed this afternoon.

After the suspensions, the House will take up the conference report on the Department of Defense authorization bill.

We will then proceed to the rule, and rule only, on H.R. 1270, the Nuclear Waste Policy Act of 1997.

For Wednesday, October 29, and the balance of the week, the House will consider the following bills, all of which will be subject to rules:

We intend to finish H.R. 1270, the Nuclear Waste Policy Act of 1997; H.R. 2493, providing for uniform management for livestock grazing on Federal lands; H.R. 2616, the Charter Schools Amendments Act; the HELP Scholarships Act; and H.R. 2614, the Reading Excellence Act.

On Wednesday and Thursday, the House will meet at 10:00 a.m. On Friday, the House will meet at 9:00 a.m. We should finish legislative business by about 2:00 p.m. next Friday, October 31.

Mr. BONIOR. Mr. Speaker, reclaiming my time, if the gentleman is available for a question, I would like my friend from Texas to maybe give us a sense of what is in the wind regarding suspensions and his intentions with respect to the Amtrak bill.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I appreciate the gentleman's request and his interest in the subject.

We will be, at this point, consulting with the Senate and talking to the committee chairman, and we would expect to have announcement later.

Mr. BONIOR. I would also say to my friend from Texas, with respect to the case of the gentlewoman from California, Ms. LORETTA SANCHEZ, as the gentleman clearly knows from yesterday

and the activities that have gone before that, we feel very strongly about this situation. We think this case has dragged on long enough. And if these matters really have not been resolved next week, I want to inform my colleagues that we will continue to object strenuously and Members should make plans accordingly.

Finally, I would like to make one other comment to my friend from Texas, and that is with respect to campaign finance reform. I recall the gentleman from Texas saying that he hoped that he would get to that issue before the end of this session, some comments to that effect, and I just want to inform him that we have close to 170 Members, if not 170, at the desk, who have signed a discharge petition, and we hope that issue will be brought to the floor so we can have a full debate of all the alternatives before the American people before we adjourn this session.

Mr. ARMEY. If the gentleman will continue to yield, let me first say again that I appreciate the gentleman's affirmation of commitment to his course of action with respect to the Sanchez matter. Let me just reaffirm our commitment on this side of the aisle that we will carry out our constitutional responsibilities regarding this question of the legitimacy of elections of our Members thoroughly, completely, and honestly to that conclusion which is defined by the facts of the matter when fully and completely understood. We can do no less. It is our duty under the Constitution.

Regarding the other matter, I guess the gentleman can proceed with his discharge petition and we will proceed with the business of the House and we will see if either of us get to somewhere.

Mr. BONIOR. Mr. Speaker, I want to make the gentleman aware that it is a bipartisan discharge petition and we hope to have a little more bipartisan help on it as the days move ahead.

Let me also ask my colleague from Texas, I note in the schedule that we only have three suspensions scheduled for Tuesday next. Does the gentleman expect others might be added between now and next Tuesday?

Mr. ARMEY. I thank my friend from Michigan, and if he would continue to yield, we have some from the Committee on Veterans' Affairs that we have had fully vetted and cleared. We expect to perhaps complete the vetting and clearing with some others, and we will inform the gentleman's office as soon as possible.

Mr. BONIOR. Mr. Speaker, I thank my colleague.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2527

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 2527.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2527

Mr. FRANK of Massachusetts. Mr. Speaker, because it might benefit me to the extent of $5 a month, I now find out, that is $5 before taxes, I also want to get my name removed from H.R. 2527.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Speaker, I was out of the Chamber at an intelligence briefing during the vote just held on the Interior appropriations bill conference report, rollcall No. 531. I would ask the RECORD to reflect that had I been present my vote would have been ''nay.''

INTRODUCTION OF RAIL SAFETY LEGISLATION

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

Mr. WISE. Mr. Speaker, quite rightly, today the subject has been Amtrak, but we need to be talking in this Congress about rail safety.

Yesterday, two Norfolk Southern trains collided head on in southern West Virginia. Again today a CSX train hit a tractor trailer at a grade crossing. Great tragedy was avoided because the tractor trailer had just unloaded an explosive mixture.

Yes, it is true that the Federal railroad agency is working with CSX, is working with Union Pacific, in a concerted effort to improve safety practices, but these are reactions. We need to be proactive.

So, Mr. Speaker, we need to have a coordinated approach, the kind of coordinated approach that is in the rail safety legislation that I have introduced and we are seeking to get a hearing on and to get debated on this floor; rail safety legislation that requires positive train separation devices, requires fatigue management plans, requires greater oversight of safety.

And, yes, Mr. Speaker, on Monday we will be unveiling Operation Respond, which is a partial answer to some of the problems we have seen and which for the first time in our State will have emergency responders able to find out immediately upon arriving on the scene what hazardous materials are involved.

□ 1415

INDIVIDUAL RETIREMENT ACCOUNTS

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

Mr. SAXTON. Mr. Speaker, there is a lot of talk currently about changing the Tax Code and doing away with the IRS, et cetera. I suspect that in some form or another, eventually we may get to do something significant with regard to that. But in the meantime, there is an issue which cries out for attention and that is the double taxation of savings under our current Tax Code.

Americans are dissuaded from saving, a very healthy activity that we all recognize; that is, savings. They are dissuaded because they tax money before it is saved and then we tax the returns on the money that is saved. That is why I recently introduced a bill to expand the individual retirement account provisions to include savings to be exempted for medical care, for education, for first-time home buyers, for unemployment as well as for retirement. These are all worthy goals, and I ask other Members to look seriously at this bill with an eye toward supporting our effort to reform and revise and expand the IRA provisions.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). 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 gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

[Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

IN MEMORY OF DONALD OLSON

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

Mr. GUTKNECHT. Mr. Speaker, I rise today to pay tribute to a special friend of mine who was called home to glory just in the past couple of weeks. On August 19, 1923, a baby was born to Melvin and Agnes Olson at Sacred Heart Hospital in Eau Claire, WI. They named him Donald. Two weeks ago on

October 3, Don Olson died in St. Paul, MN. I am honored that I was able to have met him during his 74 years of life, the time God gave him to be on this Earth, and I am blessed to have called him my friend.

After graduating from his rural Wisconsin high school in 1941, Don answered his country's call to duty and served in the 70th Army Air Force Technical Training Detachment during World War II. He graduated from the Army Air Forces Navigation School in San Marcos, TX in 1945. After the war, Don came back to Minnesota and graduated cum laude from St. Olaf College in Northfield, MN, which is also in my district; he earned a master's degree from the University of Minnesota in 1949; and later a law degree from the St. Paul College of Law.

Earlier this week I was telling my staff about Don Olson and I said, he probably has forgotten more about government and the way it is supposed to work than most of us will ever know. That was not an exaggeration. After working in the Minnesota State legislature, Don came out here to Washington and served in the office of Senator Ed Thye, worked as congressional liaison for the Small Business Administration, and later he was the administrative assistant in the office of Minnesota Congressman Ancher Nelson, where he served for 14 years.

In 1974, Don returned to the Midwest when he was hired by a little family clinic in my district, run by the Mayo brothers, to be their governmental affairs specialist. He was the first person that Mayo Clinic ever hired to do this important job, and his work was nothing short of outstanding in his 14 years there until he retired in 1988.

It was during his years at Mayo that I met Don Olson. It was about 1976. He was always a man of impeccable honesty and a record of personal integrity that no one would ever question. He was also the kind of person that you could confide in. You could tell Don Olson your deepest fears and know that they would go no further than his ears.

Robert Frost once wrote, ''Government is a thing made of men and it dies as the men who made it die.'' With these words in mind, I cannot think of a better place for me to remember Don Olson than from the floor of this House of Representatives.

I know that Don's daughters Tina and Lori as well as his son Wayne and his loving wife of 38 years, Terri, are watching this afternoon. I want you all to know that my thoughts and prayers continue to be with you. This is a great loss for the family, it is a great loss for me, and it is a great loss for America.

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

[Mr. WISE 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 gentlewoman from Washington [Mrs. LINDA SMITH] is recognized for 5 minutes.

[Mrs. LINDA SMITH 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 Kansas [Mr. TIAHRT] is recognized for 5 minutes.

[Mr. TIAHRT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

CHINA

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

Mr. WOLF. Mr. Speaker, the President of China will be visiting here beginning this Sunday. I know that we will treat him in a very courteous manner but I want the American people to know every time they hear President Clinton talk about the President of China and every time they hear the President of China speak, they should remember the following things:

No. 1, China persecutes people because of their religious beliefs. Catholic bishops are in jail, Catholic priests are in jail, hundreds of them, and on October 8, Chinese authorities arrested again and again Bishop Su who has been one of the most prominent bishops who is now back in jail. Protestant pastors are in jail and hundreds of them have been arrested.

No. 2, China denies its citizens basic human rights and imprisons people for speaking out in support of freedom. Wei Jingsheng, one of China's most important prisoners, languishes in not well conditions in jail serving a 15-year sentence. He was detained in 1994 after meeting with Assistant Secretary for Democracy and Human Rights John Shattuck. So when you hear the President of China speak, remember Wei and also Wang Dan, who has also been imprisoned for his activities in Tiananmen Square.

No. 3, when you hear the Chinese President speak at Independence Hall, which will be a disgrace for Independence Hall to have the Chinese President go there where Thomas Jefferson gave the words ''We hold these truths to be self-evident,'' but when you hear him there remember that China is brutally repressing the people of Tibet, destroying their culture, destroying their religion, destroying 4,000 to 5,000 monasteries and in Tibet the one growth industry is the growth of prisons where Buddhist priests and Buddhist nuns are being put in jail. We had testimony of a 28-year-old Tibetan Buddhist nun who told the House Committee on International Relations how her Chinese jailers tortured her with an electric cattle prod, putting it on all parts of her body. You have got to remember this when you hear this Chinese President coming to the country.

No. 4, remember also when you hear him speaking that the Chinese government runs a gruesome trade in human organs, taking organs from executed prisoners and selling them to foreign buyers for tens of thousands of dollars. They shoot people, they take their blood sample, they take their tissue sample and they sell their organs for $35,000. So when you hear him go to Harvard and speak out, know that his government is selling kidneys of prisoners for $35,000.

Remember also, No. 5, that China's one-child policy results in forced abortions and sterilization of women, where they track them down in the villages and force them to get abortions.

No. 6, when you hear President Clinton speak about our relationship with this man and with the Chinese government, remember that China has more gulags today than they had in the Soviet Union when Solzhenitsyn wrote the book ''Gulag Archipelago.'' There are more gulag slave camps in China today than there were in the Soviet Union under the worst times.

Also know, No. 7, that China sells arms and dangerous technology to belligerent countries which could one day endanger men and women in the military. Some days on this floor it is almost reminiscent of 1937, 1938, and 1939, where Winston Churchill warned of the danger of Nazi Germany and some of the things that were sold in Nazi Germany were used against Americans. I fear for it and every Member of this body ought to get the intelligence briefing by the CIA, the NSA, and the DIA to find out what weapons they are selling.

No. 8, China continues to violate a range of bilateral and international proliferation and missile technology treaties.

No. 9, China's State-owned companies sold AK–47's to street gangs in California that could be used against American citizens. So when you see the Chinese President standing next to President Clinton, remember that a company connected with his government was selling assault weapons to street gangs in California that could be used to kill American people.

No. 10, the Chinese trade surplus with the United States approached $40 billion last year and is getting bigger every month. In August the United States trade deficit with China jumped 10.6 percent, the highest of any country, driving American men and women out of their jobs.

Mr. Speaker, China's President will visit Washington, Williamsburg, and Philadelphia, which will be a disgrace when he visits Independence Hall and other sites in the United States. Every time he speaks, the world should remember the men and women who are languishing in Chinese prisons under his control and do not buy into his message. I ask him to change his policy.

Mr. Speaker, I include for the RECORD the testimony of Tsultrim Dolma before the House Committee on International Relations hearing on religious persecution on September 10, 1997.

The material referred to is as follows:

TESTIMONY OF TSULTRIM DOLMA—HOUSE COMMITTEE ON INTERNATIONAL RELATIONS—HEARING ON RELIGIOUS PERSECUTION, SEPTEMBER 10, 1997

My name is Tsultrim Dolma. I am 28 years old. I am one of the one thousand Tibetan refugees who came to the United States through the Tibetan Resettlement Program, authorized by the United States Congress in 1991.

I never imagined that I would someday testify before you esteemed gentlemen and gentleladies. Now that I am here, I feel it is both a privilege and responsibility to tell you about my experiences—among the thousands of Tibetans who flee into exile, very few have their stories heard.

I am not an educated person. I don't know about politics. But I do know what it is to live under Chinese rule. And I know, although I was born after the Chinese came into Tibet, that Tibet is different than China.

I have asked my friend Dorje Dolma to read the rest of my testimony because my English is not very good.

I was born in Pelbar Dzong, Tibet, near Chamdo which prior to the Chinese invasion in 1949 was the easternmost administrative center of the Dalai Lama's government. For as long as I can remember, I yearned to become a nun. It was difficult for me to pursue my studies because the nunnery near my village had been completely destroyed during the Cultural Revolution.

I took my nun's vow at age 17 and, soon after, left my home with a small group of villagers to make the customary pilgrimage to Lhasa, the capital and spiritual center of Tibet, and a month's journey from my home. Once there I was able to join the Chupsang nunnery on the outskirts of the city.

In Lhasa it was unavoidable to feel the tension due to the large differences between the Tibetans and Chinese living there, and within a year, on October 1, 1987, China's National Day, I experienced at first hand the consequences of that tension.

On that day, monks from Sera and Nechung Monasteries peacefully demonstrated for the release of their imprisoned brothers. Hundreds of Tibetans gathered around in support. Public Security Bureau Police moved through the crowd videotaping demonstrators. Then, unexpectedly, opened fire on the crowd. The Tibetans responded by throwing stones at the cameras, but a number of monks were arrested and dragged to the Police station.

I joined a large group that converged on the station. We heard gun shots from the rooftop and tried to get inside, but the police fired down into the crowd. Many Tibetans were killed and many other badly injured. Outraged at the massacre, some Tibetans set fire to the building. I watched as Venerable Jampa Tenzin, the caretaker of the Jokhang Temple, led a charge into the building to try to free the monks. When he emerged about ten minutes later, his arms were badly burned and had long pieces of skin peeling off. Two young novice monks came out with him and were also badly burned. Soon afterwards, Jampa Tenzin was arrested and detained at Sangyip Prison where he is known to have undergone severe ill-treatment.

The Great Monlam Prayer Festival which occurred the following spring was the next occasion for major protest. Chinese authorities had ordered the monks of all of Lhasa's monasteries to attend, as they had invited journalists from many different countries to film the ceremony as an example of religious freedom in Tibet. The monks of Sera, Drepung, Ganden and Nechung decided to boycott the ceremony, but were forced to attend at gun point. Under guard, the monks made the traditional cicumambulation around the Jokhang, Lhasa's central cathedral.

After completing the ceremony, those monks joined together in calling out loudly to Tibetan officials working for the Chinese government who were watching the ceremony from a stage next to the Jokhang. They demanded the release of the highly revered incarnate lama, Yulo Dawa Tsering, who had been arrested some months before and of whom nothing had been heard. One of the official's bodyguards then fired at the demonstrators, killing one Tibetan. A riot ensued and the army proceeded to fire into the crowd. Soldiers chased a large number of monks into the Jokhang and clubbed 30 of them to death.

Eighteen lay Tibetans were also killed in the cathedral. Twelve other monks were shot. Two monks were strangled to death, and an additional eight lay Tibetans were killed outside the cathedral. The news of the deaths spread throughout the city.

After we saw the terror and turmoil in the streets, some nuns from my Ani Gompa and I decided to demonstrate in order to support our heroic brothers and sisters in Lhasa, particularly the monks who had been arrested and are in prison and whose cases even now have not been settled. On April 16, about six weeks after the massacre during Monlam, four of us demonstrated for their release and the release of women with children. We felt the Chinese were trying to destroy all the patriotic Tibetans in prison by maltreating them. The Chinese government has publicized that there is freedom of religion in Tibet, but in fact, the genuine pursuit of our religion is a forbidden freedom. So many difficult restrictions are placed on those entering monastic life, and spies are planted everywhere.

My sister nuns and I were joined by two nuns from Gari Gompa and we were all six arrested in the Barkhor while shouting out demands. As we stood on the holy walk of the Barkhor, we were approached by eight Chinese soldiers who spread out and grabbed us. Two soldiers took me roughly by the arms, twisting my hands behind by back. Two of the nuns, Tenzin Wangmo and Gyaltsen Loche, were put in a Chinese police jeep and driven away. The rest of us were thrown into a truck and taken to the main section of Gutsa prison, about three miles east of Lhasa.

When we arrived, we were separated and taken into various rooms. I was pushed into a room where one male and one female guard were waiting. They removed the belt which held my nuns robe and it fell down as they searched my pockets. While I was searched, the guards slapped me hard repeatedly and yanked roughly on my nose and ears.

After the search, I was led outside to another building where two different male and female guards waited to begin the interrogation. ''What did you say in the Barkhor? Why did you say it?'' The cell contained a variety of torture implements: lok-gyug, electric cattle prods, and metal rods. I was kicked and fiercely beaten as I was interrogated until mid-day, and then pulled to my feet and taken to the prison courtyard where I saw the three other nuns from Chupsang.

We were made to stand in four directions. I was near the door so that every Chinese soldier who passed by would kick me in passing. Our hands were uncuffed and we were told to stand with our hands against the wall as six policemen took each one in turn, held us down and beat us with electric prods and a small, broken chair and kicked us. Gyaltsen Lochoe was kicked in the face. I was kicked in the chest so hard that I could hardly breathe. We were told to raise our hands in the air, but it was not possible to stay in that position and we kept falling down. As soon as I fell, someone would come and force me up. We were constantly questioned regarding who else was involved in arranging the demonstration.

All during the interrogation, we were not allowed to fasten our belts and so our robes kept slipping off. We would constantly try to lift them up and adjust them. I tried to think of what I could possibly say to answer the questions. ''How did you choose that day? Who was behind you?'' I could only see feet. Many different pairs of feet approaching us through the day. We were repeatedly kicked and beaten. ''The Americans are helping you! Where are they now? They will never help you! Because you have opposed communism, you are going to die!''

After some hours had passed, a large dog with pointed ears and black and white spots was brought in, led on a heavy chain. The police tried to force us to run, but we simply did not have the strength. The dog looked at us with interest, but did not approach.

Finally, as sunset approached, we were handcuffed and taken into a building and made to walk through the hallway two by two. Here and there were small groups of Chinese soldiers on both sides of the corridor. As we passed, we were punched and kicked, slapped and pulled hard by the ears. My cell, measuring five feet by five feet, was empty except for a slop basin and small bucket. That night, I quickly passed out on the cold cement floor.

The following morning, I was taken to a room where three police were seated behind a table. On its surface was an assortment of rifles, electric prods and iron rods. I was told ''Look down!'' Throughout my detention, I was never allowed to look straight at their faces. While answering I had to look to the side or face down.

One of them asked me ''Why did you demonstrate? Why are you asking yourself for torture and beatings?'' My knees began to shake. I told them: ''Many monks, nuns and lay people have been arrested, but we know Tibet belongs to the Tibetans. You say there is freedom of religion, but there is no genuine freedom!'' My answer angered them and the three got up from behind the table, picking up various implements. One picked up an electric rod and hit me with it. I fell down.

They shouted at me to stand, but I couldn't and so one pulled up my robe and the other man inserted the instrument into my vagina. The shock and the pain were horrible. He repeated this action several times and also struck other parts of my body. Later the others made me stand and hit me with sticks and kicked me. Several times I fell to the floor. They would then force the prod inside of me and pull me up to repeat the beatings.

For some reason I began to think of a precious herb that grows in Tibet called Yartsa Gunbu. Tibetans believe it is a cross between the kingdoms of plants and animals because during the summer it gives the appearance of being a worm. This medicine herb is quite rare. In my region, the Chinese force a monthly quota on each monk and nun which consists of thousands and thousands of such plants. I shouted out: ''Before 1959, it was considered a sin for monks to pick the *Yartsa Gunbu!* It was a sin, and you have forced them to do it!''

I remained in detention for more than four months. For the first month, I was beaten

every morning during the interrogations. For the first several days, different levels of authorities came to my cell. At first I was afraid but as time went by and I thought about the monks, and other men and women who were imprisoned, many of whom had families to worry about, I began to realize I had nothing to lose. My parents could lead their lives by themselves.

I was continuously terrified of possible sexual molestation. But as the days went by, that did not occur. Sitting in my cell, I would remind myself that I was there because I had spoken on behalf of the people of Tibet and I felt proud that I had accomplished a goal and was able to say what I thought was right.

In Gutsa prison in the summer of 1988, there were all together about 32 nuns and lay women. All the women were kept in the ward for political prisoners. During that time, one of the nuns, Sonam Chodon, was sexually molested.

Fifteen days after my release from prison on August 4, 1988, a Tibetan approached me and asked if my sister nuns and I would like to talk to a British journalist who was secretly making a documentary in Tibet. We all felt to appear in the interview without hiding our faces was the best way to make a contribution. The ultimate truth would soon be known so there was no need to hide. We had truth as our defense.

After our release from prison, we were formally expelled from Chupsang by the Chinese authorities and sent back to our villages. We were not allowed to wear nuns robes and were forbidden to take part in religious activities. We were not allowed to talk freely with other villagers. I was forced to attend nightly reeducation meetings during which the topic of conversation often came around to me as ''a member of the small splittist Dalai clique which is trying to separate the motherland.'' I was so depressed and confused. I never told my parents what had happened in prison. When word came of the British documentary in which I took part, everyone began to discuss it. Most Tibetans thought I was quite brave, but some collaborators insulted me. It soon seemed as if arrest was imminent. I began to fear for my parent's safety and so decided to flee to the only place I could think of—Lhasa—to appeal again to Chupsang nunnery for re-admission.

After arriving in Lhasa, I set out for the hour's walk to Chupsang. I found a Chinese police office had been set up at the nunnery. I was told to register at the office and, while there, was told re-admission was not possible. I realized that the police officer there would arrest me if I stayed. Greatly discouraged, I set out to make my way back to Lhasa.

Just below the nunnery there is a Chinese police compound the Tibetans call Sera Shol Gyakhang. As I passed, I saw three Chinese soldiers on bicycles. They followed me a short distance before I was stopped. One of them took off his coat and shirt and then tied the shirt around by face, and shoved the sleeves in my mouth to stop me from crying and yelling. I was raped by the three on the outer boundary of the compound. After doing that bad thing to me, they just ran away.

I remained in Lhasa for two months under the care of local Tibetans. As expected, the release of the documentary caused an uproar with the Chinese authorities. My sister nuns tried to disguise themselves and wore their hair a little longer. I had lost all hope of continuing to live in Tibet under so many obstructions and restrictions and the ever present possibility of rearrest. Even if I could stay, the Chinese would forbid me to study and I feared them in many other bad ways. I began to think of His Holiness the Dalai Lama in India. At that time, I didn't know there were so many other Tibetans living there as well, but I thought ''if only I could reach him, if I could only once see his face. . . .''

Another nun and I heard of some Tibetans nomads who were taking medicines to the remote areas and traveling to Mount Kailash in a truck. From there we joined a group of 15 Tibetans to travel to the Nepalese border. In December 1990, I reached northern India.

When I first met His Holiness, I could not stop crying. He asked, ''Where do you want to go? Do you want to go to school?'' He patted my face gently. I could not say anything. I could only cry as I felt the reality of his presence. It was not a dream. In Tibet so many long to see him. At the same time, I felt an overwhelming sadness. Because I was raped, I felt I could no longer be a nun. I had been spoiled. The trunk of our religious vows is to have a pure life. When that was destroyed, I felt guilty to be in a nunnery with other nuns who were really very pure. If I stayed in the nunnery, it would be as if a drop of blood had been introduced into the ocean of milk.

I have been asked by esteemed persons such as yourselves what makes Tibetan nuns, many very young, so brave in their support of the Tibetan cause. I say that it is from seeing the suffering of our people. What I did was just a small thing. As a nun, I sacrificed my family and the worldly life, so for a real practitioner it doesn't matter if you die for the cause of truth. His Holiness the Dalai Lama teaches us to be patient, tolerant and compassionate. Tibetans believe in the law of Karma, cause and effect. In order to do something to try to stop the cycle of bad effect, we try to raise our voices on behalf of the just cause of Tibet.

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

[Mr. RIGGS 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 New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

[Mr. PAPPAS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

MAKING OUR FOOD SAFER

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

Mr. BROWN of Ohio. Mr. Speaker, about 90 years ago in the early 1900's, Upton Sinclair wrote a book called ''The Jungle.'' This book was about the American meat processing industry. It was about worker conditions in Chicago in the meatpacking industry. Equally importantly, it was about food quality and what Americans were eating and what went into the food that Americans ate. Over these 90 years since the publication of that book, Americans have come to take for granted the quality of their food, that fruits and vegetables were not contaminated, that food products, meat products, fish and dairy products were inspected. We can go into grocery stores through the first 80, 85, 90 years of this century understanding, taking for granted that what we put on our tables, what we buy in these grocery stores, what we prepare in our kitchens, what we eat in our restaurants can in fact, is in fact safe and reliable and will not in any way cause health problems for our people.

Unfortunately, in the last couple of years, some things have begun to happen that make some of us not so much take our food safety for granted. This past Sunday, Parade Magazine ran a cover story called ''How To Prevent Food Poisoning.'' It cites everything from contaminated strawberries that were grown in Mexico, processed in San Diego, sold to schoolchildren and served to schoolchildren in Michigan, many of whom contracted hepatitis A. A handful of these children actually got very, very, very sick; a couple of them almost died. It talks about raspberries grown in Guatemala that were contaminated. It talks about how in this era of free trade, in this era of more and more food sold from one country, into another country into the United States that we simply are not preparing well enough at the border. We are not doing the right kind of inspections. One reporter called all these foods coming into the country passports for pathogens.

□ 1430

As more and more food products come in, inspections at the border generally are not very good, and Americans are more at risk and take less for granted than ever before, at least any time in this century, concerning the products we buy in grocery stores.

About a month ago, at my own expense, I went to the Mexican border, went to Laredo, TX, and went to McAllen, TX, went into Reynosa, Mexico, and looked across the border from Laredo into Nuevo Laredo. I saw the inspections at the border, I saw the number of trucks coming into the United States from Mexico, I saw the number of cars, the hundreds and hundreds and hundreds of cars coming streaming across the border, basically 24 hours a day. And it is clear that when the North American Free-Trade Agreement was passed by this Congress in 1993, that the President, the administration, the leadership in this Congress, simply have not prepared at the border for the huge amounts of materials coming into the country.

There are too many drugs coming across the border undetected, there are too many trucks crossing the border that are not safe, and probably, most importantly, there is too much food coming across the border that is contaminated.

There are pesticides that are illegal in the United States that are legal in some countries in Latin America. There are contaminants in the way that food is grown, contaminated by urine and feces and other kinds of human contaminants and other contaminants and wastes that end up on

some of these fruits and vegetables that make their way uninspected into the United States, simply because we are overwhelmed at the border.

The people at the border are doing their jobs very well. Neither the Governor of Texas, Governor Bush, nor the President of the United States, President Clinton, have done what they need to do, to do those protections and those inspections at the border.

That is why, Mr. Speaker, we have no business passing fast track. The President and Speaker GINGRICH and leadership in the other body have asked us in this Congress to give the President fast track authority to extend all of these trade agreements to the rest of Latin America.

My contention and the contention clearly of the majority of this House, that is why we have not voted on this issue yet, my contention is you do not rush headlong into new trade agreements, into more NAFTA's, until you fix the North American Free-Trade Agreement.

You do not rush headlong into a trade agreement with Chile that costs American jobs until you fix NAFTA, so American jobs do not flee to Mexico. You do not extend fast track to Central and Latin America, which will jeopardize our food supply, until you take care of those problems at the border in Mexico where food contamination is becoming more and more common, where pathogens and other airborne and foodborne illnesses are coming into this country.

Do not rush headlong into other trade agreements until we fix NAFTA. Vote no on fast track.

TRIBUTE TO DR. WILLIAM PHILLIPS OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ON HIS RECEIVING THE 1997 NOBEL PRIZE FOR PHYSICS

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 rise today to commend and to congratulate Dr. William D. Phillips of the National Institute of Standards and Technology who, along with Steven Chu of Stanford University and Claude Cohen-Tannoudji, has been awarded this year's Nobel Prize in physics from the Royal Swedish Academy of Sciences.

NIST, originally established as the National Bureau of Standards in 1901, has for nearly a century promoted economic growth by working with industry to develop and apply technology, measurements, and standards. As the Nation's arbiter of standards, NIST enables our country's businesses to engage each other in commerce and participate in the global marketplace.

The invaluable research being conducted at NIST is a vital component of the Nation's civilian research and technology development base. Through Dr. Phillips' good work, the Nobel Prize has brought long-deserved attention to the exceptional work done by NIST scientists.

Dr. Phillips' pioneering research in developing methods to cool and trap atoms with laser light is a credit to him and his colleagues at NIST. These advances will open up a new world of physics that will enable the development of ultra-accurate atomic clocks, improve the measurement of gravitational forces, and facilitate the construction of atomic lasers. These advances have many practical applications, such as improving space navigation and the accuracy of global positioning satellites.

I read with pleasure the two articles in the Washington Post recently on Dr. Phillips' many accomplishments. I was especially struck in each article at the universal feeling among colleagues and friends that ''. . .. it couldn't have happened to a nicer guy.''

Dr. Phillips' unbridled enthusiasm for physics is the spirit we strive to achieve throughout our Federal laboratories. His dedication to improving our understanding of the world through science holds the promise of improving all of our daily lives.

While Dr. Phillips' daily work is on the cutting edge of research into lofty theories involving nature's basic laws. His life is well-rounded by his wife Jane, his two daughters, Christine and Catherine, and his numerous friends. Dr. Phillips' dedication to family and his numerous contributions to his community, such as teaching Sunday school at Fairhaven United Methodist Church, speaks volumes about his character.

We should all be proud of Dr. William Phillips and his family for this remarkable achievement and honor.

Mr. Speaker, I include the October 16, 1997, articles from the Washington Post for the RECORD.

[From the Washington Post, Oct. 16, 1997]

LOCAL SCIENTIST SHARES NOBEL PRIZE FOR PHYSICS

(By Curt Suplee)

A government scientist from Montgomery County has won the 1997 Nobel Prize in Physics, along with colleagues in California and France, for their development of ways to ''trap'' atoms by herding and subduing them with laser beams. The chemistry award went to an American, a Briton and a Dane for discoveries related to ATP, a compound that is the fundamental energy currency of life.

William D. Phillips, who works at the National Institute of Standards and Technology (NIST) in Gaithersburg, will share the $1 million physics with Steven Chu of Stanford University and Claude Cohen-Tannoudji of the College de France, the Royal Swedish Academy of Sciences announced yesterday.

The Nobel committee divided the chemistry prize into two parts. Half goes to Paul D. Boyer of the University of California at Los Angeles and British researcher John E. Walker of the Medical Research Council Laboratory of Molecular Biology in Cambridge for explaining the complex molecular process whereby living things create ATP. Jens C. Skou of Aarhus University in Denmark won the other half of the prize for discovering the key ATP-related enzyme that controls the transit of sodium and potassium across cell membranes—a process essential to life.

''I'm totally stunned,'' said Phillips, 48, who lives in Darnestown but was in California for a meeting of the Optical Society of America when he was notified. ''At 3:30 this morning California time they called from Stockholm. It was a very nice wake-up call.'' As things rapidly turned hectic, he said, he got some expert commiseration. ''There are two previous Nobel Prize winners here,'' Phillips said, and one of them, Robert F. Curl Jr. of Rice University ''told me, 'Well, welcome to the roller coaster.'''

The prize is the first Nobel won by a NIST scientist since the institute was founded as the National Bureau of Standards in 1901. Phillips has worked at NIST since 1978.

The physics laureates were recognized for separate, complementary efforts that spanned nearly 20 years. Their common goal was to come as close as possible to stopping atoms in their tracks—a horribly difficult prospect. Even when cooled to the temperature of the cosmic void between stars (about 3 degrees above absolute zero) atoms of gases are still vibrating at hundreds of miles an hour. Sedating an atom enough to observe it well for even a fraction of a second requires temperatures millions of times colder.

The physicists devised various means of slowing atoms by striking them with laser beams, a process somewhat analogous to stopping the motion of a ricocheting cue ball on a pool table by shooting hundreds of Ping-Pong balls at it. (Phillips also experimented with magnetic trapping, the equivalent of tilting the pool table to slow the ball.) The general idea was to use the momentum of individual units of light, called photons, to slow the target atoms when the photons were absorbed and reemitted.

One major problem is that an atom will not absorb just any photon, but only those of specific frequencies that correspond to distinctive energy levels in that particular kind of atom.

Moreover, because the atom is in motion, the frequency of the cooling photon has to be adjusted for the Doppler effect. That is the phenomenon that makes a train whistle sound higher in frequency as it approaches the listener than it does when the train is standing still—and that makes a light ray act like one of a higher frequency if an atom is moving toward it. So the scientists had to micro-tune the frequencies of their laser photons to compensate for the estimated speed of the atoms.

Chu, then at Bell Labs, achieved a slowing effect, called ''optical molasses,'' with an array of six lasers in 1985, reaching a temperature of 240 millionths of a degree above absolute zero. In 1988, Phillips attained an astonishing 40 millionths of 1 degree. This was below the theoretical minimum for Doppler cooling until the theory was revised by Cohen-Tannoudji and co-workers, who finally hit .2 millionths of a degree in 1995. And temperatures have plummeted since, to billionths of a degree, allowing atoms to be interrogated in unprecedented detail.

The work is ''one of the great developments of physics in the past couple decades,'' said Eric Cornell of NIST's Boulder, Colo., facility, who with colleagues used the trapping techniques in 1995 to create a completely new state of matter called a Bose-Einstein condensate in which very cold atoms in effect coalesce into a ''superatom.''

Physicist Daniel Kleppner of the Massachusetts Institute of Technology, Phillips' alma mater, said the work had opened up a ''new world'' that would lead to ultra-accurate clocks to improve space navigation and global position system satellites, among other possibilities. (Atomic clocks operate by measuring the frequencies given off by subfrigid atoms stimulated by radiation; the colder the atoms, the longer they can be

measured and thus the more precise the timing.) Cornell predicted that the ability to control atoms on that scale would make it possible to detect extremely small effects such as the change in gravitational force at ground level over an oil deposit.

The chemistry award recognized more than 40 years of research into what was once one of the deepest mysteries in biology: How cells create and deploy ATP (adenosine triphosphate), the basic material that provides energy for all living things.

This ubiquitous fuel is produced in enormous quantities in cellular sub-components called mitochondria, each of which is surrounded by its own tiny membrane. Just as one can store energy in a mousetrap by cocking the spring, organisms store energy in the chemical bonds of ATP. It is done by grafting a third bit of phosphate onto an ever-present cellular substance called ADP (adenosine diphosphate), a strand of adenosine that already has two phosphate groups attached. When energy is needed for muscle motion, nerve transmission or sundry metabolic chores, ATP sheds its added third phosphate, liberating the energy of that chemical bond and becoming ADP again.

ATP had been discovered in 1929, but until the work of this year's laureates, nobody knew exactly how it was made except that it was produced by an enzyme called ATP synthase and apparently involved differences in concentrations of charged hydrogen atoms on either side of the mitochondrial membrane.

In the 1950s, Boyer began to study the function of ATP synthase, which has a very complicated structure. The lower part, imbedded in the membrane, gathers energy from the flow of hydrogen atoms like a water wheel picks up energy from a moving stream. The top part, which protrudes above the membrane, resembles a grapefruit with six segments, through the middle of which runs an asymmetric rotation axle connected to the lower section.

As the hydrogen-powered axle turns, it distorts the segments into different shapes that cause them to do various things, such as bind ADP to phosphates, or to cast off freshly minted ATP molecules into the surrounding cellular goo. Boyer also determined that ATP synthase doesn't use energy the way most enzymes do. This ''molecular mechanism'' model was subsequently confirmed and clarified by Walker and colleagues, who also explained the peculiar axle configuration.

''It's a discovery of fundamental significance to understanding the way living organisms work,'' said Peter Preusch, a program director at the National Institute of General Medical Science here, which supported Boyer's work for 30 years.

Meanwhile, since 1957 Skou had been trying to understand the processes that cause the normal chemical imbalance between the insides of cells and their surroundings. Within the cell, sodium content is normally very low and potassium very high; outside, it's the opposite. Numerous essential biological processes—such as the electrical build-up and firing of nerve cells—depend critically on changes in the transport of these elements across cell membranes. Skou found that those actions are controlled by an enzyme called Na-K-ATPase that also degrades ATP in cells, and described how it works.

''The insight he had was really crucial, and not just for this one enzyme but for understanding a great deal about the physiology of the cell,'' said biochemistry expert Kathleen J. Sweadner of Massachusetts General Hospital and Harvard Medical School. ''It opened [Researchers'] minds to studying a whole bunch of other processes.''

[From the Washington Post, Oct. 16, 1997]

ONE OF SCIENCE'S NICE GUYS FINISHES FIRST

(By Michael E. Ruane)

Bill Phillips is 48, lives in Darnestown, wears a beard and works for the government. He has a wife and two kids. His office is down a brown tile corridor in a government building off I–270. He teaches Sunday school at Fairhaven United Methodist Church and founded the church's gospel choir.

Yesterday, Bill Phillips won the Nobel Prize.

''Couldn't happen to a nicer guy,'' said Paul Lett, a member of Phillips's team of physicists at the federal agency that used to be known as the Bureau of Standards and now has an even duller name.

A blaze of glory and a bunch of money fell into the life of the anonymous government scientist, who happens to know how to make atoms almost stand still.

''It really is a thrill, an emotional thrill, a physical thrill, like riding a roller coaster,'' Phillips said in a telephone interview from California, where he was attending a conference when he received the news. ''I am surprised, astounded.''

Phillips will share the $1 million Nobel award for physics with two other scientists, in California and France, who worked separately in the same field. The award recognized their success in chilling and ''trapping'' atoms for deeper scientific study.

Phillips has worked in Gaithersburg at the 585-acre campus of the National Institute of Standards and Technology, or NIST, since 1978. He is the agency's first Nobel winner since the institute was founded as the Bureau of Standards in 1901.

Phillips and his colleagues labor in a casual atmosphere, wearing jeans and T-shirts, but they use state-of-the-art equipment and enjoy an esprit de corps that comes from knowing they are at the cutting edge of research into some of nature's basic laws. Although they struggle for the most exact measurement attainable of the location and other attributes of atomic particles, NIST scientists say only God can get it precisely.

Phillips was born in Wilkes Barre, Pa., the son of social workers who fueled his interest in science with books, microscopes and chemistry sets.

His wife, Jane, 50, whom he met in high school in Camp Hill, Pa., said: ''He was always the one who got all the A's in physics class, in all the classes, and threw off the curve for everyone.''

Phillips said: ''It seems like I've been interested in physics for as long as I can remember.''

He explained: ''It's the simplicity of it. Physics is the simplest science. You're dealing with things that are fundamentally more simple, so you have more of a chance to understand something fully.

''I work with single atoms. More and more, we're finding that single atoms are incredibly rich in the things they have to teach us. . . . Whenever I go into the lab to make a measurement, there are things that we don't understand, things that aren't clear at all.''

The ''trapping'' of normally frenetic atoms has allowed scientists to scrutinize their properties more deeply. It could lead to such things as a new, more precise definition of the duration of a second—that is, an improved way to measure time.

''The trick is getting atoms to stay still,'' said Michael E. Newman, an institute spokesman. ''Trying to get atoms to stay still . . . is a very, very difficult thing to do.''

The institute operates one of the nation's two atomic clocks, which keep time according to the known rate of the natural oscillation of cesium atoms. The institute's atomic clock, in Boulder, Colo., is so accurate that it would neither gain nor lose a second in a million years.

If that were not precise enough, Phillips's study of slowed sodium atoms could produce an atomic clock that is even more accurate. Such insanely precise time-keeping can improve such things as global navigation systems, which depend on the time-keeping abilities of orbiting satellites, Phillips's colleagues said yesterday.

There was jubilation yesterday on the institute's campus and in the laser lab, where Phillips's experiments were arrayed along tables like a fantastically complicated electric train set. Printouts of complex graphs and schematic drawings hung on the walls.

In a conference room adjacent to the lab, colleagues toasted Phillips with sparkling cider and carrot cake brought by his wife. Aides scrambled to arrange interviews, fielded an avalanche of phone calls and struggled to explain Phillips's complex work.

Phillips cut short his trip and caught an afternoon plane back to Washington.

''We're tremendously excited by this news and as proud as can be to have Bill Phillips on the . . . staff,'' Robert Hebner, the institute's acting director, said in a statement. ''The elegant work that Bill and his colleagues have done at the frontiers of atomic measurement opens up new possibilities both in science and measurement technology.''

Some of Phillips's colleagues heard about the prize while they were still in bed yesterday. Steven Rolston, 38, one of the four members of Phillips's atom-trapping team, said he heard the news when his clock radio clicked on about dawn. ''I couldn't believe it. Great way to wake up. I shouted to my wife, who had just gotten up a few minutes before me, 'Bill won the Nobel Prize!' ''

Rolston said Phillips is ''really just a great guy. He's enthusiastic, happy, always willing to help people, very involved in his church.''

Katharine Gebbie, director of the institute's physics laboratory, said she, too, had been in bed when the word came. She had just returned from a long trip, and she said the deputy who called said: ''You know I wouldn't be calling you now if there weren't some good news.''

Gebbie said, ''I held my breath.''

''It's a wonderful honor for Bill and his colleagues in the physics laboratory,'' she said. ''We have cherished them very much.''

Phillips ''is one of the greatest guys in the world, that's all I can say,'' Gebbie said. ''Anybody who listens to him gets a sense of the great thrill of physics that he's doing . . . He just loves it and wants everybody else to love it.''

Another member of Phillips's group, Lett, 39, said he was ''thrilled.''

''It's well deserved,'' he said.

Phillips, who has been married for 27 years, has two daughters, one in high school and one in college. Group members said he is ''very much a family man.'' Physics, though, has kept him in thrall.

''It's the same thing that gets a grip on all of us,'' Lett said. ''Wanting to know the nitty-gritty of why things work.''

Rolston said, ''I always tell my daughter: Everything's physics.''

DETERMINING GUAM'S POLITICAL FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, I take to the floor to talk a little bit

about H.R. 100, which is the Commonwealth bill for Guam. This bill was first introduced in 1989 and it has endured some 8 years of negotiation with both the Bush and the Clinton Administration, and to date we have not reached any consensus on this bill.

As a consequence of that, I had asked the gentleman from Alaska [DON YOUNG], Chairman of the Committee on Resources, to schedule a hearing in order to perhaps facilitate more discussion on the bill and to get a kind of check on the health of the bill, both from the perspective of the administration and the Congress. The chairman of the Committee on Resources has gratefully allowed us to have this hearing on October 29, next Wednesday.

H.R. 100 has been a bill that we deliberately labeled it H.R. 100, because next year, 1998, stands for the 100th anniversary in which the island of Guam has been associated with the United States. Guam was ceded to the United States by Spain as a result of the Spanish-American War, and next year we commemorate or celebrate, or otherwise acknowledge in one way or another the 100th anniversary of what most historians call the splendid little war.

In that time period, Guam has really, its political status has only been changed once. It was and still is an unincorporated territory, but the process of changing perhaps the way in which Guam has been dealt with occurred only once, and that was in 1950 with the passage of the Guam Organic Act, making the indigenous people, the Chamorro people of Guam, U.S. citizens.

Since that time, it certainly has been clear to the people of Guam that we need to revisit our political status, and that we need to revisit our relationship with the Federal Government.

Throughout the decades ever the 1980's, there were a series of elections that took place on Guam with all eligible voters participating on what political status Guam should pursue for the immediate future. In 1982, this election was held and the two winners were what was labeled Commonwealth and the aspiration for statehood, and a runoff election was held between those two sometime later, two years later, and the eventual winner of that, by a 3 to 1 margin, was Commonwealth.

There ensued on Guam a series of discussions and public hearings in which a Commonwealth proposal was fashioned, and this led to a 12-titled piece of legislation, which was in itself voted on, article-by-article, and which eventually surfaced as legislation ratified by the voters of Guam, and legislation which was introduced in Congress in 1989.

At that time, the Subcommittee on Insular Affairs of the Committee on Resources held a hearing on this Commonwealth proposal, and suggested that there be a period of time in which negotiations and discussions could be held between, at that time, the Bush administration, and the Commission on Self-Determination, which is a body created by Guam public law.

There ensued a period of discussions for 3 years, and at the conclusion of the Bush administration, the Bush Administration concluded that they could not agree to major parts of this Commonwealth proposal and left it at that, with a negative report that was actually issued 1 hour before the administrators at the Department of the Interior physically left office, signalling the end of the Bush administration.

As a consequence, we had very serious high hopes when the Clinton administration came in, and for the past few years we have been in discussion with the Clinton administration with a team led by John Garamendi, the Honorable John Garamendi, the Deputy Secretary of the Department of the Interior.

Throughout those discussions we have discovered, somewhat to our dismay, that many of the people we were confronting in earlier times under the Bush administration were essentially the same bureaucrats and had the same bureaucratic perspectives of those under the succeeding administration, and to date very little progress has been made.

What is Guam seeking in this legislation? Well, Guam is seeking in this legislation a new relationship with the Federal Government. It seeks a new relationship with the Federal Government through a joint commission to review the application of laws and the application of rules and regulations for the people of Guam. It seeks to resolve some issues of historical injustice regarding Federal landholdings on Guam and the right of the Chamorro people, the indigenous people of Guam, to ultimately determine their political faith in the future.

Lastly, it offers some economic items that would lead to a greater economic growth for Guam. That is the basis for this package that we call the Guam Commonwealth proposal. At this point in time, I wish that I could report that we had made great progress with the administration, but we have not made that great progress. Yet, I remain the optimist and hope that in the context of the hearing next week, we will have people who will say there may be serious disagreements, but that there will always be opportunities to further discuss this and that the administration would not close the door to further discussion.

It is my hope as well that as the Committee on Resources, which is the only committee in this body that is charged with the general management and review of insular affairs, takes its responsibilities seriously with regard to the territories. It is of note that the Committee on Resources hearing room, the primary hearing room used by the Committee on Resources, is the only committee room in Congress that flies the flags of the insular areas behind the chairman's seat. So this responsibility is entrusted to the Committee on Resources, and I think the people of Guam are coming to the Committee on Resources with a sense that these are people who understand their responsibility with regard to the territories.

At one time or another, even though it may not be of abiding concern to many Americans, because we are talking about fellow Americans who are few in number and quite distant, the island I represent is some 9,000 miles from Washington, DC; is on the other side of the international dateline; takes some 19 hours to get to by air; and has only 150,000 people. It is very difficult to understand why this would be an abiding concern to most Americans. Yet, these people are U.S. citizens. We fight and we die in American wars.

Guam has the distinction of having the highest per capita casualty rate and death rate from Vietnam. And nobody asked us whether we were full citizens or second-class citizens as we sought to participate fully in those challenges that are most presented by American citizenship.

□ 1445

At some point in time we are going to have to cross that bridge and try to understand what is the meaning for U.S. citizenship and what kinds of ways can we offer people who live in distant and small areas in order to more effectively participate as American citizens in their government.

We all take it as a core creed of America that the only legitimate form of government is through the consent of the governed. That is not true for all Americans, because it is certainly not true for the insular areas. The insular areas do not have meaningful participation in the development of the laws under which they must live, laws which are passed in this body in which we have nonvoting representation by delegates, laws which are passed in the other body in which there is no representation, and laws which then become administrative rules created by an administration which the people of the territories cannot vote for. So in that sense there is no meaningful participation, and that violates the very creed of America and the sense of American democracy.

So we need to be creative as we try to figure out what is the meaning of American citizenship for the people of the insular areas, and certainly I am making that pitch for the people of Guam.

The real test of our democratic creed is not to try to act when only it is in our best interests, but to try to act and to understand the necessity to act when there is no personal interest at stake, other than the pure understanding of democratic principles.

So the people of Guam come to this hearing hoping for a fair hearing and a fair opportunity for their proposal, and I am sure that most of the members of the Committee on Resources will give them that opportunity. I am sure that

most of the people of this great country will understand that if they had the opportunity to draw a little attention to it.

When we talk about extending the basic principles of democracy to other parts of the world or shoring them up, and we are talking about millions and millions of people, and we are talking about trade interests and strategic interests and security interests, there is an imperative in that beyond the desire for democracy, to make democracy work in other parts of the world.

But when we are challenged simply by the existence of 150,000 citizens by people who live on what is a relatively small island some 9,000 miles away, really, when there is no abiding interest to address those issues, we are really testing whether we do really care about democracy, where we are willing to think outside the box, and try to come up with and fashion an instrument which gives these people meaningful participation in the Government which controls their lives.

The people of Guam will be represented by a large delegation: The three living Governors, the current Governor, Carl Gutierrez, the Honorable Paul Calvo, and the Honorable Joseph Ada, both of whom are Republicans, Carl Gutierrez is a Democrat, this proposal is very bipartisan on Guam and supported across the board by the elected leadership; Senators Tony Blaz, who is the vice speaker of the Guam Legislature, Senator Mark Forbes, the chairperson of the Federal Relations Committee of the Guam Legislature, Senator Ben Pangelinan, the minority leader, Senator Elizabeth Barrett-Anderson, chairperson of the Committee on the Judiciary of the Guam Legislature; Chief Justice Pete Siguenza; presiding judge, Alberto LaMorena; members of six groups that are important in the context of Guam; and a very important symbolic figure for most people on Guam, the Archbishop, Anthony Apuron; leader of the Chamorro Nation, Ed Benavente; leader of the Organization of People for Indigenous Rights, Hope Cristobal; chairman of the Chamber of Commerce, Sonny Ada; president of the Guam Bar Association, J. Arriola; and president of the Filipino Community of Guam, Roger Ruelos have all received invitations, and we look forward to their testimony.

We certainly look forward to welcoming them to Washington and hope that they have a safe trip to this very distant city, when you look at it from Guam's point of view; and hopefully we will give them a warm welcome, and entertain warmly the proposal of a people who are striving to create a mechanism to better participate in the fabric of American democracy through a Commonwealth proposal.

It is a proposal whose time has come, it is a proposal that must be addressed, and it is a proposal that deserves the serious attention of the members of the Committee on Resources as well as all Members of the House of Representatives and the American people at large.

THE HAZARDS OF NUCLEAR WASTE TRANSPORT

The SPEAKER pro tempore [Mr. PEASE]. Under the Speaker's announced policy of January 7, 1997, the gentleman from Nevada [Mr. GIBBONS] is recognized for 60 minutes as the designee of the majority leader.

Mr. GIBBONS. Mr. Speaker, I believe it was H.G. Wells who was once quoted as saying, ''Human history becomes more and more a race between education and catastrophe.'' Right now, Mr. Speaker, this Congress is in a race and we must not let catastrophe win.

In examining both the education and catastrophe spectrum here, I would first like to do my part in educating the ladies and gentlemen of America, Mr. Speaker, on the facts concerning H.R. 1270, the Nuclear Waste Policy Act of 1997. This legislation will mandate transportation of high-level radioactive nuclear waste by way of our national highways and railways.

This deadly waste will traverse 43 States to a nuclear waste dump at Yucca Mountain, NV, that is right, through 43 States out of 50, traveling right alongside of you during your commute to work or on your weekend outing, or with your family over bridges that traverse your community's source of water, near schools where your sons and daughters are attending their education. On these routes will be nuclear, radioactive waste from 109 of our country's nuclear reactors.

American citizens from Los Angeles to New York, from Atlanta to Denver, from Pittsburgh to Dallas, St. Louis to Tucson, Kansas City to Baton Rouge, Jacksonville to Chicago, and from here in Washington, DC, to Cleveland, are all in harm's way. That is exactly why it is important for us to educate Members on H.R. 1270.

Mr. ENSIGN. Mr. Speaker, would the gentleman yield?

Mr. GIBBONS. I am happy to yield to my colleague from district 1.

Mr. ENSIGN. Mr. Speaker, I would ask, is the gentleman aware that in the transport of this nuclear waste across the country, that the most highly dangerous substance ever produced by mankind is an environmental problem, is a health and safety problem? This high-level nuclear waste on these routes of transportation will be going near even elementary schools, day care centers, and the like across the country?

Is the gentleman aware that we tried to offer and tried to get approved in order an amendment just to make nuclear waste not go within 1 mile of schools, and that the leadership, the Republican leadership, did not allow this amendment to be in order? Is the gentleman aware of that?

Mr. GIBBONS. I thank the gentleman from Nevada for reminding me of that fateful day when we proposed those amendments, and certainly were told that we could not offer those amendments; an amendment which would, in essence, protect children from transportation and the exposure to the transportation of nuclear waste by their schools. I am aware of that.

Mr. Speaker, we would like to point out to everyone just exactly where the proposed railway and highway routes are going to be. Imagine, if you will, that 75 percent of all the nuclear waste in America is generated east of the Mississippi, and it is all coming right here to southern Nevada. Seventy-five percent of those 109 reactors are going to have to funnel their waste through what could be regular hub and spoke communities. For example, if we took St. Louis, MO, where I–70 passes through St. Louis, MO, crosses over the Mississippi River, an accident in St. Louis, MO, could have catastrophic results.

As we recall, earlier, I would remind the gentleman today that we heard earlier about a train accident in West Virginia, a terrible catastrophe. In fact, there were two train accidents in the last several days in West Virginia: a head-on, two trains colliding head on, and a train intersecting or a train intersection where it impacted a truck.

Mr. ENSIGN. If the gentleman will continue to yield, Mr. Speaker, from what I understand from hearing the gentleman from West Virginia this morning, or this afternoon, he talked about this train collision happening, and he even said, luckily, only by God's grace, was the explosive material on one of the trains taken off just before these trains collided.

Mr. GIBBONS. If the gentleman will yield for point of correction, I think he said that that was a truck that was at an intersection that was loaded with explosives, or previously loaded with explosives, just hours before.

Mr. ENSIGN. Yes. If the gentleman will yield further, let us take, for instance, if we had nuclear waste in these tri-cask cannisters, which are supposed to, based on the testing, if I am correct on this, they are supposed to be able to withstand temperatures of up to 1,500 degrees.

Mr. GIBBONS. One thousand five hundred, that is correct.

Mr. ENSIGN. Explosive materials could lead to a fire. Diesel fuel, what does diesel fuel, if the gentleman would answer, being a geologist and a scientist, what does diesel fuel burn at?

Mr. GIBBONS. Diesel fuel burns at 1,830 degrees, but in addition to that, if cooked long enough, the metal surrounding structures will burn in excess of 3,000 degrees, sometimes.

So the problem we have here is twofold. We have natural hazards, diesel fuel from trains and trucks and the metal surrounding it, the incendiary position of the metal; as well as the explosives, if the accident had occurred with a trainload of nuclear fuel and this truck, loaded with explosives; or a terrorist act.

Not too long ago in Arizona it was reported that a terrorist blew a bridge out in Arizona and a train derailed. The exposure of hazard to this material in transportation across America exposes a great risk. But it is a fact that these casks are dangerous.

I would tell the Members, Mr. Speaker, just what is in one of these casks. That is the critical part. These concrete and steel casks contain 24 nuclear fuel rods, spent nuclear fuel rods. Each one of these casks contains 10 times the nuclear radioactive fallout as the bomb we dropped on Hiroshima in the Second World War. That is 10 times that in one cask, in one cask; and we have nearly 80,000 tons of this material being transported primarily from the East Coast over to the West.

Mr. ENSIGN. If the gentleman will continue to yield, Mr. Speaker, from what I am understanding, based on the scenario that the gentleman has painted, based on this hot metal burning and causing one of these casks to come apart, looking at the gentleman's map down there and looking at St. Louis, looking at Denver, CO, right through the center of Denver, CO, looking at Los Angeles, CA, looking at potentially coming across Hoover Dam, which is, from Arizona coming into Nevada, if one of these transport mechanisms, say, was on Hoover Dam, had a crash, went over the side of Hoover Dam, which is about 450 feet down onto a concrete slab, and we had a fire down there, one of these casks broke open, what State would be most affected, besides the State of Nevada, which is sitting right there, and the State of Arizona? What is the No. 1 State that would be affected by this radiation fallout?

Mr. GIBBONS. First, let me address the issue that the gentleman has talking about, dropping these casks. These casks are certified to be fracture-resistent when dropped from a height of 30 feet. It is a lot different from dropping a cask from the top of the Hoover Dam to the bottom, 450 feet.

Only 2 months ago we had an 18-wheel tractor-trailer rig in an accident, spun out on the top of that dam, and the back end was hanging over the edge of the dam. It can happen. It is not a farfetched idea.

□ 1500

But, what you present is one of the greatest environmental catastrophes for the most populated State in the United States and the most populated community that gets a lot of its drinking water and agricultural water from the Colorado River, and that is Los Angeles, CA. All of those millions and millions of people, the lives along the southern Colorado River would be in danger of jeopardy from a nuclear contamination spill just off of that one roadway.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield, people say if we cannot bring it to Nevada in an interim storage facility or a permanent repository that Congress is talking about, they ask me, ''What is the answer?''

Correct me if I am wrong on this. When they were developing the transport mechanism, these things they say are safe, the Committee on Commerce says they are safe, but when they were developing this—and I had a conversation today with the gentleman from Michigan [Mr. UPTON], the lead sponsor of the bill from the Committee on Commerce, and I asked him when they were developing the transport mechanism they developed these dry casks to store them. I asked him, are these dry casks safe for up to 100 years? And he said, yes, they are safe for up to 100 years. And I said why not leave them right where they are instead of transporting them and talking about the potential accidents?

Mr. Speaker, I would ask the gentleman from Nevada if he sees any reason at all for transporting this dangerous waste through cities like St. Louis and Denver and Los Angeles and many other cities like Atlanta across the country?

Mr. GIBBONS. Mr. Speaker, reclaiming my time again, that is exactly what the problem is here that we are facing today. It is a poor policy developed in the 1980's in order to provide an industry with an escape mechanism for something which we should have changed when we allowed them to build these nuclear reactors. Notwithstanding the issue of the nuclear reactor, what we are talking about is what should the policy of this country be with regard to the storage of nuclear waste?

Current technology today indicates that these dry cask storage mechanisms that are on site at the nuclear powerplants are indeed safe for the next 25 to 75 years, if not a longer period of time for the storage of nuclear waste. During that time we have talked to a number of physicists from MIT to Brigham Young University regarding how we could better handle the nuclear waste; rather than just burying it in the ground to an uncertain fate or transporting it across this country with an exposure of danger to all the American people in its path, and that is twofold. One is recycling and reprocessing the material to be used by the reactors that are still in existence or, No. 2, developing the research and the technology that will allow us to change the radioactive hazard of the material.

One physicist that I talked to, a professor from a university in Utah, indicated that he has just recently developed technology that will allow this material, the radioactive waste, to be converted through his process into titanium and copper, to relatively inert but precious metals that we can use in the industries around this country. But it is a far better policy to convert the nonuseful, very dangerous, very deadly toxic substance of nuclear waste into a rather inert valuable metal of titanium and copper. That is the policy that this country ought to be developing rather than the dangerous transportation and uncertain burial.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield further, could the gentleman possibly address what seems to be happening in the Congress? We have talked about many different parts of the science, whether it be on site, dry cask storage being the best storage up to 50 years. Second, the gentleman mentioned some type of recycling, reprocessing this waste. Even if the new technologies the gentleman talked about are not developed, there are older technologies currently in the works in Great Britain, in France, and in Sweden, and they are doing it very safely and they have obviously a much better nuclear power industry in those countries.

So when we are looking at what is driving this policy in this country, I believe and the gentleman's comments on this would be appreciated, from my perspective I see several things happening. First of all, Members of Congress that have nuclear reactors in their districts, they want to get the wastes out of their State. But probably, and most significantly, the driving force behind this is the nuclear power industry, because the nuclear power industry right now only has nuclear powerplants that are going to last 20 to 30 years from now. After that, if we left it where it is, they would be responsible for storing this waste and paying for that storage.

If the Yucca Mountain or the interim storage facility is built in Nevada, would the case not be that ratepayers and the nuclear power industry no longer would have to pay the bill, but now the taxpayers from across the country, even in those States which do not have any nuclear reactors, all of those States and the taxpayers in those States would be left holding the bill? So not only do people have to have this stuff transported through their State when they never had nuclear power in their State, but they are also going to have to foot the bill to pay for the storage of this stuff for thousands of years.

Mr. GIBBONS. Mr. Speaker, again reclaiming my time, I would like to point out something specifically. The gentleman raised absolutely an important question that fails to be asked and answered publicly, and I am glad he brought the subject up.

Yes, indeed, what we see today, for example let us take the State of Connecticut. It has four nuclear reactors and for the problem of safety they have shut those nuclear reactors down. They are not generating nuclear waste anymore, but they have it sitting in this dry cask storage or on site. They want to get it out of their backyard because the nuclear power company sees a serious problem and it is called a ''stranded capital'' problem. It will ultimately have to be responsible for the nuclear waste that that industry, that powerplants generated, unless it transfers that to the gullible taxpayer to take care of it. And that is what is driving this.

If we look here, this chart provides a very insightful window on what is taking place in the nuclear industry. As the gentleman said, every powerplant that is in America today, due to its shelf life or operating life, is scheduled to shut down within the next 20 years or so. This nuclear waste takes 10,000 years to at least get through a half-life of most of it. They have been charging their customers a mill rate on the electricity generated to store this. And it has generated a trust fund. This indicates the balance by the mill rate paid by the end user of the electricity for that storage of about $600 million.

But if we take the time from 1995 and spread it out, as those powerplants shut down the mill rate drops off. In other words, the fund balance goes to zero because expenses are still taking place. Well, it is that timeframe out there when the power plants are no longer producing electricity and those powerplants are no longer bringing in that revenue that that fund balance is zero. Well, guess who gets to pick up that fund difference for the storage, the monitoring, and the handling of that nuclear waste? The taxpayer.

If I may say so, the cost of storage on site today has been told to us by the nuclear contractors who are capable in this field and have the knowledge of this field, but the cost of securing that material on site, where it is at even for the next 100, 75 to 100 years is about $300 million. And giving them the benefit of the doubt, add another $100 million in it, $400 million, even if they were wrong, the cost of shipping it, just shipping it across this country from the east coast to Yucca Mountain, is not $300 million, but $2.3 billion. Well, there is no way $2.3 billion is going to come out of this waste fund. So who picks that tab up? The taxpayers.

Mr. Speaker, this is an unfunded mandate by a nuclear power industry that wants the taxpayers to pick up the tab.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield, speaking of what the taxpayer is going to end up holding the bag on, the Committee on Commerce in its infinite wisdom, Republicans and Democrats alike in the Committee on Commerce, and correct me if I am wrong on this, from what I understand in reading the bill, and we checked with many sources that agree with this, if we had a driver of one of these trucks that was going through, say, Denver, CO, the driver of the truck happens to be drunk, happens to be coming through during the evening one time barreling down and ends up crashing through an apartment building killing *x* amount of children and adults, even though that person should be held totally responsible and that company should be held totally responsible, not only do we have the loss of life but we have an incredible environmental disaster.

Mr. Speaker, I have heard that this company, because of what the Committee on Commerce did, that this company will not be held liable, that the financial end of this will fully be picked up by the taxpayer. Mr. Speaker, I would ask the gentleman, is that correct?

Mr. GIBBONS. Mr. Speaker, the gentleman is correct. It is absolutely mind boggling and the answer to his question is yes. Under the current law, and the laws that they want to pass with regard to this, we are indemnifying the transportation companies. They are going to haul this stuff clear across America and what do they have for responsibility or accountability? Zero, zip, nada, nothing.

There is nothing that says they cannot go out and hire somebody who has never driven a truck before to haul this stuff around. If they crash off one of these bridges or leave the truck in the middle of a railway and they create a nuclear accident, that company that hired them, who should have known better, who had responsibility to do that, who had accountability for any other accident at any other department or any other material in America for any damage or environmental problem would be liable for that.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield, I heard the gentleman from Nevada speak this morning in front of the Committee on Rules on the cost of the potential cleanup if we had one of these accidents with leakage in an area. Could the gentleman address the cost of cleaning up one of those environmental disasters?

Mr. GIBBONS. Mr. Speaker, this is a Freeland, MI, picture of a train accident. Just say this accident occurred somewhere near one of those communities. Say it was Denver, CO; Kansas City; St. Louis, just name the place the stuff is going to go.

Mr. ENSIGN. Salt Lake City.

Mr. GIBBONS. You bet. An accident like this, if it even allowed a fraction of the radioactive material out of these casks, would contaminate an area that they estimate would be as large as 4 square miles. Cleanup of that 4-square-mile area would cost nearly $19 billion. That is billion with a ''B'' dollars. Because every structure on it in that 4 square miles would have to be razed. The soil, depending upon the penetration of the cesium and other parts of the nuclear reactor content, if they penetrated the soil would also have to be removed. And it would be years before they could actually certify that they have cleaned up that area.

Put that in downtown Denver, put that in downtown Cleveland, and put that in downtown St. Louis on the Mississippi River and guess what we have got? We have a national catastrophe within which the Superfund that we have created to handle environmental cleanup would never be able to even address in its wildest, richest moments, let alone the fighting and the attorneys that would take the money.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield, this possibly could be why every major environmental group in the United States opposes this legislation.

I have heard NEWT GINGRICH lately talk about that he wants to be friendly to the environment. I think that NEWT, the Committee on Commerce, and the rest of the people supporting this bill, both Republicans and Democrats alike, because make no mistake about it, this has been a bipartisan effort to bring nuclear waste, transporting it across so many different communities and across this country, across 43 States, that they have to look themselves in the mirror and say, ''Why is every major environmental group opposing this legislation?''

Mr. Speaker, I think that we have heard the answers today. It is because it can be such a potentially damaging incident to our environment if we end up with an accident occurring during the transporting of this waste.

I thank my friend from Nevada. I have to go catch a plane back to our lovely State. I thank the gentleman for allowing me to participate in this special order.

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Mr. GIBBONS. I thank the gentleman from Nevada for joining me in this dialog here with regard to the hazards of H.R. 1270. I appreciate his support. I appreciate his eloquence and his delivery of this information.

I would like to continue the rest of my time to help educate the American public a little more about the hazards about what is taking place. I know many of my colleagues today, on their way in to work, might have driven down 395, taken the House or Senate exit here over to the Capitol, and could have noticed one of those big red signs that say, no hazardous material transported here. That is because it is not in my backyard are we going to have them transport this material. That is because they do not want it here. It is the classic NIMBY syndrome.

But if you look at the transportation of nuclear waste in Maryland, guess what? To those people who do not want nuclear waste in our Nation's Capital, it is actually going to go right through the Nation's Capital, in fact, right through the center of the Nation's Capital; that is, Union Station, just down the street, part of the railway transportation scheme for transportation of nuclear waste on this route.

In addition to that, let me talk a little more about what was brought up about hazards of this material and why the American public is being duped in this regard. If we want to take standards and use sound scientific evidence to establish hazards of materials, then all we have to look at is some of our previous experience in the legislative history of this material and come up with a basis of what is taking place.

First of all, the Environmental Protection Agency has established the number of millirems per year that is allowable in drinking water. And that

is 4, 4 millirems per year is available to be safe in drinking water in our country. The Nuclear Regulatory Commission says, well, we will up it a little bit, for a low-level nuclear waste site, you can be exposed to 25 millirems a year and still be healthy.

EPA again, under the waste isolation pilot project plant in New Mexico, where they are taking high level nuclear waste and treating it in storage there as a pilot project, they have got a whopping 15 millirems per year. An independent spent nuclear storage facility is estimated to have 25 millirems per year, and the interim storage exposure range is about 10.3.

Under 1270, H.R. 1270, all of those standards, the EPA standards do not have to be met. All of the safety guarantees that we have got environmentally around this country do not have to be met. In fact, they guarantee that they will exceed 100 millirems per year in the transportation of nuclear waste.

Mr. Speaker, absolutely incredible that we could have the American public be duped by the nuclear power industry into accepting this material.

Now, we have heard a lot recently about the site or the location where this material is going to be placed, in a mountain in southern Nevada. Theoretically it is dry, no problem with storing it there. After all, people only live miles away.

Mr. Speaker, let me tell you, from a scientific basis, after all, I think I am qualified inasmuch as I have a degree in mining geology, I have studied it. I have a master's degree. I understand some of the hazards with regard to geologic settings.

Yucca Mountain did not become a safe storage site unless you take the standards and you keep changing and reducing the bar and the acceptable level downward and downward and downward. Yucca Mountain did not get to be Yucca Mountain because of a stable geotectonic event. It became Yucca Mountain due to faulting and geologic volcanic activity which is currently active today. Numerous faulting in the area exists and has continued even today with 621 seismic events of a magnitude greater than 2.5 within a 50-mile radius over the last year. That is incredible. There are at least 33 known earthquake faults in Yucca Mountain itself, this little piece of land that they want to put this.

A National Science Foundation study showed that previous testing at the Nevada test site, located 20 miles away, had released plutonium into the surrounding dry rock during one of the underground testings. As a result, they wanted to study that plutonium, very dangerous, half-life much longer than uranium, enriched uranium, to see what the migration into the groundwater would be. Thinking that it would not have gone anywhere in the last 20 years, it has gone nearly a mile. It has migrated a mile. That is 5,000 feet.

Well, 10,000 feet below that is the water aquifer, a huge aquifer for all of the Southwest, including Las Vegas, a city of 1.2 million people, as well as other surrounding communities in the area.

This tells us one thing, that the standards by which they are judging Yucca Mountain are wrong. It is not geologically safe. It is not geologically stable. The transportation and migration of radioactive nuclides through the rock, through the soil and into the groundwater is more than just an expectation. It is an inevitability. It will occur.

We have today probably one of the greatest opportunities to stop this nuisance, to stop this nonsense, to change the policy of this country, to change the idea of sticking it in the ground and walking away from it.

As we talked earlier, the cost of transportation, seven times more expensive than storage on site where it is at. You pick the difference up. You pick up that $2.3 billion. It comes out of your pocket, takes away from your children's education, takes away from your highways, takes away from anything, the defense of this Nation. That is $2.3 billion out of your pocket just to move it versus 300 million that the industry itself could pay to store it for the next 100 years while technology is developed to change the hazard of this material so that we do not have to bury it.

They say they have built a storage site that will last. I defy them to answer me how they know that. We in this country have never built anything to last longer than 1,000 years. We have never been in existence for 1,000 years. The Egyptians built the pyramids 3,500 years ago. They are not lasting. What is it that they expect to see, 1,000, 2,000 or 5,000 years from now when they come across this cavernous Yucca Mountain site where they have buried this nuclear waste?

Who knows what we will find at that point in time, if it is accessible, if it has not erupted or some cataclysmic activity destroyed or changed the site itself. I wonder what the warnings will look like 1,000 years from now that say, do not dig here. We buried high-level nuclear waste.

What sort of paint will they put on the sign that will last for 1,000 years? Will they chisel it in stone and place it at the entry? Will 1,000 years or 2,000 years from now allow us to have that warning available to those people, if there are people, who may stumble upon that area? We do not know. And that is the question of the day. What do we know? We do not know what it will be like. We do know we have the ability to change the policy today, to ask that we go forward with research and development, that we go forward with science to change the hazard of this material.

H.R. 1270 is the transportation of nuclear waste across America. We talked earlier about the odds of an accident. River Front Times, June 12 through the 14, 1996 said it very clearly: No matter how slim the odds of an accident, the potential consequences of such a move are cataclysmic. Under the plan, tons of radioactive material would likely pass through the St. Louis area by either truck or rail a few times a week for the next 30 years. Each cask would contain the radiological equivalent of 200 Hiroshima bombs. Altogether, the nuclear dunnage would be enough to kill everybody on Earth.

Maybe a little bit eccentric, maybe a little bit exaggerative in terms of the cataclysmic event that might occur, but certainly not impossible, not far-fetched.

Whether it is a terrorist act on the railway transportation of this material or a simple accident along the highway or railway with this material, you, the Americans, are both at risk economically, environmentally, personally.

I think it is up to America to advise their representatives in Congress of their opposition to H.R. 1270, the Nuclear Waste Policy Act of 1997. We have a chance today to educate our Members through your phone calls, through your letters, requesting that they oppose H.R. 1270. Do not let this opportunity, do not let this time go by without taking advantage of that opportunity because your future, your children's future and the future of this country depend on your ability to see through the nuclear wool that the nuclear industry wants to pull over the eyes of America.

FAST TRACK TRADE AUTHORITY

The SPEAKER pro tempore (Mr. GILCHREST). Under the Speaker's announced policy of January 7, 1997, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.)

Mr. FRANK of Massachusetts. Mr. Speaker, I am going to talk today about why I am opposing the Presidential request for fast track legislation and, while I am not authorized to speak for anyone but myself, I think I reflect the views of many of my Democratic colleagues and some of my Republican colleagues, but particularly my Democratic colleagues who are opposing the request, even though for many of us the goal of more trade negotiated through fast track authority is ultimately something we want to support.

I want to take this time because of the absolutely central imperative that Thomas Jefferson urged on all of us engaged in the making of public policy when he wrote the Declaration of Independence, the decent respect for the opinions of mankind. It is essential that we be explicit about our reasons, especially since, as I said, expanded trade negotiating authority and the agreements that would result therefrom ultimately, I believe, are in the public interest, but not in the current context.

We are at a time in this country and in the world in which a combination of increased globalization of economies and the technological advances that

spur that on and are spurred and turned on by it are doing two things: First, they are increasing, I believe, the overall wealth of the world. Expanded economic activity among nations, the greater efficiency that comes from increased mobility of capital without artificial barriers, and certainly the technological changes that occur, those do allow us overall to produce more. Unfortunately, absent appropriate public policies, they result both in increased wealth and in increased inequality. That is especially true within the United States and other developed nations.

Mr. Speaker, I wish more people had read, and I will be submitting for the RECORD once again, because I have done this before, some passages from the world economic review in 1993 of the Economist magazine, a magazine very much in favor of free trade, devoted to free trade in its inception.

□ 1530

What they said in 1993, as we were in the midst of the NAFTA debate, was that some of their colleagues on behalf of free trade were not being fully intellectually honest. Because the argument was being made that free trade, specifically in this case NAFTA, was a good thing, and either implicitly or explicitly was being argued that it was, therefore, good for everybody; that it would benefit everybody and hurt nobody, or at least benefit a large number of people, benefit the totality and not have any negative consequences.

As the economists acknowledged, trade does not work that way, and they pointed out that the whole theory of comparative advantage, developed in the 19th century, which continues to be a major argument in favor of trade, the theoretical underpinning for much of the argument, assumes that some people will not do as well. The theory says that countries will do better in trade and increase their production in areas where they have a comparative advantage, but they will lose to some extent in areas where they do not have a comparative advantage. The overall will be to people's benefit.

In the United States that means that people who are technologically skillful, people who can take advantage in their work of globalization and technology will benefit greatly. Those people in our country who are in industries, where America does not have a comparative advantage, where the level of technology is not high, where trade factors will work to the benefit of others rather than ourselves will be worse off.

Yes; it is probable that overall we will be better off, certainly in the long run. But in the real world that people live in, some people will be hurt.

I see this in my own district, Mr. Speaker. I was given by the Massachusetts Legislature in 1992 a rather bizarre shaped district. They were not doing it particularly to help me or hurt me. The legislature had in mind helping one of my colleagues; the Governor wanted to hurt another. The result is a district, which I dearly love and am proud to represent, but it is rather oddly shaped on a map. It almost disappears at a few points.

Indeed, Mr. Speaker, under the current jurisprudence of the U.S. Supreme Court, I think if I were African-American my district would probably be held unconstitutional. But white people are allowed to benefit from extreme gerrymandering in America, only black people are not, so I continue to be lucky enough to represent the district and it is divided.

The northern part of my district has a number of economic activities that are beneficiaries of the new economic order. There are places where the world is now more of a market for them. There are places where technology is being used to great advantage, not just for the economic benefit of those who participate but for the benefit of the world. Software development; biotechnology, bringing great new products; medical care in general, because we get a lot of people coming to Massachusetts from other parts of the world and paying us for the first-rate medical care available there; financial services, where America has led the way and has been exporting our services, those are just some of the areas where we benefit. We have other industries, Raytheon and others, that benefit from exports.

In the southern part of my district I have other industries where people work very, very hard, sometimes in difficult circumstance, but without, up until now, a lot of technological aid at their disposal; in areas where other parts of the world have been able to compete, in areas where labor not as highly skilled as other parts of our economy is a very intensive factor, and these are people who are being hurt.

Garment and textiles are two industries that produced a great deal of the livelihood of many of the people in the southern part of my district. American trade policy has essentially presided over the substantial erosion of those industries.

So here is the problem that I and many of my Democratic colleagues confront: We are being asked to promote greater trade and greater globalization knowing that along with that will come an increase in technological innovation, because I think the two spur each other, and we know that this will benefit a great many people, and may benefit the country as a whole, but it will exacerbate the tendency toward inequality in this country. Some people will do very, very well; others will not do well.

And while there are debates about exactly how it has happened and why it has happened, the fact that income growth has at best stagnated for many, many people in the lower sectors of the economy is indisputable. Working people who do not have the advantage of great technological sophistication behind them have not participated nearly as much in the prosperity as other segments. We have increased inequality, and people in the lower half of the income sphere, in the lower three-quarters, have not done nearly as well as they should have.

What I and many others believe is that if we simply project current policy trends forward, if we do nothing but increase trade, we will exacerbate that tendency. Yes; many people will get richer, some people not now rich will get rich. That is a good thing. But other people will be left further behind. And I and many others will oppose increased trade negotiation powers to the President until we have public policies in place that see that the wealth that we will gain thereby is more fairly shared.

Now, let me acknowledge that people have said, well, trade is only a small part of the reason for some of the inequality. I have read the economists' analysis. Most of them agree that technology is even more important than trade. The point, of course, is that trade and technology reinforce each other.

What we have is the physical capacity, thanks to technology, increasingly to make anything anywhere and sell it somewhere else. That includes not just the production processes, but the reduction in size of many products, increased transportation, and communications equipment which allows us to make geography much less important.

But while technology has physically made it possible to make almost anything almost anywhere and sell it almost anywhere else, trade policies are essential because they make that legally possible. And the combination has left many working people worse off. Because what we are told is, to get the full benefit of modern trends we have to make capital as mobile as possible. We have to remove barriers to capital. Mobile capital, among other things, has the capacity to get the upper hand over labor. In virtually every part of the developed world, and increasingly in the developing world, working people are told they must moderate their demands; they must take less and they must not ask to participate in the increase, because if they take too large a share, the owners will move their capital elsewhere.

The mobility of capital is increasing at a great rate, and it is, of course, trade and technology both that are involved, both the legal and physical aspects of that, and the result is that the bargaining position of labor has been undercut. We have added to that in this country because during the 1980's there were de facto and legal changes that reduced the ability of working people to defend themselves.

And let me fill in one other thing that gets neglected. Substantial deregulation. This economy has been very substantially deregulated and it has been bipartisan. It has been a Republican interest, but it was a Democrat interest as well. Senator KENNEDY,

in the areas of transportation. President Carter. We have deregulated. We were told that deregulation would make us more efficient, better able to compete internationally.

But deregulation, while it has produced enormous benefits in many ways, has also, of course, weakened the economic position of the workers in those industries. We know that as a fact.

Now, there is another problem I am going to address in a later special order, Mr. Speaker, and it is this: Workers in America were told, let us deregulate, let us increase efficiency, let us fully implement new technology without any requirement that we maintain a certain work force, and while this will weaken workers' bargaining position, the result will be a more efficient overall economy and we will be able to grow more.

And I think that is happening. I think that is why we have the situation where we have for 5 years now been growing at a faster rate than most economists thought possible without inflation, yet we have been doing it without inflation.

I recently wrote a letter to the editor of the New York Times that they declined to print. I sometimes think if your letters to the editor are too much on point they are disqualified. A New York Times business reporter noted that the economy had grown by 3 point something percent in the second quarter, and this reporter noted that this was above the 2.2 percent that most economists think is the absolute outer limit of growth that will not produce inflation.

He said everybody agrees, or almost everybody agrees that if we grow at more than 2.2 percent, we will get inflation. Three paragraphs later he noted that we have grown at an average of 2.8 percent over the past 5 years, with, of course, very little inflation. In other words, we are being told simultaneously that 2.2 percent is the absolute limit of growth without inflation and that we have in fact grown at nearly 30 percent more than that without any inflation over the last 5 years.

I think the only response to that would be the one that Marx formulated when Chico said to Groucho, ''Who are you going to believe, me or your own eyes?'' Do we believe the 2.2 percent limit that the New York Times' financial pages state or the 2.8 percent that in fact happened over 5 years?

The point of that, however, is that working people in America were told that we were going to implement some policies that were going to weaken their bargaining position so that in relative terms they might be worse off, but they would be compensated by being part of an economy growing more rapidly. The problem is that we are now being told by orthodox economists in the New York Times' financial pages and others that we cannot grow any faster than we used to grow without the possibility of inflation, even though no inflation yet looms, not even the hint of inflation yet looms. So we have people saying the Federal Reserve should cut growth.

Essentially what they say, quite explicitly, is that unemployment is too low. Indeed, our own Congressional Budget Office, Mr. Speaker, recently told me that they think 5.8 percent is as low as unemployment can go without generating inflation. Of course, unemployment is now at about 4.9 percent. So if we follow that logic, what we need is about 1 million more people unemployed.

The problem is that we are in the position, if we take that view, of saying to working people, gotcha. First, we told them we would deregulate and we would weaken unions and we would implement technology and we would weaken their position in relative terms, but the compensation would be faster growth. And now that faster growth has been a reality, we have people saying, what, they were kidding; that they did not really mean it when they said if we deregulated we would be more efficient and grow faster; that implementing technology would improve technology?

Because many of the people in the financial community and in the orthodox sector of the economics community are basically saying to workers, yeah, we did all the things that undercut them, and while that has produced more growth, we do not think more growth is really such a good thing after all because we are worried that an inflation, that has not yet even begun to stick up its head yet, might be lurking somewhere around the corner, so we will give workers the worst of both worlds. We will continue the implementation of those things which weaken their relative position vis-a-vis capital, but we will also deny them the benefits of the faster growth that was supposed to come.

Now, with regard to trade, we have an exacerbation of that. Because all of these things together, increased globalization, deregulation, flexibility for the ownership that comes in part from the weakening of labor unions, and the implementation of technology without any restriction, all of those together can be seen to increase the overall pie, although I think the weakening of labor unions is, in fact, not necessary to that, and I reject the notion that we had to undercut the rights of working men and women to bargain collectively to get growth. I think, in fact, the opposite is the case.

□ 1545

But all of these things have been implemented. The result has been faster growth than almost any economist thought possible without inflation, and at the same time increased inequality. What we are being asked now, those of us who believe that growth and fairness are both important goals, we are being asked now to continue with the implementation of policies that will result in faster capacity to grow at the cost of ignoring inequality, and our response is, no, we will not support the request for fast track labor negotiations unless they are accompanied with some equity elements. In effect, what we are saying is we are prepared to support efforts that will provide faster growth but only if they can be somewhat more equitably shared.

That has two aspects. First of all, it means that in the trade agreements themselves, we should be acting to encourage fairer working conditions and environmental standards in our trading partners. It ill behooves those who tell us that we should support increased trade to elevate the status of the poor people overseas to object when we try to take that seriously. When the President asked us to support the loan to Mexico 2½ years ago, and I think ultimately we benefited from making that loan, it was a good thing to do, but what many of us said was we do not want to do it unless at the same time we put a condition on it, we put conditions on that there has to be fair collective-bargaining agreements in Mexico, so that the Mexican workers benefit some from this, which has two advantages. In the first place it raises their standard of living. In the second place, it diminishes the extent to which other countries have a comparative advantage over this solely because of depressed wages.

They will have advantages, no one is denying that, in some cases. They will get to be able to sell us things. But we do not believe that that advantage should be artificially increased by their being able to employ child labor or not have fair representation for their workers or to engage in practices that degrade the environment. So, first, we want within the trade agreements efforts to require those who would benefit from trading with our economy to show some concern for the workers in their own country and for environmental standards.

But that is not all. After all, trade in and of itself, I agree, is not the only cause of the worker insecurity here. It may not even be the major cause. Technology may, according to analyses I have read, be more important. But it clearly exacerbates it and the business community, the financial community that is so eager to see international trade because there will be benefits both for the country as a whole and for themselves. Because the owners of capital will benefit more than any other sector of this economy from the increased trade, they should not expect us to support what will be so much in their interest if they are unprepared to support measures for fairness.

Mr. Speaker, I believe there are moral arguments why we ought to be concerned about fairness. I do not think it is right for 45-year-old people in my district or anybody else's district to be thrown out of work because of a combination of technology and international trade and then to lose their health care and maybe lose their

homes, on which they have been making mortgage payments, and accept a very, very substantially reduced standard of living not because of anything they did wrong, not because of a failure on their part to work hard but because that is what technology and trade led to.

We know there are millions of Americans who have lost jobs over the past few years because of this. Many of them have gotten new jobs, some of those new jobs have been lower in pay, some have not gotten new jobs. We do know also that there has been an erosion of the bargaining power of those who have stayed on the job, and the threat that capital will become mobile and leave behind, as I said, is one of the major advantages that the owners have used to the disadvantage of workers.

I think morally we should do more. I do not think that 7 and 8-year-olds in one part of my district ought on the whole to face a future that is fairly bleak because they do not have access every day to computers and people to teach them how to use it or people in other parts of my district do. I am glad the people in other parts of my district do. I will work to help that. But I also feel the moral obligation to help people in the other part of my district.

Let me address my friends in the financial community, the academic economists who are so distressed that those of us on the liberal side will not join in right away on the free-trade expansion movement. People in the business community, if you are not moved morally, and I should say my liberal economist friends, they share our moral view and many of them told me they regret the fact that we have public policies that leave behind so many working people but, they say, we should still go ahead with trade and then they will be for the other. They have got to learn a little more game theory, a little more bargaining in particular.

There is not any reason in the world for those of us who believe equity is getting the short end of the stick ought to forget about that and join in policies that help one sector more than another without asking for something in return. And to the business community and to the financial services community, I want to quote John Kennedy. When John Kennedy initiated his Alliance for Progress 35 years ago or so, he harkened back to the good neighbor policy of Franklin Roosevelt, the first time America even pretended to be treating our Latin American neighbors on an equal basis, although regrettably we were a long way from reaching that ideal then.

Of course, Franklin Roosevelt called his policy the good neighbor policy for Latin America. John Kennedy, launching the Alliance for Progress said, ''Franklin Roosevelt could be a good neighbor abroad because he was a good neighbor at home.'' Those who want, Mr. Speaker, a more active engagement by the United States with the international economy, those who want America to be a better neighbor abroad must understand that they will not get the support to do that unless they are prepared to start being better neighbors at home.

It is one thing to tell a worker in the garment and textile industry that she will lose her job because of international trade and other factors over which she has no control. It is another to tell her that, oh, and by the way in addition to losing your job, you are going to lose your health care and you are not going to get much in the way of help in finding a new job.

Health care is a big example. We still have a situation in this country in which the penalty for losing your job is to lose your health care in many, many cases. We have made it a little better with Kennedy-Kassebaum and a few other things, but the fundamental gap is still there. Until we have a system in which health care is not determined by your employment, do not be surprised, I say to my friends in the business community, when the average worker reacts so strenuously to the suggestion that he or she may lose their job. Because they do not just lose their job, they suffer by loss of their job in many cases a drastic reduction in their standard of living. And so if you want to implement internationalism, if you want to take full advantage of technology and globalization, I have to say to people in the business community, join us in concern about equity.

Stop doing everything you can to frustrate the right of men and women who work to bargain collectively in an effective manner. Drop your opposition to a health care system in this country that will separate out employment from health care so people will not face the loss of their health care when they lose their jobs. Do not insist that when we come to the Federal budget, we cut back on the retirement benefits for poorer elderly people. People tell us, the CPI is too high, the Consumer Price Index. Old ladies living on 9, $10,000 a year are getting too much when they get a 2 percent increase. Let us cut it to 1 percent. You cannot impose that kind of what I believe is cruelty on people at the low end and then be surprised when we say, we are not going to help you get richer until and unless you are prepared to do a little more sharing.

No one is advocating that we avoid any job loss. Of course it is going to come. International trade will bring more job loss. I believe, properly done, it will bring overall more benefit. But we ought precisely for that reason to be able to share that benefit more fairly than we have. Of course, that has been the case in America, where we have weakened the workers' positions. We look at Western Europe and in Western Europe they have not yet progressed as far as we have, in deregulation and in other ways. We are told that the Western Europeans, therefore, have more unemployment but they also have, of course, greater job protections for the workers there. What the workers of Europe are being told is you must give up much of what you now have so your economy can be more flexible, so you can grow more.

But that gets us back to the point I raised about interest rates. It does not present the very encouraging example to the workers of Western Europe if they look here and they see American workers having been told we are going to deregulate and we are going to implement technological change, we are going to do a lot of things that increase the flexibility of capital so we can grow more. The consequence will be, as I said, a weakened position for you in some ways but overall you will have a work force that is better off because we will generate more jobs. You cannot then turn around and say as orthodox economists and the financial community and others are now saying, ''Oh, but we didn't really mean that and we're not going to give you the benefit of the increase in jobs.'' I cannot stress enough, Mr. Speaker, how much I think these are interrelated. On the one hand, people say give us fast track, knowing that that is going to throw some people out of work because overall we will be better off and then at the same time have a Congressional Budget Office, and I just heard from Ms. O'Neill, our new Congressional Budget Office Director, that she believes if unemployment gets below 5.8 percent it will be inflationary and therefore unemployment is too low.

The economics profession, in general there are some very welcome exceptions, tells us, many of them, that unemployment has to be half a million people more than it is today, 6 or 700,000 more than it is today. These are not going to work together. The point is this. Those who want fast track cannot see it as an isolated element, because it is not. It is one element in an overall economy. It is a part of an overall economy in which growth and inequality have been going together.

Until we get a national consensus that we are going to put concerns for equality back in the mix, you are not going to get the growth. I have had some tell me, well, OK, we agree in general, that would be nice, we would like to have some more growth but we cannot really do anything about it.

We have had two arguments why public policies at the Federal level to try to share the wealth a little better, not make it equal. No one rationally thinks we should even try to do away with inequality. Inequality is the engine of the market system. The fact that people will be unequally rewarded is a very important incentive. But we can reduce the extent of inequality, I believe clearly, without in any way hindering the efficiency of the market.

Now, as I said, there have been two arguments. One is precisely what I have just been talking about. One is people say to us, no, you cannot do that. If you try to minimize or even

mitigate the harshest aspects of inequality, you will so interfere with the market system that it will not work. We have had a couple of tests of that, Mr. Speaker, in the last couple of years.

In 1993, this Congress passed at the request of President Clinton a budget which, by the way, according to CBO did about 3½ times as much to reduce the budget deficit as the package we just passed. The current CBO in which the head was appointed by the Republican majority certifies that the budget deal of 1993 contributed more than $400 billion in deficit reduction while the current budget package, they say, contributed somewhere over $100 billion, about 3½ to 4 times as much in 1993. But the package we passed in 1993 not only contributed to deficit reduction, it contributed a little bit to equity, because its major deficit reduction engine was an increased set of taxes on upper income people, and we were told and told and told again by the Republicans that raising taxes on wealthy people would devastate the economy. The predictions were explicit. The Wall Street Journal editorial page, the Republicans, you are going to cause a recession. You are going to increase unemployment.

We had a test. The Republican Party overwhelmingly argued that the tax increase on upper income people in the 1993 budget deal, which CBO says contributed 3½ times as much in deficit reduction as this year's package, the Republican argument was that in our effort to be equitable, in our effort to raise taxes on upper income people as a way to cut the deficit rather than cut out programs that help the poor or make taxes more regressive, in our effort to combine deficit reduction with equity we were going to destroy the economy.

Mr. Speaker, I cannot remember a time when more people were more wrong about a more important issue. Exactly the opposite happened.

□ 1600

In the year after the budget of 1993, when the Republicans predicted we would begin to see these terrible problems, the Federal Reserve slowed down the economy, because it was growing too fast, by raising interest rates. Since that time we have continued to have growth, which has been not as vigorous as I would like, but more vigorous than the economists tell us is possible. The Republican prediction that you could not combine equity with deficit reduction was absolutely, totally wrong and disproven as conclusively as you can prove an economic argument.

Then we had another case. We were able, this time in Republican control of the House and with the support of a minority of tough-minded Republicans in this regard and the overwhelming support of the Democrats and the President, we raised the minimum wage; not nearly enough, not enough to live on, but we raised the minimum wage.

Once again the Republican mainstream predictions were ''Your concerns for equity may make you feel good, but it will be backfire. You will have more unemployment. The working people you are trying to help will be worse off.''

Mr. Speaker, if it is possible to be more wrong than they were in 1993, that is how wrong they were in 1995. The increase in the minimum wage having gone into effect, it had none of the negative impacts on employment that the conservatives predicted. Unemployment has continued to drop, and it has continued to drop in that sector of the economy where the minimum wage increase has an effect.

So for those who tell us I am wrong and we cannot as an economic fact take public policy steps to reduce inequality without somehow destroying the economy, I will point to the two most recent examples of that, 1993 and 1995, the budget deal of 1993 and the minimum wage bill of 1995, and the fact is we were right and they were wrong in both of those cases.

Well, the other argument is we cannot afford it. There are people who said yes, we would like to do more, but we cannot afford it; to do health care, to keep the CPI as it is. What is the argument for reducing the Consumer Price Index? It is to cut the deficit down. People argue we cannot do that.

Well, here we get to an item we will talk about again next week, the military budget. If the United States were not now subsidizing our Western European and Asian allies, we could get our budget down.

I want to talk here about one of the great intellectual and moral failings of the people who preach to the rest of us about fiscal responsibility, the willful ignoring of military overspending.

Why are we constantly told that we must look to the elderly poor to cut the budget deficit? Why is it 82-year-old women getting a 2-percent increase in their Social Security are singled out as the cause of our fiscal problems? Why is it not a military budget that continues to exceed any rational need? And not just in America, but in much of the world.

The area in the world where governments most overspend is in the military. We are recently now going to sell more arms to Latin America, to countries where no gun has been fired in anger at anybody other than one of their own citizens for anybody's memory.

The business community, shockingly to me, preaches fiscal discipline when it comes to social welfare and preaches the virtues of cutbacks when it comes to trying to alleviate poverty and hunger and distress. But when it comes to worldwide overspending on the military, the only time you hear from elements of the business community is when they are the people who can make some money off the overzealous.

So they are sometimes there as advocates of selling more, but they are collectively shockingly silent on the waste of resources that occurs internationally in the military.

So, Mr. Speaker, let me summarize. I know, Mr. Speaker, you would be delighted to have me summarize. You would have liked for me to summarize 20 minutes ago, I understand that. I appreciate your indulgence.

But I want to summarize and say I and many other Democrats, liberals, supporters of working people, think trade properly done is a very good idea. We want to help lift up people in other parts of the world.

We want the greater growth that comes. We welcome internationalization as a way to reduce tension and, potentially, war in the world. But we are not prepared to support the regime that we are now in internationally and nationally, in which everyone is asked to exalt the complete and total mobility of capital, both physically and legally, in which everyone is asked to be completely supportive of technological change and free trade and currency exchanges, without regard to the negative consequences that can have for equity. And we can have both.

We can have growth through the market. We can encourage the mobility and the most efficient use of capital, if we will, at the same time, put into place public policies that shelter working people from some of its negative different consequences. We can do that in ways which we have seen recently in this country which do not interfere with the advantages we get from the market.

But to tell us what we should get is more trade so that capital can be more mobile, so that working Americans can be more frequently threatened with the loss of their jobs if they do not acquiesce in a reduction in their wages or a cutback in their benefits, if we do not accept untrammeled trade without any offset, then we will say no.

I am pleased to see that we appear now to be in a situation where there are enough of us ready to say no. We are not saying never, Mr. Speaker. We are saying to free trade, not under these conditions. We will not agree to a continuation of public policies in this country and elsewhere which exalt the mobility of capital and do nothing to provide some offset for the inequality that is exacerbated thereby.

In the next few weeks, Mr. Speaker, I hope we will decide not to proceed with fast track, and instead to work together with a package of proposals that will see that trade is accompanied, in addition to greater efficiency, better use of technology, greater mobility of capital, with some concern for working people, with some minimum standards below which people do not go, with some concern that the competition that takes place within the world is not a competition for who can show the least concern for the environment.

And I hope we will also look at what the economists said in 1993, that some

American workers will be hurt by free trade. That is inevitable, and they will be those who have the lease. Under theory of comparative advantage as it will work out, Americans at the lower end of the skill chain, at the lower end of our economic reward system, will on the whole benefit lessor, actually be hurt, than people at the other end.

Let us accompany increased free trade with measures that alleviate the distress that free trade will cause some, even while it is benefiting many others, and let us try to insist to the extent that we can that other countries do well. By the way, I did want to address one other point. We are told we cannot interfere. We shouldn't interfere in their labor relations or their environmental policies.

That is, Mr. Speaker, hypocritical nonsense, because many of the people who tell us that we should not accompany our trade policies with concern about human rights or concern about worker rights or concern about the environment, are perfectly prepared to dictate to these other countries about how much they must respect capital.

We are told that it is perfectly legitimate for the American Government to insist that our trading partners have a complete respect for property rights. I agree. But to insist that we get total respect for property rights, for the rights of contracts, for the rights of ownership, and, on the other hand, claim that we cannot tell them about the rights of workers or environmental protections, is hypocritical nonsense.

What it means is we will do those things which benefit capital and enhance its mobility and the return on it, while doing nothing to cope with the consequences of that.

Mr. Speaker, I look forward to being able to vote for increased trade negotiations. I wanted to do that as part of a package which provides for the health care of Americans that lose their jobs, which makes sure to the extent that we can that Americans are not further disadvantaged if they are at the low end of the spectrum, to make sure that Americans who lose their jobs are not left bereft of an ability to support themselves and their family, to make sure that working people in our trading partner countries are given some reasonable hope that they will be beneficiaries in the increased benefits of trade, and in the hope that we can clean up some of the environmental abuses that would otherwise occur.

Free trade can be a wonderful thing if its benefits are fairly shared. But we are being asked now to provide a free trade expansion which will benefit disproportionately those who are already wealthy, will do either nothing or harm to many of those who are most vulnerable, and that is a proposition, Mr. Speaker, which I very much look forward to joining in defeating.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SANDLIN (at the request of Mr. GEPHARDT), for today after 1:15 p.m., on account of personal business.

Mrs. MCCARTHY of New York (at the request of Mr. GEPHARDT), for today, on account of her son's wedding.

Mr. PAYNE (at the request of Mr. GEPHARDT), for today through October 29, on account of official business.

Mr. BEREUTER (at the request of Mr. ARMEY) for today, on account of official business in his district.

Mr. BILIRAKIS (at the request of Mr. ARMEY) for today after 10 a.m., on account of medical reasons.

Mrs. CHENOWETH (at the request of Mr. ARMEY) for today, on account of official business.

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. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mrs. CLAYTON, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

(The following Members (at the request of Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, on October 28.

Mr. ENGLISH of Pennsylvania, for 5 minutes, on October 28.

Mr. TIAHRT, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. PAPPAS, for 5 minutes, today.

Mrs. MORELLA, 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. FRANK of Massachusetts) and to include extraneous matter:)

Mr. KANJORSKI.

Mr. DOYLE.

Mr. VISCLOSKY.

Ms. HARMAN.

Mr. RUSH.

Mr. CAPPS.

Mr. ETHERIDGE.

Mr. KIND.

Ms. LOFGREN.

Mr. SHERMAN.

Ms. KAPTUR.

Mr. MCNULTY.

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mr. BEREUTER.

Ms. ROS-LEHTINEN.

Mr. HULSHOF.

Mrs. CHENOWETH.

Mr. THORNBERRY.

Mr. DAN SCHAEFER of Colorado.

(The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:)

Mr. RADANOVICH.

Mr. TAUZIN.

Mr. GINGRICH.

Mr. MENENDEZ.

Mr. CRANE.

Mr. HINOJOSA.

Mr. COSTELLO.

Mr. HUTCHINSON.

Mr. PASCRELL.

Mr. RODRIGUEZ.

Mr. CONYERS.

Mr. BARRETT of Wisconsin.

Mr. KILDEE.

Mr. PAPPAS.

Mrs. TAUSCHER.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1266. An act to interpret the term ''kidnaping'' in extradition treaties to which the United States is a party; and to the Committee on International Relations.

ADJOURNMENT

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 28, 1997, at 10:30 a.m. for morning hour debates.

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. HYDE: Committee on the Judiciary. H.R. 424. A bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes; with an amendment (Rept. 105–344). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 280. Resolution providing for consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982 (Rept. 105–345). Referred to the House Calendar.

Mr. SMITH of Oregon: Committee on Agriculture. H.R. 2493. A bill to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands; with an amendment (Rept. 105–346, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2493. A bill to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands; with an amendment (Rept. 105–346, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on Science. H.R. 1702. A bill to encourage the development of a commercial space industry

in the United States, and for other purposes; with an amendment (Rept. 105–347). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2614. A bill to improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, to ensure that children can read well and independently not later than third grade, and for other purposes; with an amendment (Rept. 105–348). Referred to the Committee of the Whole House on the State of the Union.

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. TANNER:

H.R. 2730. A bill to designate the Federal building located at 309 North Church Street in Dyersburg, Tennessee, as the ''Jere Cooper Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. TAUZIN (for himself, Mr. CRAMER, Mr. BURR of North Carolina, Mr. BACHUS, Mr. BAESLER, Mr. BARRETT of Wisconsin, Mr. BERRY, Mr. BILIRAKIS, Mr. BRYANT, Mr. CAMP, Mr. CANADY of Florida, Mr. CARDIN, Mr. CHAMBLISS, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. COBLE, Mr. DICKEY, Mr. DICKS, Mr. DUNCAN, Ms. DUNN of Washington, Mr. EHLERS, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FRANKS of New Jersey, Mr. FROST, Mr. GILLMOR, Mr. GOODLING, Mr. GORDON, Mr. GREEN, Mr. HEFLEY, Mr. HEFNER, Mr. HILLEARY, Mr. HOLDEN, Mr. INGLIS of South Carolina, Ms. KAPTUR, Mrs. KENNELLY of Connecticut, Mr. KLUG, Mr. LATHAM, Mr. LATOURETTE, Mr. LINDER, Mr. LIVINGSTON, Mr. LUTHER, Mr. MANTON, Mr. MANZULLO, Mr. MATSUI, Mr. MCINNIS, Mr. MCINTYRE, Mr. MINGE, Mr. NETHERCUTT, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. PICKERING, Mr. PRICE of North Carolina, Mr. REGULA, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. SANDLIN, Mr. SAWYER, Mr. DAN SCHAEFER of Colorado, Mr. SENSENBRENNER, Mr. SISISKY, Mr. SKAGGS, Mr. SKEEN, Mr. SMITH of Oregon, Mr. SPRATT, Mr. TANNER, Mr. TORRES, Mr. TOWNS, Mr. UPTON, Mr. WAMP, Mr. WATKINS, Mr. WHITFIELD, and Mr. WICKER):

H.R. 2733. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia (for himself, Mr. SESSIONS, Mr. GOODE, Mr. BARTON of Texas, Mr. WISE, Mr. BUNNING of Kentucky, Mr. BARTLETT of Maryland, Mr. NORWOOD, Mr. BARCIA of Michigan, Mr. CUNNINGHAM, Mr. WATTS of Oklahoma, and Mr. BRADY):

H.R. 2734. A bill to clarify the standard required for the importation of sporting arms into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. DOOLEY of California:

H.R. 2735. A bill to amend the Agricultural Adjustment Act to exempt actions undertaken to administer a marketing order issued under such Act from the antitrust laws; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 2736. A bill to amend the Omnibus Taxpayer Bill of Rights to clarify that quotas and goals shall not be used as a basis for evaulating Internal Revenue Services employees; to the Committee on Ways and Means.

By Mr. HINOJOSA:

H.R. 2737. A bill to redesignate the Federal facilities located at 2413 East Highway 83, and 2301 South International Boulevard, in Weslaco, Texas, as the ''Kika de la Garza Subtropical Agricultural Research Center''; to the Committee on Agriculture.

By Ms. KAPTUR (for herself, Mr. LIPINSKI, Mr. RUSH, Mr. DELLUMS, and Mr. HEFNER):

H.R. 2738. A bill to amend the Agricultural Fair Practices Act of 1967 to provide for the accreditation of associations of agricultural producers, to promote good faith bargaining between such accredited associations and the handlers of agricultural products, and to strengthen the enforcement authorities to respond to violations of the Act; to the Committee on Agriculture.

By Mr. MCDADE:

H.R. 2739. A bill to amend title 28, United States Code, to create a Judicial Conduct Board and a Court of Judicial Discipline to investigate and make determinations with respect to complaints regarding judicial discipline; to the Committee on the Judiciary.

By Mr. MCINNIS (for himself, Mr. COX of California, and Mr. MCHALE):

H.R. 2740. A bill to limit attorneys' fees in the tobacco settlement; to the Committee on the Judiciary.

By Mr. MCKEON (for himself, Mr. HERGER, Mr. DREIER, Mrs. EMERSON, Mr. CALVERT, Mr. CUNNINGHAM, Mr. GALLEGLY, Mr. HORN, Mr. LEWIS of California, and Mr. ROGAN):

H.R. 2741. A bill to provide a conditional exemption under section 404 of the Federal Water Pollution Control Act, relating to discharges of dredged or fill material, for maintenance of certain flood control projects; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska (by request):

H.R. 2742. A bill to provide for the transfer of public lands to certain California Indian Tribes; to the Committee on Resources.

By Mr. YOUNG of Alaska (by request):

H.R. 2743. A bill to reduce the fractionated ownership of Indian lands, and for other purposes; to the Committee on Resources.

By Mr. HUNTER (for himself and Mr. CUNNINGHAM):

H. Con. Res. 175. Concurrent resolution expressing the sense of Congress regarding the need for a comprehensive management strategy to save the tundra from continued excessive depredations by the mid-continent lesser snow goose; to the Committee on Resources.

By Mr. HUTCHINSON (for himself, Mr. DELAY, Mr. BLUNT, Mr. WATTS of Oklahoma, Mr. WOLF, Mr. PITTS, Mr. EHLERS, Mr. ROHRABACHER, Mr. BOB SCHAFFER, Mr. HOYER, Mr. HORN, Mr. ADERHOLT, Mr. PICKERING, Mr. COOK, Ms. SANCHEZ, Mr. WHITFIELD, Mr. KING of New York, Mr. RUSH, Mr. CALVERT, Mr. SNOWBARGER, Mr. HAYWORTH, Mr. HOEKSTRA, Mr. OBERSTAR, Mr. MARKEY, Mr. GORDON, Mr. MEEHAN, Mr. DOYLE, Mr. ACKERMAN, Mr. SOUDER, Mrs. EMERSON, Mr. CUNNINGHAM, Mr. MCNULTY, Mr. PAPPAS, Mr. ADAM SMITH of Washington, Mr. INGLIS of South Carolina, Mr. TALENT, Mr. DEFAZIO, Mr. RYUN, Mr. WICKER, Mr. CRAPO, and Mr. HANSEN):

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress that the RussianFederation should preserve and protect the rights and freedoms currently afforded those of religious faith under the Russian Constitution; to the Committee on International Relations.

By Mr. MINGE:

H. Con. Res. 177. Concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage; to the Committee on Resources.

By Mr. COSTELLO (for himself, Mr. RUSH, Mr. SHIMKUS, Mr. LAHOOD, Mr. LIPINSKI, Mr. EWING, Mr. JACKSON, Mr. HYDE, Mr. WELLER, Mr. BLAGOJEVICH, Mr. GUTIERREZ, Mr. EVANS, Mr. DAVIS of Illinois, Mr. HASTERT, Mr. POSHARD, and Mr. YATES):

H. Res. 281. A resolution to express support for an interpretive site near Wood River, Illinois, as the point of departure for the Lewis and Clark Expedition; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DELAHUNT:

H.R. 2731. A bill for the relief of Roy Desmond Moser; to the Committee on the Judiciary.

By Mr. DELAHUNT:

H.R. 2732. A bill for the relief of John Andre Chalot; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 2744. A bill for the relief of Chong Ho Kwak; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 2745. A bill for the relief of Sylvester Flis; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. ENSIGN.

H.R. 38: Mr. GOSS.

H.R. 40: Ms. WATERS, Mr. RANGEL, and Mr. POSHARD.

H.R. 44: Mr. FALEOMAVAEGA.

H.R. 65: Mr. KENNEDY of Rhode Island, and Mr. WELDON of Florida.

H.R. 84: Mr. DINGELL.

H.R. 107: Mr. LOBIONDO, Mrs. CHENOWETH, and Mr. PICKETT.

H.R. 123: Mr. STENHOLM, Mr. FAWELL, Mr. MCINNIS, and Mr. QUINN.

H.R. 145: Mr. BOEHLERT, Mr. HINCHEY, Mrs. KENNELLY of Connecticut, Mr. MENENDEZ, Ms. STABENOW.

H.R. 218: Mr. CHRISTENSEN and Mr. TIAHRT.

H.R. 251: Mr. KLUG and Mr. MCINTYRE.

H.R. 339: Mr. KANJORSKI.

H.R. 399: Ms. DUNN of Washington and Mr. MCINTYRE.

H.R. 438: Mr. POSHARD.
H.R. 620: Mr. BOB SCHAFFER.
H.R. 716: Mr. CAMPBELL.
H.R. 789: Mr. SANFORD.
H.R. 802: Mrs. MYRICK.
H.R. 872: Mr. CAMPBELL, Ms. HARMAN, Mrs. JOHNSON of Connecticut, Mr. SHERMAN, and Mr. WELDON of Pennsylvania.
H.R. 991: Ms. SLAUGHTER.
H.R. 992: Mr. GALLEGLY.
H.R. 1010: Mr. STENHOLM, Mr. ENSIGN, Mr. CRAMER, and Ms. DANNER.
H.R. 1166: Mr. GIBBONS, Ms. PELOSI, Mr. CUMMINGS, Mr. TRAFICANT, Mr. RODRIGUEZ, and Mr. NEY.
H.R. 1174: Mr. LEVIN, Mr. DICKEY, Mr. SABO, and Mr. HOBSON.
H.R. 1194: Mr. SESSIONS and Mr. EHLERS.
H.R. 1195: Mr. SESSIONS and Mr. EHLERS.
H.R. 1356: Mr. JENKINS.
H.R. 1407: Mr. LARGENT.
H.R. 1415: Mr. ROMERO-BARCELO, Mr. MALONEY of Connecticut, Mr. CALVERT, Mr. HANSEN, Mr. HORN, and Mr. GANSKE.
H.R. 1507: Mr. DIAZ-BALART.
H.R. 1625: Mr. WHITE, Mr. ARCHER, Mr. LARGENT, and Mr. SENSENBRENNER.
H.R. 1679: Mr. LANTOS and Mr. FALEOMAVAEGA.
H.R. 1836: Mr. WYNN, Ms. NORTON, Mr. FORD, Mrs. MORELLA, and Mr. WAXMAN.
H.R. 1872: Mr. NORWOOD and Ms. MCCARTHY of Missouri.
H.R. 1984: Mr. RODRIGUEZ.
H.R. 1995: Ms. LOFGREN, Mr. FAZIO of California, Mr. OLVER, Ms. MILLENDER-MCDONALD, Mr. EHLERS, and Mr. PALLONE.
H.R. 2023: Ms. MILLENDER-MCDONALD.
H.R. 2029: Mr. RADANOVICH.
H.R. 2090: Mr. STUPAK.
H.R. 2139: Mr. MCGOVERN and Mr. STUMP.
H.R. 2163: Mr. SAM JOHNSON.
H.R. 2183: Mr. SCARBOROUGH.
H.R. 2221: Mr. CALLAHAN, Mr. LATOURETTE, and Mr. CUNNINGHAM.
H.R. 2321: Ms. STABENOW.
H.R. 2327: Mr. TIAHRT, Mr. RILEY, Mr. SAM JOHNSON, Mr. ARCHER, Mr. SESSIONS, and Mr. METCALF.
H.R. 2351: Mr. KUCINICH, Ms. MILLENDER-MCDONALD, and Mr. RAHALL.
H.R. 2365: Mr. HOUGHTON and Mr. MCNULTY.
H.R. 2397: Mr. PICKERING, Mr. PETERSON of Pennsylvania, Mr. HINOJOSA, Mr. HOLDEN, and Mr. BURR of North Carolina.
H.R. 2408: Ms. CHRISTIAN-GREEN, Mr. FORD, and Mr. BROWN of California.
H.R. 2432: Mr. MANTON and Mr. COBLE.
H.R. 2454: Mr. KUCINICH and Mr. CONDIT.
H.R. 2457: Mr. KUCINICH and Mr. CONDIT.
H.R. 2468: Mr. CLAY.
H.R. 2481: Mr. UPTON and Mr. ADAM SMITH of Washington.
H.R. 2483: Mr. COOK, Mr. REDMOND, Mr. GOODLATTE, Mr. BONILLA, Mr. THUNE, and Mr. LIVINGSTON.
H.R. 2519: Ms. CARSON.
H.R. 2596: Mr. SMITH of Oregon and Mr. WELLER.
H.R. 2602: Ms. WOOLSEY.
H.R. 2604: Mr. HULSHOF, Mr. LARGENT, Mr. HAYWORTH, Mr. CALVERT, Mr. YATES, Mr. RAHALL, Mr. PICKETT, Ms. FURSE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, Ms. MILLENDER-MCDONALD, Mr. SHAYS, and Mr. BOEHLERT.
H.R. 2606: Mr. GREEN and Mr. HINOJOSA.
H.R. 2613: Mr. FROST, Mrs. CLAYTON, Mr. BURR of North Carolina, Mr. HEFNER, Mr. KLUG, Mr. SANDLIN, Mr. MCINTYRE, and Mr. EVANS.
H.R. 2614: Mrs. ROUKEMA, Mr. MCKEON, Mr. RIGGS, Mr. GREENWOOD, Mr. NORWOOD, and Ms. DANNER.
H.R. 2626: Mr. BOSWELL and Mr. FOX of Pennsylvania.
H.R. 2637: Mr. METCALF, Mr. COSTELLO, and Mr. MANZULLO.
H.R. 2649: Mr. SERRANO.
H.R. 2650: Mr. MURTHA, Mr. NEAL of Massachusetts, and Mr. SERRANO.
H.R. 2676: Mr. BLILEY, Mr. SHERMAN, Mr. HILL, Mr. PRICE of North Carolina, Mr. GREEN, Mr. COOK, Mr. CANNON, Mr. SALMON, Mr. BALDACCI, Mr. GOODLING, Mr. ETHERIDGE, Mr. GILCHREST, Mr. ADAM SMITH of Washington, Mr. CALVERT, Mr. RIGGS, Mr. BENTSEN, Mr. LOBIONDO, and Mr. BARR of Georgia.
H. Con. Res. 6: Mr. BROWN of Ohio and Mr. LAZIO of New York.
H. Con. Res. 80: Mr. KANJORSKI and Mr. CONDIT.
H. Con. Res. 126: Mr. PITTS and Mr. HYDE.
H. Con. Res. 159: Mr. EVANS, Mr. ROTHMAN, Mr. HINCHEY, Mr. WEYGAND, Mr. KUCINICH, and Mr. STUPAK.
H. Res. 37: Mr. SERRANO.
H. Res. 83: Mr. FALEOMAVAEGA.
H. Res. 139: Mr. TIAHRT and Mr. HILLEARY.
H. Res. 211: Mr. ARCHER, Mr. ADERHOLT, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mrs. CHENOWETH, Mr. COMBEST, Mr. CRAPO, Ms. DANNER, Mr. DEAL of Georgia, Mr. DOYLE, Mrs. FOWLER, Mr. HEFLEY, Mr. HERGER, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. ISTOOK, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. MCINTOSH, Mr. MOLLOHAN, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEY, Mr. PETERSON of Pennsylvania, Mr. POMBO, Mr. OXLEY, Mr. PITTS, Mr. RILEY, Mr. ROHRABACHER, Mr. SESSIONS, Mr. BOB SCHAFFER, Mr. STUMP, Mr. UPTON, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. BACHUS, Mr. DICKEY, Ms. DUNN of Washington, Mrs. EMERSON, Mr. FRELINGHUYSEN, Mr. GREEN, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. SAM JOHNSON, Mr. LAHOOD, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MCKEON, Mr. MICA, Mr. PEASE, Mr. QUINN, Mr. RIGGS, Mr. SMITH of Michigan, Mr. SOUDER, Ms. STABENOW, Mr. TALENT, Mr. THORNBERRY, Mr. TRAFICANT, Mr. WELDON of Florida, Mr. BARCIA of Michigan, Mr. BONILLA, Mr. CALLAHAN, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. COLLINS, Mr. DOOLEY of California, Mr. DUNCAN, Mr. HANSEN, Mr. HASTERT, Mr. KINGSTON, Mr. METCALF, and Mr. JENKINS.
H. Res. 231: Mr. LANTOS.
H. Res. 248: Mr. KILDEE.
H. Res. 267: Mr. BOB SCHAFFER, Mr. PAXON, Mr. CHAMBLISS, Mr. NUSSLE, Mr. BOEHNER, Mr. JENKINS, Mr. MANZULLO, Mr. QUINN, Mr. ABERCROMBIE, Mr. MICA, Mrs. FOWLER, Mr. SPENCE, Mr. GILCHREST, Mr. WATKINS, Mr. GOODLING, Mr. MCHUGH, Mr. GOSS, Mr. CALLAHAN, Mr. LINDER, Mr. DUNCAN, Mr. CUNNINGHAM, Mr. STUMP, Mr. COLLINS, Mr. LIVINGSTON, Mr. CHRISTENSEN, Mr. HORN, Mr. BATEMAN, Mrs. ROUKEMA, Mr. YOUNG of Alaska, Mr. REGULA, Mr. LATOURETTE, Mr. SHUSTER, Mr. ARCHER, Mr. EWING, Mr. SISISKY, Mr. PICKETT, Mr. HEFLEY, Mr. PETERSON of Pennsylvania, Mr. GUTKNECHT, Mr. HILL, Ms. DUNN of Washington, Mr. PICKERING, Mr. CASTLE, Mr. TRAFICANT, Mr. RIGGS, Mrs. EMERSON, Mr. COOKSEY, Mr. BUNNING of Kentucky, Mr. GOODE, Mr. LEWIS of Kentucky, Mr. BRYANT, Mr. SHAW, Mr. PORTER, Mr. GREENWOOD, Mr. TIAHRT, Mr. SAM JOHNSON, Mrs. KELLY, Mr. FORBES, Mr. GALLEGLY, Mr. SKEEN, Mr. HOSTETTLER, Mr. MCCOLLUM, Mr. CANNON, Mr. DELAY, Mr. POMBO, Mr. KIND of Wisconsin, Mr. LEWIS of California, Mr. MCKEON, Mr. DOOLITTLE, Mr. BALLENGER, Mr. SMITH of Texas, Mr. SESSIONS, Mr. TALENT, Mr. NORWOOD, Mr. DEAL of Georgia, Mr. BARR of Georgia, Mr. EVERETT, Mr. SCARBOROUGH, Mr. MCCRERY, and Mr. YOUNG of Florida.
H. Res. 268: Mr. WATTS of Oklahoma and Mr. GIBBONS.
H. Res. 275: Mr. BARR of Georgia, Mr. NETHERCUTT, and Mr. SOUDER.
H. Res. 279: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. PELOSI, Mrs. KELLY, Mrs. LOWEY, Mrs. MALONEY of New York, Ms. DEGETTE, Ms. NORTON, Mrs. MEEK of Florida, Mr. FRANK of Massachusetts, Mr. POSHARD, Mr. DELLUMS, and Mr. HOYER.

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. 2527: Mr. FRANK of Massachusetts and Mrs. MORELLA.

DISCHARGE PETITIONS

Under clause 3, rule XXVII the following discharge petitions were filed:

Petition 3, October 24, 1997, by Mr. BAESLER on House Resolution 259, has been signed by the following Members: Scotty Baesler, Lucille Roybal-Allard, David E. Bonior, David Minge, Christopher Shays, Martin T. Meehan, Pat Danner, Carrie P. Meek, Vic Fazio, Charles W. Stenholm, Bob Etheridge, Thomas H. Allen, Eddie Bernice Johnson, Jesse L. Jackson, Jr., Marge Roukema, Barbara B. Kennelly, Marion Berry, Patrick J. Kennedy, Calvin M. Dooley, John Elias Baldacci, Robert E. Wise, Jr., Robert A. Weygand, John W. Olver, Ron Kind, Julia Carson, James P. McGovern, Bart Stupak, Karen L. Thurman, Ted Strickland, Max Sandlin, Jay W. Johnson, Alcee L. Hastings, William J. Coyne, Elizabeth Furse, Nydia M. Velazquez, Sam Gejdenson, Lane Evans, Silvestre Reyes, Sidney R. Yates, Lloyd Doggett, John S. Tanner, W. G. (Bill) Hefner, George Miller, Karen McCarthy, John Lewis, Thomas C. Sawyer, Bill Luther, Diana DeGette, Earl Pomeroy, Earl Blumenauer, Louise McIntosh Slaughter, James H. Maloney, Neil Abercrombie, Darlene Hooley, Ruben Hinojosa, Richard A. Gephardt, Steven R. Rothman, Gene Green, Nick Lampson, William J. Jefferson, Sanford D. Bishop, Jr., Carolyn C. Kilpatrick, Juanita Millender-McDonald, Vic Snyder, Bruce F. Vento, Ellen O. Tauscher, Carolyn B. Maloney, Marcy Kaptur, Melvin L. Watt, Lynn C. Woolsey, Nancy Pelosi, John F. Tierney, Thomas M. Barrett, Ike Skelton, Gary L. Ackerman, Zoe Lofgren, Jim McDermott, Danny K. Davis, Lynn N. Rivers, Loretta Sanchez, Mike McIntyre, Gary A. Condit, Leonard L. Boswell, Elijah E. Cummings, Joseph P. Kennedy II, Ciro D. Rodriguez, Robert E. Andrews, Robert A. Borski, Ken Bentsen, David E. Price, David E. Skaggs, Jane Harman, Earl F. Hilliard, John M. Spratt, Jr., Bobby L. Rush, Rod R. Blagojevich, John J. LaFalce, Sheila Jackson-Lee, Henry A. Waxman, Norman Sisisky, James P. Moran, James E. Clyburn, Patsy T. Mink, Anna G. Eshoo, Robert T. Matsui, Sam Farr, Maurice D. Hinchey, Luis V. Gutierrez, Jose E. Serrano, Nita M. Lowey, Barney Frank, John D. Dingell, Peter A. DeFazio, Michael R. McNulty, Chaka Fattah, Collin C. Petersen, Sander M. Levin, Owen B. Pickett, Robert Menendez, Benjamin L. Cardin, Frank Pallone, Jr., William O. Lipinski, Bill Pascrell, Jr., Maxine Waters, Steny H. Hoyer, Chet Edwards, Harold E. Ford, Jr., Bob Clement, Tom Lantos, Eva M. Clayton, William D. Delahunt, Esteban Edward Torres, Bob Filner, Jim Turner, Floyd H. Flake, Paul McHale, Sherrod Brown, Thomas J. Manton, Major R. Owens, Adam Smith, Eliot L. Engel, Fortney Pete Stark, Howard L. Berman, Allen Boyd, Walter H. Capps, Charles E. Schumer, Virgil H. Goode, Jr., Cynthia A. McKinney, Thomas M. Foglietta,

Robert E. (Bud) Cramer, Jr., Christopher John, Ronald V. Dellums, Bernard Sanders, Debbie Stabenow, Brad Sherman, Solomon P. Oritz, Dennis J. Kucinich, Corrine Brown, Xavier Becerra, Jerrold Nadler, George E. Brown, Jr., Gerald D. Kleczka, Robert Wexler, Edward J. Markey, Glenn Poshard, Paul E. Kanjorski, Jim Davis, and Bart Gordon.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. PETERSON of Minnesota on H.R. 1984: Bill Barrett and Stephen E. Buyer.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, FRIDAY, OCTOBER 24, 1997 No. 145

Senate

The Senate met at 9:45 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Father, You always are right, just, and fair. Your fairness is the result of Your righteousness and justice. Today, we pray for the character pillar of fairness, of fairness for our own lives. Help us to play by Your rules of absolute honesty, purity, and love. We not only want to do to others what we would want them to do to us, but we want to treat others as You have treated us.

Thank You that we have Your commandments and Your truth in the Bible as our guide. You have taught us not only to meet but to go beyond the just standard. May we be distinguished for our generosity in exceeding what is expected.

May our expression of the character trait of fairness also include our judgments of other people and what we say about them. Forgive us when our evaluations of people are polluted by pride, envy, or competitiveness. Remind us of the power of words to assassinate other people's characters. When we can say nothing positive, may we say nothing.

Lord, You know the strength of this pillar of character called fairness. It is tested when people are unfair in what they say about us or are unfair in their dealings with us. Our temptation is to retaliate, but we know that resentment fired by retaliation usually results in recrimination. Help us break that cycle by being fair by Your standards and with Your strength. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Kansas, is recognized.

SCHEDULE

Mr. ROBERTS. Mr. President, this morning the Senate will immediately begin a cloture vote on the committee amendment to the ISTEA legislation. It is the leader's hope that cloture will be invoked. Let me repeat that. It is the leader's hope that cloture will be invoked and the Senate will be able to consider and dispose of highway-related amendments. If cloture is not invoked, the Senate may consider any available appropriations conference reports—possibly the Interior conference report. Therefore, additional votes may occur during today's session.

As always, all Members will be notified as additional schedule information becomes available in regard to votes today, and the leader will update all Senators later today as to the schedule for Monday's session.

CLOTURE MOTION

The PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Trent Lott, John H. Chafee, Pat Roberts, Slade Gorton, Jon Kyl, Dan Coats, Ted Stevens, Mitch McConnell, Mike DeWine, John W. Warner, Larry E. Craig, Don Nickles, Jesse Helms, Chuck Hagel, Dirk Kempthorne, Lauch Faircloth.

CALL OF THE ROLL

The PRESIDENT pro tempore. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDENT pro tempore. The question is, Is it the sense of the Senate that debate on the modified committee amendment to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Oklahoma [Mr. INHOFE], the Senator from Arizona [Mr. KYL], the Senator from Arizona [Mr. MCCAIN], the Senator from Wyoming [Mr. ENZI], and the Senator from Utah [Mr. HATCH] are necessarily absent.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Minnesota [Mr. WELLSTONE] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote "no."

The yeas and nays resulted—yeas 43, nays 49, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—43

Abraham	Faircloth	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith (NH)
Chafee	Helms	Smith (OR)
Coats	Hutchinson	Stevens
Cochran	Hutchison	Thomas
Coverdell	Jeffords	Thurmond
Craig	Kempthorne	Warner
D'Amato	Lott	
DeWine	Lugar	

NAYS—49

Akaka	Bryan	Daschle
Baucus	Bumpers	Dodd
Biden	Byrd	Dorgan
Bingaman	Cleland	Durbin
Boxer	Collins	Feingold
Breaux	Conrad	Feinstein

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Ford	Lautenberg	Robb
Glenn	Leahy	Rockefeller
Graham	Levin	Santorum
Hollings	Lieberman	Sarbanes
Inouye	Mack	Snowe
Johnson	Mikulski	Specter
Kennedy	Moseley-Braun	Thompson
Kerrey	Moynihan	Torricelli
Kerry	Murray	Wyden
Kohl	Reed	
Landrieu	Reid	

NOT VOTING—8

Domenici	Hatch	McCain
Enzi	Inhofe	Wellstone
Harkin	Kyl	

The PRESIDING OFFICER. On this vote the yeas are 43, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Rhode Island is recognized.

Mr. CHAFEE. 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. BREAUX. 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. BREAUX. Mr. President, I would just ask, what is the order of business for the Senate?

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1173) to authorize funds for the construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Chafee-Warner amendment No. 1312, to provide for a continuing designation of a metropolitan planning organization.

Chafee-Warner amendment No. 1313 (to language proposed to be stricken by the committee amendment, as modified), of a perfecting nature.

Chafee-Warner amendment No. 1314 (to Amendment No. 1313), of a perfecting nature.

Motion to recommit the bill to the Committee on Environment and Public Works, with instructions.

Lott amendment No. 1317 (to instructions of the motion to recommit), to authorize funds for construction of highways, for highway safety programs, and for mass transit programs.

Lott amendment No. 1318 (to Amendment No. 1317), to strike the limitation on obligations for administrative expenses.

Mr. BREAUX. Mr. President, I ask unanimous consent, if no one else is waiting to speak, that I be allowed to speak as in morning business for up to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT OF THE FEDERAL MARITIME COMMISSION REGARDING JAPANESE PORT PRACTICES

Mr. BREAUX. Mr. President, I will just use this time to make a comment about a resolution that is soon to be introduced in a bipartisan fashion, dealing with trade practices between our country and the country of Japan. As many may have recognized recently in the news, we have been involved in a very long and very serious dispute with the country of Japan regarding access, opening up their ports to our industries the same way that our American ports are open to Japanese ships when they call on United States ports here in this country. This dispute has been going on for a number of years. It has gotten to be very, very serious.

We will soon be introducing a resolution. We have talked to Chairman HELMS and Majority Leader LOTT and our Democratic leader, TOM DASCHLE. I know Senator HOLLINGS is very interested in this as well. We worked on a resolution, which will be introduced, which will commend the administration and also the Federal Maritime Commission for their efforts to date in bringing this 15-year problem with the Japanese port practices to a successful conclusion. Since the press and many of my colleagues have already adequately described the history of the Japanese port practices, I am not going to repeat it here. But I would like to make a few comments on what has happened.

First, I think it is very important from this Senator's perspective to recognize that we have been able to work for a successful and satisfactory conclusion of this problem because of the strong, independent action that the Federal Maritime Commission was able to take. As an independent agency, the Federal Maritime Commission has the flexibility to carry out policies that are good for America without having to go through a number of steps and consultations with agencies within our Government that sometimes actually impede the process of quickly and appropriately making decisions that must be made. Because of its independent status, it was able to take this action in a way that should bring about what I think will be a satisfactory conclusion.

The second point I would like to make is I think it is appropriate at this time to recognize the decision of our U.S. Trade Representative, Charlene Barshefsky, last year, to refuse to commit the United States to an inadequate GATS maritime agreement. Had the United States accepted that proposal last year, which was a so-called standstill proposal, these same Japanese port barriers would have been grandfathered in and would have been recognized as the international law of the land. The Federal Maritime Commission, including the rest of the U.S. Government, would have then been powerless to do anything about them except to try to negotiate them away during subsequent rounds of talks with the WTO starting in the year 2000. No agreement is better than a bad agreement. This is a clear example that what the U.S. Trade Representative did at that time was appropriate and proper.

Finally, I believe any agreement on the port practices dispute involving the United States and the country of Japan must include two fundamental points: First, a collection of fines to the extent it shows other countries around the world, not only Japan, that the United States is very serious about reciprocal market access and compliance with our laws; and, second, a vigilant, continued monitoring and enforcement by the Federal Maritime Commission of the changes in port practices promised by the Government of Japan. Both of these two elements are absolutely essential for any type of credible agreement. The Federal Maritime Chairman, Hal Creel, the Federal Maritime Commissioners, Ming Hsu, Del Won, Joe Scroggins and their staffs are to be commended for their extraordinary efforts to resolve this matter in a firm and fair manner. Likewise, I commend our State Department Undersecretary for Economic Affairs Stu Eisenstadt and his staff. They are to be commended for their perseverance in this matter.

Now is not the time, however, for congratulations. We are not quite there yet. Negotiations are continuing. But with additional fortitude, consumers and carriers and their customers, both in Japan and the United States, will soon enjoy the fruits of our labors. We have come too far to settle for any type of mediocre agreement. We cannot and should not give up now. I think a solid resolution of this issue is feasible and I expect one to be concluded in a reasonable amount of time.

Mr. President, if no one else is seeking recognition, 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. ABRAHAM. 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 INVESTITURE OF ERIC CLAY

Mr. ABRAHAM. Mr. President, I rise today to comment on an event that will be taking place in Detroit, MI, a little later on this morning. Unfortunately, because of our votes today, it was not possible for me to attend what will be the investiture of Eric Clay, of Michigan, to become a judge on the Sixth Circuit Court of Appeals. I worked on behalf of Mr. Clay during the nomination process. It was a long and arduous one. Although his nomination was first sent up here in 1996, because of various factors we did not complete action on his nomination during the 104th Congress. Therefore, his

nomination was sent up again at the beginning of the 105th Congress. Happily, after another hearing and after once again being able to seek and receive unanimous support on the Judiciary Committee, he was confirmed by the full Senate in July of this year.

Mr. Clay has been an able advocate of his profession. He has been a very successful attorney. He is one of the cofounders of one of the Nation's largest minority-run law firms, and a very successful one in our State. He is well respected by people throughout the legal community. So, for those reasons and for a variety of others, I was delighted to support his nomination and to work for his confirmation.

Unhappily, as I say, I will not be able to be at the investiture today, but I know his many friends and colleagues are with him and will celebrate his official swearing in to the Sixth Circuit Court of Appeals. As I indicated at the hearing, in any case where people might not necessarily agree, as we find ourselves perhaps occasionally in disagreement on matters that come before the court, or before the Senate for that matter, I think he will bring strength and competence.

He served at one time as a clerk to Judge Damon Keith, who is currently on the sixth circuit and has just recently taken senior status. And, although not directly filling Judge Keith's spot, he, I am sure, will carry on Judge Keith's legacy on the bench and I think will be a fine advocate for the State of Michigan on the sixth circuit, and also, I think, will bring to the Sixth Circuit Court of Appeals a great deal of talent and will make a valuable contribution.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CHAFEE. 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 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I am authorized to say that there will be no further votes today.

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. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANOTHER TRAGEDY

Mr. DEWINE. Mr. President, I rise today to call the attention of my colleagues to a story that appeared last week in the Cincinnati Post. This is the story. The headline is: ''Woman Torched Nephew, Police Say—Youngster's Burns Untreated for Weeks''

Mr. President, the article tells the story of the awful abuse of an 8-year-old child in the Cincinnati area. The boy was set on fire—set on fire—with nail polish remover, and then sent to school for 3 weeks with his burns unattended.

Cincinnati police investigated what happened to this little boy. They have now charged his aunt with child endangering. They charged his aunt with setting him on fire—and also with abusing him with a belt, an extension cord, and shoes.

Mr. President, this is an obscene crime. After this woman's arrest, it was revealed that she had been charged with a similar crime involving the same little boy 2 years before. Don't we have to ask, Mr. President, what on Earth was that woman doing taking care of that child or any child? Why in the world was that child put back into that same home, put back with that abusive woman?

Mr. President, 3 weeks ago, I rose on the Senate floor to tell a similar tragic story. That story took place in Washington, DC. It was the story of a little 4-year-old girl named Monica Wheeler who was found dead, beaten to death in the bathroom of a man who was an acquaintance of her mother. Three years ago, one of Monica's siblings, her brother Andre, then aged 2, was also found dead in the same man's bathroom.

Mr. President, as I have come to the floor and cautioned before, it is up to the police and the courts to find out the truth about these particular cases. And we should not be interested in prosecuting anyone here on the Senate floor, no matter what we think. That certainly is what the courts are for. But I cannot stress enough that these awful crimes point to a responsibility that lies with us here in Congress, the responsibility to make sure we do all we can to stop these crimes from ever happening.

One thing we know for certain about these two cases—the Cincinnati case and the Washington case, and far too many other cases—is that there are too many children in this country today being returned to the care of people who have already abused and battered them, people who should not be allowed to take care of these children. Children are being returned to homes that are homes in name only and to parents who are parents in name only.

Every day in this country, three children actually die of abuse or neglect at the hands of a parent or their caretakers. That is approximately 1,200 children a year who die. And almost half of these children, shockingly, Mr. President, are killed after—after—their tragic circumstances have come to the attention of the child welfare agencies.

At the end of 1996, Mr. President, over 525,000 children were in foster homes across this country. Over a year's time, it is estimated that 650,000 children will be in a foster home for at least a portion of that year. And shockingly, roughly 25 percent of the children in the foster care system at any one time will languish in foster care longer than 4 years. And 10 percent of these children will be in foster care longer than 7 years.

Mr. President, this problem has been growing for many years. It is at least in part the very unintended consequence of a law passed by Congress in 1980, a law that I have spoken on this floor I suppose at least a dozen times about since I came to the Senate. It is a law that was passed in 1980 that requires that reasonable efforts always be made to reunify families. In practice, Mr. President, this law has resulted in unreasonable efforts, unreasonable efforts being made to reunite families that are families in name only, families that never should be reunited. Children are being sent back to abusive parents, abusive care givers, and many times the result is death.

Mr. President, I have been working to change this for almost 3 years now. Last month, along with Senators CHAFEE, CRAIG, and ROCKEFELLER, and others, I introduced a bill that I hope will represent the culmination of this effort. The PASS Act—the Promotion of Adoption Safety and Support for Abused and Neglected Children Act—would make a difference. It would save young lives. It would change this 1980 law that I referenced. It would put an end to a tragic policy that has put parents' interests above the health and safety and even the survival of innocent children.

It would help child welfare agencies move faster to rescue these children. Mr. President, every child deserves a better fate than being shuttled from foster home to foster home for years on end.

That is why, Mr. President, we are working to pass this very important bill. Let us work together, after we pass the bill, then on the next step, which will be to continue to try to improve the system.

But the work that is in front of us today, Mr. President, is to pass the PASS Act, a bill that has been worked on extensively, a bill that will in fact benefit children in two ways: One, by moving them quickly through the system once they are in fact in foster care so that they do not languish in foster care for years on end so that they can have what every child needs, which is a caring and loving family; and the second thing the bill would do is save lives. We will never know what child's life will be saved or how many, but I am convinced, after talking with caseworkers throughout the State of Ohio, children service agencies, and after having talked to many people throughout this country, that the 1980 law that

our bill will amend will in fact, by amending that law, save lives.

So I urge my colleagues, when this bill is brought to the floor, as I hope it will be in the next several weeks, to look at this bill, to pass it, and to move on so that we can make a very strong statement and do something very positive for America's children.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I want to thank the distinguished Senator from Ohio very much for the work he has done on this legislation, the support he has given it, the kind things he has had to say about my part in it.

I think it is very important to stress that the Senator from Ohio has long been active in children's matters, particularly this area that we are involved with, namely, adoption and foster care. He knows the existing problems in this system and has been very, very helpful in the meetings we have had in putting this legislation together.

So I thank the Senator from Ohio very much for his work. And I share his enthusiasm and his desire to see this legislation come up this year, before we leave hopefully. So certainly both of us will do everything we can. We have had some fine meetings with the majority leader on it. Next week, we will be meeting with the chairman of the Finance Committee. Hopefully this legislation can come before us before we leave.

If there is nobody else desiring to speak, 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. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FAIRCLOTH pertaining to the introduction of S. 1313 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FAIRCLOTH. 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. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

LEGAL CUSTODY OF MEI MEI

Mr. DEWINE. Mr. President, I rise this morning to draw the attention of my colleagues to a very sad, unnecessary controversy involving the Government of the United States and the Government of China, a controversy which also involves a little 3-year-old girl.

Mr. President, this is the sad story. A Chinese woman living in Cleveland was diagnosed with schizophrenia. For many reasons, including this diagnosis, it was clear that this woman was not capable of taking care of her daughter. In fact, they had both been evicted from a Salvation Army shelter because of concerns that the mother was mistreating the daughter. Evidence showed that the child had been seriously neglected. So the court stepped in and sent this child into foster care. By the time this little girl was 16 months old, tragically, she has been in four foster homes.

The natural mother was allowed visiting rights. During one of these visits she abducted the child and took her to the People's Republic of China. In June 1997, Mr. President, the Ohio court permanently terminated the birth mother's rights and awarded legal custody of Mei Mei—this little girl's name—to Mei Mei's foster mother. Since last October, the foster mother, the legal guardian of this child, has been trying, naturally, to get Mei Mei back. She wants to adopt Mei Mei, but her efforts thus far have not been successful.

Mr. President, I urge President Clinton to raise the issue of this little child with the Chinese President when they meet. There is an adoptive family waiting in Ohio for Mei Mei. They love her and they will be able to take good care of her. I hope this problem can be resolved in a positive and expeditious way. Therefore, I urge the President to raise this at the highest level between our countries.

A few minutes ago on the floor I circulated a letter—and a number of my colleagues have already signed it—to send to President Clinton urging him to bring the matter up.

Mr. President, sometimes it is easy, as we debate issues, to lose the personal sense about these horrible cases. Sometimes we hear about statistics and sometimes we hear about stories of bad things occurring, such as I have just related.

To try to bring it home, though, and put a more personal face on it, let me read just one paragraph that was written by the foster mother who wants to adopt Mei Mei. This is what she writes:

> We have been applauded for our dedication and uninterrupted love for Mei Mei. I can honestly tell you, however, that it was not difficult. When a child enters your life and needs to be held, you hold them. You teach them to laugh, you teach them that you are there, you teach them to be gentle, you teach them that everything in life is beautiful. And then when they start to see that life is not something to be just tolerated but rather to be enjoyed, they develop a sparkle in their eye, which fuels your love further for them. That's what happened with us and with Mei Mei.

So I urge, again, Mr. President, that our President, President Clinton, bring this matter up with the Chinese. It is a small matter, I suppose. But it is a little girl; it is her life. She has an opportunity for a loving family to raise her. She was snatched away from that opportunity by a woman who has clearly demonstrated that she is unfit to take care of this little girl. So I urge the President, as he discusses issues with the Chinese, to raise the issue of Mei Mei.

Mr. President, I yield the floor, and at this point 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. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FDA REFORM

Mr. DEWINE. Mr. President, I want to discuss today an important issue involving the FDA. First, let me congratulate my colleague from Arkansas, Senator TIM HUTCHINSON, for his fine work on the legislation that he has just introduced. This bill that Senator HUTCHINSON has introduced would prevent the FDA from implementing a proposed rule that is harmful and unnecessary.

Mr. President, this is the story. Earlier this year, the Food and Drug Administration issued a proposed rule to accelerate the phaseout of metered-dose inhalers that are propelled by chlorofluorocarbon gases, commonly known as ''CFC's.'' Essentially, Mr. President, the FDA has proposed to ban from the market safe and effective medicines that millions of Americans use to help them breathe. For many patients, these medicines mean, quite literally, the difference between life and death.

This FDA proposed ban is not based on concerns of safety, but rather the ban on these inhalers was put forward on the grounds that inhalers that use CFCs deplete the Earth's ozone layer. Now, the fact is, Mr. President, that these inhalers have only a minimal effect on ozone depletion. Asthma inhalers account for only a very small part of this problem. It is estimated that asthma inhalers account for less than 1.5 percent of the total problem.

Perhaps more important, Mr. President, the companies that make these inhalers have already agreed to develop new CFC-free devices by the year 2005—the deadline that was previously set forth in the international Montreal Protocol. These companies are working hard to bring these products to the market quickly and, in fact, they think they will beat the 2005 year deadline.

So I think, Mr. President, it's clear that the FDA's proposed rule to accelerate the phaseout of these products yields no significant benefit to the global environment. What it will do, however, is take away essential medications from Americans who depend on these inhalers to manage serious respiratory illnesses.

Mr. President, over 30 million Americans suffer from some type of respiratory disease, including asthma.

Many of these patients rely on a combination of inhalers to be able to function normally. The FDA's proposed policy would limit their treatment options and force them to switch from proven treatment regimens that have been carefully adjusted to control their symptoms.

Mr. President, asthma is a serious national health problem. The morbidity and mortality rates from asthma continue to increase in the United States, particularly among minority and inner-city children. Mr. President, I think we have to question the FDA's judgment in putting forth a proposal that puts these patients at further risk. I hope others will agree with me as well.

Mr. President, the FDA has already received over 10,000 letters from patients, providers, and health care organizations expressing concern about this issue. In a letter to Health and Human Services Secretary Donna Shalala, Dr. C. Everett Koop, former Surgeon General of this country, wrote the following:

> This proposal will adversely impact patient health, while providing negligible environmental benefit.

Dr. Koop went on to state:

> Any efforts to limit the medications available to asthma patients and their physicians would be a serious mistake that would lead to severe consequences for American asthmatics.

Mr. President, there is another aspect to this whole issue. Under the proposed guideline, the FDA would remove from the market products that have been tested and labeled for use in children and replace them with CFC-free versions that while containing the same active ingredients have not been tested or approved for use by children. They have not been tested or approved for pediatric use. Mr. President, asthma is the leading cause of chronic illness among children—5 million children suffer from asthma today. How in the world can the FDA remove products from the market which are proven to be safe and effective for children while at the same time the FDA laments the lack of adequately labeled products for children? It just doesn't make sense.

Mr. President, the Food and Drug Administration is charged with protecting the health and well-being of American citizens. It seems incomprehensible to me that it could put forth a proposal that secures really negligible environmental benefits at a potentially steep cost to human lives and health. I urge the FDA to reconsider its proposal. The health of millions of Americans who depend on metered-dose inhalers is too important.

Mr. President, I thank the Chair. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, what is the question before the Senate and what is the business before the Senate?

The PRESIDING OFFICER. The Senate is conducting morning business with Senators to speak for up to 10 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that I may speak out of order for as long as I may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair.

THE LINE-ITEM VETO

Mr. BYRD. Mr. President, I have been intrigued—modestly, if I may say, so as not to exaggerate—at the plethora of complaints that are being in some instances stridently expressed about the President's use of the line-item veto. I suppose what amazes me so much about this matter is that all of this vast panorama of problems that could be expected to occur in the train of passage of the Line-Item Veto Act have been addressed time and time and time again on this Senate floor by me; by my colleague, Senator MOYNIHAN; by my colleague, Senator LEVIN; by my colleague, Senator REID; and many other colleagues on both sides of the aisle, including, of course, former Senator Mark Hatfield. We spoke to the galleries here and across the land repeatedly about what could be expected from the use of a President's line-item veto pen should such legislation be passed. We also spoke of the constitutional ramifications of a line-item veto. At the time, I felt that in all probability our expressions of concern were falling upon deaf ears.

So of late it has been brought home to me very clearly that although one may speak with stentorian voice, as with the combined voices of 50 men or as if his lungs were of brass, there will nonetheless be ears that will not hear, there will be eyes that will not see, and there will apparently be minds that will not think.

So one is left with very little consolation other than to know that what he or she said as a warning in days past was on point, and that history will prove that the point was well taken.

Mr. President, I see my dear friend, Senator MOYNIHAN, who is a great teacher. I wish I would have had the opportunity to sit in his classes—a man who is noted in the Congressional Directory as having received 60 honorary degrees. That will make one sit up and take notice—60 honorary degrees! I have never counted my honorary degrees. But I suppose that if I have been the recipient of ten or a dozen, that would certainly be the limit.

But Senator MOYNIHAN has foreseen the ramifications of this unwise legislative action by the Congress—and it is now coming home to roost—the so-called ''Line-Item Veto Act.'' He has joined with me previously many times in discussing the act here and elsewhere. He has joined with me, as did Senator LEVIN and former Senator Hatfield and two of our colleagues in the other body, in a court challenge against the Line-Item Veto Act. And he joins with me today in cosponsoring this bill to repeal the line-item veto.

So I am going to yield to him. I have legislation that I have prepared to repeal this act. Senator MOYNIHAN has joined with me in the preparation of the legislation. And I am going to yield to him because, as I understand it, he needs to get to another appointment right away. So I gladly yield to my friend for as long as he wishes. I ask that I be permitted to yield to Senator MOYNIHAN without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, it is again an honor and a privilege to join with one of the great constitutionalists in the history of the U.S. Senate, ROBERT C. BYRD, who has written the history of the Senate.

I can so well remember the occasion on which that great volume was introduced. One of our finest American historians was present saying that it is difficult to understand and very hard to forgive that there has been so little scholarly attention given to this body, to the Congress, as against the Presidency, and suggesting that it is not hard to explain. There is only one President, and there are 435 of us—a more complicated subject that comes later in our historymaking.

But I think it may be said that in the history of relations between the Congress and the Presidency there has never been an issue equal in importance to the constitutional challenge we face with the Line-Item Veto Act.

I think of difficulties in the past. There have been clashes between the Executive and the legislative. There are meant to be, sir, I presume to tell you.

Madison and Hamilton, when they explained the Constitution to the people of New York in that series of essays that became the Federalist Papers, said citizens might well ask. At that time people knew the history of classical Greece and Rome, and they knew how turbulent it was. Madison had the solicitous phrase of speaking of the ''fugitive existence'' of those republics. And they asked: What makes anyone suppose that we will have a better understanding, a better, a more durable existence than those of the past? And the answer was, ''We have a new science of politics.'' That was their phrase, '' * * * a new science of politics.'' Because in the past, theories of government depended on virtue in rulers. We have made up a different arrangement, an arrangement by which the opposing forces, the checks and balances, set off one group against another. And the result is that in the end you have outcomes that make up for—again, a wonderful line of Madison's—''the defect of better motives.'' And, in that regard the Framers very carefully

defined in article I and article II this distinction.

If I may say, again because it is so important, the framers of the Constitution presumed conflict. They did not assume harmony. They did not assume common interests. They assumed conflict. When they were asked, Why should we expect this Republic to survive given the ''fugitive existence'' of republics of classical Rome and Greece?, they replied ''Because we have a new science of politics.'' We can have one interest balance another interest. And they devised it because they knew there were conflicting interests.

I believe it would surprise us, Mr. President, to know the extent to which—until the American Constitution came along—political theory assumed virtue and harmony in rulers and in government. We have seen it in our time, sir, in its most notorious form in the dictatorships of the proletariat in the Soviet Union, in the Republic of China, now in North Korea, if you like. The dictatorship of the proletariat is a wonderful way of saying rule by the virtuists, and rule by the virtuists turned out in reality to be rule by tyrants, by monsters. Indeed, Mr. Pol Pot is just now being interviewed by Mr. Thayer in the Far Eastern Review, and in the name of virtue, in the name of the people's republic, Mr. Pol Pot murdered perhaps as many as 2 million Cambodians. All in the name of virtue.

Well, this Constitution does not assume virtue. It assumes self-interest. And it carefully balances the power by which one interest will offset another interest and in the outcome make up, again in that wonderful phrase of Madison, ''the defect of better motives.''

In the judgment of this Senator, shared of course by our revered leader in this regard, nothing could violate that constitutional design more clearly than the Line Item Veto Act. On January 2 of this year, the first business day after the Line Item Veto Act took effect, I joined Senator BYRD, Senator LEVIN, and our never-to-be-forgotten friend from the State of Oregon, the former chairman of the Appropriations Committee, Senator Hatfield, in a lawsuit challenging the constitutionality of that Act on the ground that it violates article I, section 7, clause 2 of the U.S. Constitution, known as the presentment clause.

Mr. President, the issue of this Act's constitutionality has now been commented upon by two Federal judges. In the U.S. District Court for the District of Columbia, Judge Thomas Penfield Jackson took exactly 3 weeks from the date of oral argument to conclude that it is unconstitutional. He wrote in his April 10, 1997 opinion that by passing the Line Item Veto Act, ''Congress has turned the constitutional division of responsibilities for legislating on its head.''

The Justice Department appealed that decision, and we went to the Supreme Court where, in a manner that I think is generally understood, the Court is a little shy about getting into arguments between Members of Congress and the President. I could use the image, sir, that the Court likes to see someone before it with a broken arm saying, let me tell you how it happened to me and why. And they held that we did not have standing—seven Justices did. Justice Breyer thought we had standing. But most importantly, sir, Justice Stevens dissented. He said we did have standing, and what is more, that this measure is unconstitutional. He is the one Supreme Court Justice who has commented on the question of this statute's constitutionality. In his opinion he wrote:

> The same reason that the respondents have standing provides a sufficient basis for concluding that the statute is unconstitutional.

I quote, Sir, from the case of Franklin D. Raines, Director, Office of Management and Budget, et al., Appellants, versus ROBERT C. BYRD, et al.

Now, this is a constitutional question. There is another more subtle one. It goes directly to the constitutional intention of the separation of powers and the balance of powers, and that is the idea of the shift in power from the Congress to the executive that this legislation makes possible.

In this morning's Washington Post there is an article about the President's recent exercise of this authority. And rather to my distress, if I may say it, a number of Senators on this floor and a number of Members on the House floor have discovered that there is politics being played in the White House. Politics, Mr. President? I am shocked to hear that there are politics in the Presidency. Of course, there are—ever have been. In today's story in the Post a very distinguished scholar, Stanley E. Collender, who is an expert on spending issues, says, ''The line-item veto is never going to be a deficit reduction tool and you would think they''—the Congress—''would have realized it when they gave it to the President. It's a raw exercise in power.'' Mr. President, if you want to shift power from the Congress to the executive, fine. Amend the Constitution. Do not abuse it by statute. And if it came to amending it, I am not sure we would.

I talked earlier about the ''Federalist,'' which was written as essays in New York State newspapers in support of ratification by New York State of the Constitution, which was a very close matter. Rhode Island, as the distinguished sometime President pro tempore knows, was the last to ratify it. It took them years. But they didn't have Madison and Hamilton and Jay to read at the time, and we did.

Now, there has just appeared a wonderful small volume called the New Federalist Papers, a twentieth century fund book written by Alan Brinkley, Nelson Polsby and Kathleen Sullivan. They try to make their essays about the length of the original Federalist. Nelson Polsby has a succinct and devastating essay on the line-item veto.

Nelson Polsby, who happens to be a friend of many years, is Professor of Government at the University of California, Berkeley, and his many books include, most importantly in my view, his book ''Congress and the Presidency.'' And he writes here on the line item veto. He says:

> The line-item veto would make Congress severely dependent on Presidential good will. A shrewd President would not veto everything but would use the line-item veto selectively, in effect bribing legislators into cooperating. Americans have a stake in preserving the independent judgment of Congress on issues of public policy. This is not the way to do it.

''Americans,'' I say again, ''have a stake in preserving the independent judgment of Congress on issues of public policy. This is not the way to do it.''

I should say that Mark Hatfield, our coplaintiff, is using this text in his seminars back in Oregon just now.

Early on in our deliberations—and I hope I will not take any liberty when I say it—a most distinguished and admired colleague, ''Mac'' Mathias, a Senator from Maryland, who was with us so long, when this first came up commented from his long experience, ''The President won't veto any great number of items. He will just let it be known that he can.'' And the conversation goes as follows: Senator, I know how much this radiation laboratory means to that fine hospital you have worked so hard to develop. I know how much it means to the health of the American people, to science, to medicine. But, you know, Senator, expanding NATO is a very important issue to me. And I hope that if I understand your needs, and I feel your needs, you will understand mine, and surely you will. Can we have that understanding as responsible persons in Government?

Well, that kind of trading goes on and is meant to go on. That's what checks and balances are about. But not with the threat of an unconstitutional act to change a bill passed by this body and the other body and sent to the President, take something out of it, and the bill that in consequence never passed either body becomes law. That violates the Constitution's ''single, finely wrought and exhaustively considered procedure,'' as the Court in INS versus Chadha called the presentment clause of article I.

Now if you want to do that, fine. Amend the Constitution. But you cannot amend the Constitution by statute.

I do not want to go on because there are so many distinguished persons in the Chamber, and the Senator from West Virginia, our teacher in these matters, is being very patient. But simply to say, as Mr. Collender says in this morning's Washington Post, this will never save any money. What will happen is, as Mr. Polsby says in his essay, it simply shifts power from the legislative branch to the executive branch. And it does so in a manner that Justice Stevens in the Supreme Court not 4 months ago said is unconstitutional. More I do not know what need

be said. The Congress could do itself a great service by passing Senator BYRD's legislation. Then we would have a real test of political reality. Would that bill be signed or vetoed? We do not know, but one good way to find out is simply to adopt this direct and simple legislation.

Mr. President, I will not go on, but I ask unanimous consent that at this point in my remarks, that there be printed in the RECORD the text of the four pages by Nelson W. Polsby on the line-item veto as published in the New Federalist Papers.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[From the ''New Federalist Papers'']

ON THE DISTINCTIVENESS OF THE AMERICAN POLITICAL SYSTEM

(By Nelson W. Polsby)

Americans of a certain age will remember that at the first opportunity after the Allied victory in World War II, the voters, fed up, so it was said, with meat shortages and the privations of war, threw out a large number of incumbent congressmen and elected a new majority. The nation embarked upon a decade or so of jitters focused upon problems of domestic security. The Truman administration, under severe Republican pressure, launched a loyalty/security program. Senator Joseph McCarthy, with his careless charges of communism in government, flourished.

This, evidently, is the way Americans celebrate global victories. Neither the dismantling of the Soviet empire nor the meltdown of the Soviet Union itself seems to have convinced Americans of the possible virtues of their own political system. Rather, complaints about the way the United States is governed have never been louder or more insistent, as ''malaise'' has given way to ''gridlock,'' and gridlock to ''funk'' as the most fashionable way to describe a system the chief feature of which is held to be an inability to cope. If presidents and leaders of Congress, Democrats and Republicans, talk this way, never mind advocates of one or more third parties, must they not be right? After all, a key test of the viability of any political system surely must be the willingness of political elites to defend it.

On these grounds alone, the American political system is in plenty of trouble. But a nagging doubt intrudes. One wonders whether the bashing of the political system has been used for narrow partisan purposes and whether, also, it is simply ill-informed.

The American government is not easy to grasp. Most nations are much smaller than the United States, with less space, fewer people. The Western democracies with which the United States is most commonly compared have one-third (Germany) to one-fifth (United Kingdom, France) the population of the United States, and some comparison nations (Sweden, 9 million people; Switzerland, 7 million; Denmark or Israel, 5 million) are even smaller. Only a few of the world's political systems—China, India, Russia, Indonesia, Brazil—have anywhere near the population of the United States, and most of the larger nations—perhaps half our size, like Nigeria, Pakistan, Bangladesh, or Mexico—are governed by tiny groups of bureaucrats, military leaders, families, or cliques of the educated. Thus, even when the political system embraces many people, only a few inhabit the top in the nations as large or larger than the United States. Most democracies of medium size have political classes that are by U.S. standards small.

In the United States, responsibilities for public policy are not concentrated in a few hands but are spread to dozens of different places. Take transportation policy. Roads and their policing are devolved functions of the several states, and the fifty states parcel large chunks of authority out even further to cities, towns, and boroughs within their jurisdictions. To be sure, some transportation policy is made in Washington, for example, the rules governing Amtrak or air traffic control. But the licensing of vehicles, the control of on-street parking, the maintenance of roads and ports, the routing of buses, the building of subways—in short the vast bulk of the gigantic enterprise of American public transportation policy—can be fathomed only by traipsing around the country and looking at the disparate detailed decisions and varied decisionmakers who fix the prices of taxi medallions in New York City and plow the snow off the roads in Minnesota and provide for the coordination of rapid transit routes and schedules in the San Francisco Bay area.

Transportation is only one policy area. There are dozens more, some the responsibility exclusively of national government, some all local, some mixed. These matters are much easier to sort out, and to track, in smaller and less heterogeneous nations, and in nations with unitary constitutions. Federalism, just illustrated in the field of transportation, is embedded in the American Constitution and is one source of the spread of governmental authority, but only one source.

Consider next the separation of powers, a means of organizing government at the center of the political system where power is shared among executive, legislative, and judicial branches, all for some purposes mutually dependent, for other purposes independent of one another. Consider Congress, the world's busiest and most influential national legislature. Proposals go in the door of Congress and regularly emerge transformed by exposure to the complexities of the lawmaking process. Unlike parliamentary bodies that run on the Westminster plan, Congress is an entity independent of the executive branch. Its members are elected state by state, district by district, by voters to whom they are directly responsible. Members are expected to have opinions about public policies, to respond to the concerns of their constituents, and to participate as individuals in the making of laws.

To be sure, Congress has its division of labor; not every member sits on every committee. And who within Congress gets what primary responsibilities is orchestrated by partisan caucuses and party leaders. So the fate of any particular proposal depends greatly on where it is sent—to which subcommittees and committees, superintended by which members. Congress cannot have strong party responsibility without sacrificing some of the advantages of this division of labor, which allows committee specialists to acquire authority over the subject matter in their jurisdictions by learning over time about the substance of public policy. Federalism supports the separation of powers by giving members of Congress roots in their own communities, where local nominating procedures for Congress lie mostly beyond the reach of the president, and of central government.

Beside these two interacting constitutional features—federalism and separation of powers—sits a strong judiciary, fully empowered to review acts of political branches and to reject those acts contradictory to the provisions of the written constitution. The strength of the judiciary evolved as a natural consequence of the existence of enumerated, explicit rights—a Bill of Rights, in fact—that ordinary citizens possess, mostly phrased as restraints on the government. How can an individual citizen assert these rights except through appeal to the courts? Once courts respond to the piecemeal invocation of the Bill of Rights by citizens, a strong and independent judiciary, and a political system dominated by lawyers, is given a strong evolutionary preference.

Many political systems have one or more of these distinctive features of the American constitutional order: federalism, a separation of powers, a Bill of Rights. All three features, working together in the very large American arena, produce a decentralized party system with its devolved nominations and highly localized public policy preferences, a vibrant, hard to coordinate, independent legislative branch, and lawyers and lawsuits galore.

Giving up any or all of these distinctive features of the American ''real-life constitution'' is urged mostly in the interests of centralized authority and hierarchical coordination. Most modern democracies, it is pointed out, do without distinctively American constitutional trappings. Why cannot the United States do the same? Perhaps we could if the government of a smaller, more homogeneous nation were at stake. But when the governed are spread far and wide, and are deeply divided by race, religion, and national origin, civil peace may well require political instruments sufficiently decentralized to produce widespread acceptance of national policies and tolerance of national politicians. Although the American system is weak in forward motion, it is strong in its capacity to solicit the marks of legitimacy: acceptance of decisions, willingness to go along, loyalty in time of emergency.

It is, according to this interpretation of the emergent design of the Constitution, thus no accident that the one major period of constitutional breakdown into civil war could be understood as a matter of a failure of center-periphery accommodation. Civil War-era theories of nullification, states' rights, and concurrent majorities were all attempts to fashion an even more developed constitution, one that could contain the enormity of slavery. As this episode teaches, and as observers of events in the modern world from Beirut to Bosnia might attest, obtaining the consent of the governed when the body politic is heterogeneous is no mean feat.

American democracy, on this reading, is more democratic than any of the large, complex nations in the world, and larger and more complex than all of the other democratic nations (save India). Proposals for change that appreciate the size and complexity of the system have a better chance of success than proposals that merely complain that the system is sizable and complicated. Judging from the success of smaller democratic nations, Madison was clearly wrong in arguing that a large, extended republic was necessary to prevent tyranny. But he was undoubtedly right in observing that an extended republic is what the United States would become. In 1787, soon after the Constitution was written, it is recorded that ''a lady asked Benjamin Franklin, 'Well, Doctor, what have we got, a republic or a monarchy.' 'A republic,' replied the Doctor, 'if you can keep it.' ''

Mr. MOYNIHAN. I thank the Chair. I thank the Senator from West Virginia for yielding me this time.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New York, Mr. MOYNIHAN, our most learned Member, for his eloquent statement in support of the legislation that I am introducing on behalf of myself and the

Senator from New York and the Senator from Michigan. He has never faltered in his opposition to the passage of legislation that would give this President, any President, Democrat or Republican, line-item veto authority. And as he has said so many times, if this is something that is going to be done, it ought to be done as the framers made provision for, and that is by way of a constitutional amendment which will constitute the judgment, hopefully the considered judgment, of the American people from whom all power and authority in this Republic springs. I think Senator MOYNIHAN's reference this morning to the ''New Federalist Papers'' essays is timely. He was kind enough to give me a copy of that volume which I have not yet had the opportunity to read but which I shall very soon. And he has printed in the RECORD today one of the essays from that volume. I shall look for it in the CONGRESSIONAL RECORD with great interest.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I had a question——

Mr. BYRD. I have the floor.

Mr. CHAFEE. I had a couple questions for the Senator from New York whenever the proper time is.

Mr. BYRD. Mr. President, I will be happy to yield to the distinguished Senator from Rhode Island for the purpose of his propounding those questions, if I may do so without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request? If not, the Senator may proceed.

Mr. CHAFEE. Mr. President, I listened carefully to the remarks by the Senator from New York. I am on the other side on this issue. But nonetheless, it was very edifying to hear the comments that the Senator from New York had to make. Several times the Senator from New York said, if I understood correctly, that this measure, this line-item veto, is unconstitutional. My question is, has it been so tested? Or is there anything underway to so test it? In other words, is there a case working its way up through the system to challenge the constitutionality of the line-item veto—which I guess we passed, was it last year? Was it in 1996?

Mr. BYRD. May I respond to that particular question?

Mr. CHAFEE. Surely.

Mr. BYRD. Mr. President, the Senate passed the so-called Line-Item Veto Act on March 23, 1995. The legislation went to conference where it lay dormant for something like a year, and I am told that the standard bearer of the Republican Party in last year's Presidential election prevailed upon the leadership in both Houses to get this matter out of conference and get it passed into law so that, I assume, he, Mr. Dole, would then feel that he would become the first wielder of the pen under this act.

So the leadership went to work and on March 27—these dates are so etched in my gray matter between my two ears that I will never forget the dates. If anything ever happens to my mind and I lose my memory, I daresay this will be one of the last things that will be lost. So, on March 27, 1996, the Senate stabbed itself in the back by adopting that conference report.

I have answered the Senator's question.

Mr. MOYNIHAN. If I might reply to my distinguished friend and chairman who asked, ''Who has agreed? If we assert this is unconstitutional, who has agreed?'' May I just read a passage from the opinion of the one Justice of the Supreme Court who has commented on the constitutionality question? It was John Paul Stevens, 26 June, 1997. Our complaint had been filed on January 2, the first business day of this year after the act took effect. He says:

> The line-item veto purports to establish a procedure for the creation of laws that are truncated versions of bills that have been passed by the Congress and presented to the President for signature. If the procedure were valid, it would deny every Senator and every Representative any opportunity to vote for or against the truncated measure that survives the exercise of the President's cancellation authority. Because the opportunity to cast such votes is a right guaranteed by the text of the Constitution, I think it clear that the persons who are deprived of that right by the act [meaning the plaintiffs] have standing to challenge its constitutionality.
>
> Moreover, because the impairment of that constitutional right has an immediate impact on their official powers, in my judgment they need not wait until after the President has exercised his cancellation authority to bring suit.
>
> Finally, the same reason that the respondents have standing provides a sufficient basis for concluding that the statute is unconstitutional.

Now, on October 16 of this year—this month—the city of New York filed suit with respect to a vetoed item in the Balanced Budget Act of 1997. New York City was joined by the Greater New York Hospital Association and two labor groups that represent hospital workers. I have asked to file an amicus brief. The case is now pending in the district court and we will hear presently from them.

Mr. CHAFEE. I thank the Senator from New York for that description. Because it is interesting. So, now, there is underway an appeal, seeking a court determination.

Mr. MOYNIHAN. By persons I described as standing before the court with a broken arm.

Mr. CHAFEE. I remember when we had the debate on this. I wasn't deeply involved but I supported it. I always have. But I can only believe that there must be a stack of constitutional opinions by learned lawyers, and maybe judges for all I know but certainly many from the legal profession, saying that this, indeed, is constitutional. In other words, the suggestions of the difficulties and constitutional problems, as outlined by the distinguished Senator from New York and the distinguished Senator from West Virginia, are not new. In other words, they foresaw what was going to happen and raised those points on the floor. So I can only assume that there was all kinds rebuttal information prepared. I will confess I can't remember the debate with that clarity. I certainly remember the Senator from West Virginia was against it right from the word go, that was clear, and spoke eloquently, as did the Senator from New York.

But my question is, there must be a quantity of information or opinion on the other side? I can only assume.

Mr. MOYNIHAN. May I respond to my learned and good friend, there are no judicial pronouncements to the effect that this is constitutional, for the simple reason that it is rather new. It was enacted by Congress for the first time in 1996. But although it has never been adjudicated by the courts, it has been the subject of scholarly commentary. At the time we debated the measure in the Senate, I cited several such scholarly opinions, including those of Lawrence H. Tribe of the Harvard Law School, and Michael J. Gerhardt, then of the Cornell Law School, now dean of Case Western Reserve Law School. I noted that in Professor Tribe's treatise ''American Constitutional Law,'' he writes:

> Empowering the President to veto appropriation bills line by line would profoundly alter the Constitution's balance of power. The President would be free, not only to nullify new Congressional spending initiatives and priorities, but to wipe out previously enacted programs that receive their funding through the annual appropriations policy.

He goes on to say:

> Congress, which the Constitution makes the master of the purse, would be demoted to the role of giving fiscal advice that the executive would be free to disregard. The framers granted the President no such special veto over appropriations bills, despite their awareness of the insistence of colonial assemblies that their spending bills could not be amended once they passed the lower house had greatly enhanced the growth of legislative power.

As the conference report on the Line Item Veto Act came back to the Senate in 1996, we asked Professor Tribe for his opinion, as Senator BYRD will recall. He read the conference report and telephoned in the morning, and he gave us this statement:

> This is a direct attempt to circumvent the constitutional prohibition against legislative vetoes, and its delegation of power to the President clearly fails to meet the requisites of article I, section 7.

I say to my friend once again, if you want to give the President this power, do so in the mode the Constitution provides. That is by constitutional amendment. But you cannot do it by legislation.

Mr. CHAFEE. Thank you very much.

Mr. MOYNIHAN. I thank my friend from Rhode Island. I thank my leader.

(Mr. SMITH of Oregon assumed the chair.)

Mr. BYRD. Mr. President, I thank again my friend, the Senator from New York.

I have been trying to get in touch with Senator LEVIN, but I have been unable to do that today, so I will not add his name at this point until I can be reassured by him that he wishes to be a cosponsor. I have no doubt that he will be. But I shall in due time add his name, and others', if they so wish.

Mr. President, the legislation which I am introducing is very simple. It reads as follows:

The Line Item Veto Act, (Public Law 104–130), and [any] amendments made by that Act [would be] repealed.

The Impoundment Control Act of 1974 shall be applied and administered as if the Line-Item Veto Act had not been enacted.

Mr. President, I hope that we will proceed to have hearings on this legislation that I am introducing on behalf of Mr. MOYNIHAN and myself, and that we can generate some interest on the part of Members to testify on the bill.

Even though there will undoubtedly be more and more cases in the courts resulting from the line-item vetoes that have already occurred, and those that will occur in the future, I think that the legislative branch should proceed to correct the grievous error that it made in passing the act.

In the meantime, I hope that the courts will also proceed. I hope they will not withhold their judicial power and fail to exercise their judicial responsibility simply because Congress, at some point in time, can itself repeal the Line-Item Veto Act.

The point is that, if I am correct in the way I feel about this legislation, our Government is operating under an unconstitutional act with respect to the appropriations process. The President is acting under the presumed authority that he has been given by this nefarious legislation.

But the act itself, I maintain, is unconstitutional. And so, feeling as strongly as I do about the act, I believe that I have a responsibility to offer legislation to repeal it. And that is what I am doing.

In one way or the other, hopefully, the act will be stricken by the Court or repealed by the Congress. And I hope that neither body will wait on the other, that neither department will wait on the other to perform the action that would be necessary.

In offering this legislation, I am attempting to restore the kind of Government, with its separation of powers and checks and balances, that the American people have enjoyed for over 200 years. Never before has Congress enacted legislation that would disturb that separation of powers, those checks and balances.

There has been some talk about it over the years. President Grant first advocated the line-item veto. And the first resolution or the first bill that was ever introduced in the Congress to provide for a line-item veto was introduced, interestingly enough—or perhaps ironically enough—by a West Virginian—Charles J. Faulkner—a West Virginia Congressman, well over 100 years ago.

And since President Grant's first advocacy, most Presidents, or perhaps all with the exception of President Taft, have advocated the line-item veto.

President Washington, the first President of the United States, indicated unequivocally—unequivocally—that any President, under the Constitution, had to accept legislation in toto. The President had to sign it in toto or veto it in its entirety. He could not pick and choose provisions in a bill.

There have been hundreds of pieces of legislation introduced over the years since the administrations of President Grant that would provide either for a constitutional amendment or provide legislation, such as was the case in this instance, to give the President the line-item veto authority.

I have listened to the arguments over the years. And what I said would happen has come true. There is considerable turbulence now. I said that the outcome of this legislation, if it ever became law, would be that the relations between the executive branch and the legislative branch would be hurt, that it would prove to be bad for the country, that tensions which normally exist and were expected to exist between the branches of Government—expected by the framers to exist—those tensions would be intensified, and they have been.

There has been considerable turbulence on Capitol Hill as a result of the President's having exercised his line-item veto—this new tool, this new and polished, sharp-edged Damocles' sword that now hangs by a slender hair over the head of every legislator on Capitol Hill.

We have given the President a political tool. We have given him a weapon by which he can expect to cower any or all of us and by the threat of the use of that sword which hangs over our collective heads, he will expect to get what he wants, not only on a particular appropriations bill but also in connection with a particular nomination or treaty.

I have said these things time and time and time again. I have said that Senators would rue the day, rue the day that they enacted legislation giving to this President or any President line-item veto authority. The chickens are coming home to roost. Members are already ruing the day on which they voted to give the President this line-item veto. I have said time and time again that the President would use it, that Members would be intimidated by it, and that, to a degree, it would have an impact on our freedom of speech in this body. I am sure that there are Members who will now hesitate in some instances to speak out against the administration because they must always carry in the back of their minds a remembrance that the President may exact retribution for words spoken in this Chamber or outside the Chamber by Members in criticism of the administration. They will hesitate because they will understand that the President now can wreak some vengeance. He can threaten to cancel this project or to cancel that program that affects a particular constituency or region. It does not have to be one State or one congressional district, it can be an entire region and the veto can be used politically.

I am amazed at the expressions of surprise that the line-item veto is ''being used as a political weapon.'' We need not be surprised that a President will use the item veto as a political weapon. Who is to blame? Not the President. We are to blame. We are supposed to be grown-up men and women. I am amazed, absolutely amazed, that grown-up men and women—who are expected to know something about the Constitution, are expected to have read it at some point in their lives, and who should be expected to retire to it from time to time and read it again or read portions of it—I am amazed that Members who have stood at the desk in front of this Chamber and with upheld right hand, and the left hand on the Bible, literally or figuratively speaking, have sworn an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic, would hand the President such a weapon to be used against themselves.

Then they have turned right around and taken that oath lightly by emasculating the Constitution passing the Line Item Veto Act. Obviously, lightly.

Montesquieu said, when it came to the oath, the ancient Romans were the most religious people in the world. They honored their oath.

The first consul, Lucius Junius Brutus, took office in the year 509 B.C., that being the date when the Roman republic was first established. Lucius Brutus was purported to be a distant ancestor of Marcus Brutus, who was involved in the conspiracy to assassinate Caesar. Lucius Junius Brutus required the people of Rome to swear on oath that never again would they be ruled by a king. Tarquin the Proud had just been vanquished and run out of Rome, and so Lucius Junius Brutus, the first consul—there were two consuls but he was one of the two, and he was most responsible for the driving out of Tarquin the Proud—felt so strongly about the matter that he required an oath on the part of the Roman people that they would never again be ruled by a king.

But it wasn't long until there came to his attention information that his own two sons, Titus and Tiberius, were conspiring to bring back a king, an Etruscan king to rule over Rome.

Upon receiving this information, Brutus called the people to come together in an assembly, and in the midst of the people he had his two sons,

Tiberius and Titus, executed—his own sons—because they had violated their oaths and conspired to reinstitute the monarchy.

The Romans were religiously attached to the oath. They took it seriously. When Marcus Atilius Regulus was sent by the Carthaginians as a prisoner back to the Roman Senate in the year 249 B.C., he went as a prisoner of the Carthaginians. He was a Roman consul and had been taken prisoner by the Carthaginians. In their efforts to secure peace and to have the Romans relinquish Carthaginian prisoners, the Carthaginians sent an envoy to Rome to attempt to work out some arrangements whereby the Carthaginian prisoners would be released and a peace pact could be agreed upon. The Carthaginian Government thought that if they sent this imprisoned Roman consul it would give the delegation more stature and that the Romans would be more likely to come to an agreement.

When Marcus Atilius Regulus reached the Roman Senate he was called upon for his opinion concerning the matter and he told the Roman Senate that in his judgment Rome would not benefit by such a treaty. And he said ''I am a chattel of the Carthaginian Government. I am their prisoner and I know that they will hear about what I have stated to the Roman Senate. I know they won't be pleased. Nevertheless, I think it would not benefit my government. I'm with you in spirit. I am a Roman at heart. Even though I am a Carthaginian chattel, I am with you in spirit.''

The Roman Senate offered to protect him and proposed that he not return to Carthage, but he said, ''I took an oath that I would return. I swore to the Carthaginian Government that I would return.'' He said, ''When I make an oath, even to an enemy, I will keep that oath.'' He was conscious upon leaving Rome of the tears of his wife and children who clung to him and who begged him not to return to Carthage. Nevertheless, he felt so strongly about keeping his oath that he went back.

As he had predicted, the Carthaginians tortured him. They cut away his eyelids and prepared an enclosure in which there were spikes upon which he was forced to lie, at all times, day and night. With his eyelids cut away, the heat and light from the Sun bore fiercely upon him. He lay upon his back on those spikes, and soon perished. This was an example of a Roman who believed in giving his life rather than break his oath.

I am reminded again of what Montesquieu said: When it came to keeping the oath, the Romans were the most religious people in the world. What about us? How faithful are we in keeping our oath to support and defend the Constitution of the United States? Time and time again I have pondered on this, I have reflected on this, and I have wondered as to how often have Members of the Senate gone back and reread the Constitution, the charter of our liberties?

Mr. President, we should keep that oath. It is not something to be taken lightly. I think if we take it seriously, we will struggle with our conscience and on matters such as the line-item veto and say to ourselves: How does that fit into this Constitution? Where do I find in this Constitution that the President of the United States has any legislative power? Where is it?

Let me read for the RECORD section 1 of article 1, the very first sentence in the Constitution of the United States, in the operative section. Article 1, section 1: ''All legislative powers herein granted * * *''

All legislative powers—not just some, not a few, not most legislative power, but ''All legislative powers herein granted.'' Well, if legislative powers are not ''herein granted,'' they don't exist.

''All legislative powers herein granted shall be vested * * *'' Not may be, but ''shall be vested in a Congress of the United States.'' Not in the House of Delegates of West Virginia, but in ''a Congress of the United States which shall consist of a Senate and House of Representatives.''

There it is. It is not because I said so, but there it is in the Constitution. And yet with English words plainly written and with those words meaning precisely what they say, we nevertheless have ears and cannot hear, eyes that cannot see, and apparently minds that cannot think when we cavalierly give to the President of the United States a line-item veto with its legislative powers.

Now, can we do that? Can we give to the President legislative power? Can we give to the President legislative powers that the Constitution says shall be vested only in one place—the Congress of the United States? Can we, as Members, give away something that is a legislative power? Is it a legislative power? In the Line Item Veto Act, the President is authorized to sign a bill into law, and then, after signing that bill into law, he can ''cancel,'' or repeal, parts of that law.

The Constitution says that the President shall faithfully execute the law. But he has just signed this bill into law and he is allowed, under this nefarious piece of legislation, to go back and pick up the same pen with which he signed an appropriation bill into law and he can strike an item, he can strike two items, or he can strike many items. He can strike away 5 percent of the bill, 10 percent of the bill, 90 percent of the bill. Of course, it is a law by then. He can strike it. He can amend it. He can repeal it.

It is a legislative power to strike an item from an act. When a Senator moves to strike an item from a bill, that is a legislative act. He moves to amend or he moves to strike, and that is a legislative act. That is an action in the legislative process. He is exercising a legislative power. That Senator will have to have a majority of the Members of the Senate join in support of his motion to strike, else his motion will be lost. ''Those in favor of the motion will say aye, those opposed to the motion will say no. In the opinion of the Chair, the ayes have it, the ayes do have it, and the motion is agreed to.'' If somebody asks for a rollcall or a division, the Chair will proceed accordingly. But a single Member cannot single-handedly strike any item from any bill. He has to go according to the legislative process, which requires a majority of the votes—except in some few instances, which are set forth, in which supermajorities are required. But we are talking here about the normal legislative process.

That Member has not yet succeeded. He can get a headline in the paper, but he has not yet succeeded in striking, or amending, or canceling, or repealing that item.

He has to also have a majority of the other body, and if the other body is in full attendance, as sometimes it is—there are 435 Members there and he has to have 218 Members supporting him in that other body, and 51 in this body, with all 100 Senators present. He has to have a total of 269 votes in both Houses.

That is the legislative process. That is majority rule. And yet to think that grown-up, intelligent, educated, responsible men and women, who are the elected representatives of the people, would come here and cavalierly vote in such a way as to give this President, or any President, Republican, Democrat, Independent, or whatever, the power to unilaterally, with the stroke of a pen, strike out an item in a law; unilaterally, with the stroke of a pen, to amend a law; unilaterally, with the stroke of a pen, to repeal what is in that law that was passed by a majority of the Members of both Houses of Congress—to give all that power to one man, or woman, as the case may be, the President of the United States is beyond all credulity.

It is the acme of ridiculosity to even imagine that an intelligent group of men and women in a civilized body, working under a written Constitution, would even think of doing it. I cannot comprehend what motive may have guided a majority of men and women in these two bodies to prostrate themselves before any President and willingly and voluntarily cede away the power over the purse that has been vested by the Constitution in these two bodies, to the President of the United States.

Men and women have died in past centuries to have that power vested in the hands of the elected representatives of the people. There was the struggle of Englishmen, which extended over centuries of time, against tyrannical monarchs, to wrest the power of the purse away from the kings and entrust it to the elected representatives of the people. And we cavalierly handed it away to the President.

The Roman Senate was not required to yield power to Sulla. The Roman Senate voluntarily handed the power over the purse to Sulla and to Caesar. It made Caesar dictator for 10 years; then it made Caesar dictator for life, with all of the power of the executive and the legislative and the judicial branches in his control. The Roman Senate wasn't required or forced to give Caesar that power; it willingly and voluntarily ceded that power to him. And all of the centuries of time that have come and gone since that fatal act have borne testimony to the unwisdom of the Roman Senate. And history was changed as a result. It had far-reaching consequences when the Roman Senate lost its nerve, lost its vision, lost its way, and willingly and voluntarily ceded over to the dictators, and later to the emperors, the power over the purse. For hundreds of years the Roman Senate had had complete and unchallenged control over the public moneys.

We can also read the history of England—and we will find, as I have already indicated, that Englishmen, for centuries, struggled with monarchs who believed that they ruled by divine right, struggled for the prize—the power over the purse. It was at the point of the sword that Englishmen took from the Kings the power over the purse and vested it in Parliament.

We can see in our own colonial experience the continuing thread of representative government, with the control of the purse being vested in the hands of the elected representatives of the people in the various State assemblies during the colonial period, and later when the colonies became States.

So I am chagrined, I am puzzled, and I am disappointed that Members of Congress would willingly give to any President this power. That is what Congress did.

In looking at the letter I received from the Director of the Office of Management and Budget, Mr. Raines, yesterday, I bemusedly pondered again over these words. I will insert this letter into the RECORD in its entirety.

I ask unanimous consent that the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 23, 1997.

Hon. ROBERT C. BYRD,
Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: I am writing to provide the Administration's views on S. 1292, the bill Disapproving the Cancellations Transmitted by the President on October 6, 1997.

We understand that S. 1292 would disapprove 36 of the 38 projects that the President canceled from the FY 1998 Military Construction Appropriations Act. The Administration strongly opposes this disapproval bill. If the resolution were presented to the President in its current form, the President's senior advisers would recommend that he veto the bill.

The President carefully reviewed the 145 projects that Congress funded that were not included in the FY 1998 Budget. The President used his responsibility to cancel projects that were not requested in the budget that would not substantially improve the quality of life of military service members and their families, and that would not begin construction in 1998 because the Defense Department reported that no design work had been done on it. The President's action saves $287 million in budget authority in 1998.

While we strongly oppose S. 1292, we are committed to working with Congress to restore funding for those projects that were canceled as a result of inaccuracies in the data provided by the Department of Defense.

Sincerely,

FRANKLIN D. RAINES,
Director.

Mr. BYRD. We will recall that the President had disapproved various projects that had been included in the Fiscal Year 1998 Military Construction Appropriations Act. The President, under his newly gained authority, had disapproved 38 of the projects, In the letter, Mr. Raines states: ''The President used his authority responsibly to cancel projects that were not requested in the budget.'' He doesn't have any authority that I know of to cancel projects solely on the basis that they were not requested in his budget. He can do it, of course. He has the veto pen. But he is not acting on any ''authority'' that I know about. It is not in the Constitution. He doesn't get any authority there.

He doesn't get his authority from the Line-Item Veto Act to ''cancel projects that were not requested in the budget.'' That Line Item Veto Act sets forth certain criteria for the guidance of the President in exercising the line-item veto pen. But nowhere in those criteria will there be found a criterion which says that the President may ''cancel projects that were not requested in the budget.'' Yet, Mr. Raines refers to such authority in his letter. ''The President used his authority responsibly to cancel projects that were not requested in the budget.''

Well, I say, as I have said many times, that the administration—whatever administration is in power—will see that Line Item Veto Act as it wishes to see it. It will read into it whatever it wants to read into it. It will hear whatever it wants to hear from anonymous bureaucrats working in the subterranean tunnels of the White House who will advise the President as to what should be stricken by the veto pen. We can trust them to expand upon the power that has been given them in the act. And they will read into it and interpret the words, and constantly be expanding their power. I predicted that that would be the case.

Mr. President, I hope with this legislation to be able to remove that sword of Damocles that we ourselves helped to suspend over our unlucky and graying heads. But we have nobody to blame except ourselves. I am not going to blame the President if he uses that authority that we have given to him. We gave it to him without a whimper; no resistance. Resistance? No. We eagerly gave it to him. ''Take it, Mr. President. Take it. Take this authority. Take this legislation. Use your veto pen.''

President Reagan said we had the line item veto in every State government. ''They have it at the State level. Give it to me. If the States can have it, why can't I have it?'' I have heard that argument ad nauseam—that if the States have the line item veto power, therefore, why not have it at the Federal level? Why not let the President have the line-item veto? The Governors have it. They balance their budgets. Of course, I argued time and time again that they don't really balance their budgets. They go into debt just as the Federal Government goes into debt. But we were told, ''The States have the line item veto. The President should have it.''

Mr. President, that kind of an argument signifies and reveals a lack of knowledge on the part of those who use the argument. This is the Constitution of the United States. It is not the constitution of the State of West Virginia or the State of New York or the State of Alabama or the State of Tennessee. It is the Constitution of the United States of America. And this Constitution, while it contains some inhibitions upon certain actions by the States, does not attempt to tell the State governments how they shall legislate. It assures the States of having republican forms of government. But it does not say to any State, ''Thou shalt not have the line item veto.''

The Constitution, with reference to legislative powers, speaks of the Congress. ''All legislative Powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives.''

There are 50 States. There are 50 State constitutions, and whatever any State wishes to write into its constitution as to a line-item veto power, there is no prohibition in this Federal Constitution against the State's doing it.

The theory and the system of separation of powers and checks and balances are more finely drawn at the Federal level than at the State level. Under our Federal system, we have the separation of powers. We have mixed powers. We have checks and balances. That is at the Federal level.

I heard a Senator say the other day, ''Well, I am disappointed that when the President exercised this veto, he didn't do as we are accustomed to seeing done at the State level with the line-item veto.'' But, Mr. President, that Senator was talking about two entirely different things—apples and oranges, black and white. This is a Federal Constitution that was meant to guide the Congress and the Federal departments and officers of government, and the framers very wisely provided a scheme whereby there would be checks and

there would be balances. There would be the separation of powers, and there would be the interweaving and overlapping of powers between and among the departments. That is at the Federal level.

The State constitutions are different. The State of West Virginia may have the line-item veto. The State of West Virginia has a constitution, and in its legislative branch it is governed by that State constitution until and unless the State takes actions that violate the Federal Constitution. But as to how the State will legislate and as to how the Governor of the State will exercise his veto pen, that is entirely up to the State under its constitution. There can be 50 State line-item vetoes. But those are State constitutions. Those are State governments.

We are talking about the Federal Constitution. Why Senators haven't been able to distinguish between the State and Federal governments. I can't understand. I thought they would have learned that in their civics classes long, long ago. But they should have learned it back in the elementary schools. There are 50 State governments. There is one Federal Government. Each is supreme in its own sphere of actions. But if there is any conflict, the Federal Government—the Federal Constitution—will then prevail. It is that simple. One doesn't have to be a Phi Beta Kappa to know that. Yet, Senators, many of them, and many Members of the other body, in explaining their support for this ill-advised, unwise piece of legislation, took the stand and said, ''My own State has it. It works well there. I think that the Federal Government should have it''—thus displaying an amazing lack of knowledge of the Constitution, an amazing lack of knowledge of constitutional history, an amazing lack of knowledge of American history and the history of England.

The Framers of the Constitution were very well aware of the colonial experience and what had happened in England. They knew that a king had had his head severed from his body on January the 30th of 1649. Imagine that. Parliament created the High Court of Justice which concluded that Charles I was a tyrant, a traitor, and an enemy of the good people of England, and that he should have his head severed from his body. That court was created on January 6, 1649, and 24 days later King Charles was dead. He was executed in front of his palace at White Hall before thousands of people. He and his father, James I, had believed that kings ruled by divine might and that they were above Parliament and above the people.

So it is out of that history that the liberties and freedoms of the American people were born. And they are written down and guaranteed in this Constitution.

But I have said these things many times, and, no doubt, if the Lord let's me live and keep my voice, I shall have the opportunity to say them again on several occasions.

I feel so strongly about this. The Congress of the United States has never, never committed such an act as it committed in enacting the line-item veto. That action flew in the face of the plain English words that are in this Constitution. And Congress did it nonchalantly; cavalierly. Was it being guided by the Constitution? No. Was it being guided by the polls? Apparently. Because it was a popular thing. The American people believed by a tremendous majority that the line-item veto was to be desired.

It won't reduce the national debt. I say to Senators, take a good look at the budget after this year and after next year, if, God forbid, this ill-advised piece of legislation still governs the legislative process. The savings that accrue from the line-item veto will indeed be meager

I read in the newspapers where the President said he was saving X amount of dollars by these vetoes. Well, he cut out a little item in West Virginia. ''Ah, that's why Senator BYRD is against the line-item veto. There it is. He likes his pork. That's why he is opposed to this.''

Well, I am not going to ask the President for it back, and if I did, he could not put the vetoed item back. He has cut off its head. He cannot breathe new life into that stiff and cold corpse. After having committed the act of execution, after having wielded the ax, he cannot put it back. I have seen something here and there in the newspapers to the effect that the administration would be willing to negotiate with Senators to restore such vetoed projects. Well, Mr. President, use your pen. Veto the item in West Virginia. There will be other bills coming to you. There will be other items for West Virginia.

The President's advisers may say, perhaps you can get Senator BYRD to negotiate with you if you tell him you won't veto that piece of pork. Perhaps he will vote for your nominee for such and such a position or he will vote for such and such a treaty or he will vote with you on the fast-track bill. Just tell him that you don't want to line-item veto those West Virginia items, that West Virginia pork. Senator BYRD may then come to his senses.

Well, I say go to it. ''Lay on, Macduff; and damned be him that first cries 'hold, enough.'''' I am not negotiating with any administration over any item for West Virginia.

So much for that. So much for the suggestion that Senator BYRD's pork for West Virginia is why he is against this line-item veto. Well, perish the thought. That has never guided my thinking. I feel more strongly about what the Congress has done in enacting this piece of trash, the line-item veto, than I do about all of the pork that those hollows could possibly hold among the high and majestic mountains of what I consider to be the greatest State in the Union, whose motto is ''Moutaineers are always free.''

Mr. President, could the Senate of the United States give away its advice and consent power? No. Could the Senate of the United States give away its power to try impeachments? No. There are other powers in the Constitution that this Senate and the Congress, as the case may be, cannot give away. And I maintain that the same is true with the legislative power that is set forth in the first sentence of the Constitution.

There are those who would be willing to sit down with the White House, with the representatives of the President, on items that he may threaten to veto. There are Senators, there are Members of the House, who may be willing to sit down and negotiate with the White House, to come to terms, as it were, to yield to the administration on this matter or that matter, or some aspect of the appropriation which he has threatened to veto. There will be those who may very well be lured by the siren call of negotiation in order to save the project of a particular Member of the Senate or House of Representatives.

I say to my colleagues, don't negotiate, because when an item has reached the stage of conference, I think that we have reached a stage when it is too late to negotiate.

Some subcommittees spend weeks and months in studying appropriations bills that come under their jurisdiction. The people who sit on a particular subcommittee that has jurisdiction over a particular appropriation bill are, for the most part, experts in the subject matter of that appropriations bill. Some have had experience for years and years, perhaps even decades, in dealing with that particular appropriation. They know the subject matter well. They have worked over it. They have had their staffs work on it. They have received the budgets that have been submitted by the President. They already know what the wishes of the administration are. And from time to time they receive further guidance as to the wishes of the administration with respect to a particular project or program, or with respect to all of the items in the President's budget that are within the jurisdiction of that subcommittee. They have had all that guidance all along and it has been good. And we welcome that guidance.

But once the subcommittees go through all of these months of labor, and with their staffs working hard on legislation, it is too late when, at the last minute, the White House sends its representatives up to Capitol Hill and says, ''This is veto bait. That item is veto bait. That project is veto bait. The White House will not accept it. The White House wants thus and so. That wasn't in the President's budget.''

Where in the Constitution are we told that the Congress may only consider items that are in the President's budget? Is that inscribed in any law,

that Congress may only consider items that are in the President's budget; that Members of Congress can't add items of their own, based on the needs of their own constituents, needs which they, the elected representatives, know best? Where is it written that Congress has to be confined only to the items that are in the President's budget? Where is that set down in stone? I have never seen it in stone or in bronze, or inscribed upon any piece of granite. It just isn't there.

I am not willing at that point, then, to sit down and be jerked around by any administration, Republican or Democrat. They are all the same, as far as I am concerned, when it comes to this matter that we are discussing.

I was chairman of the Appropriations Committee for 6 years. I said, ''There will be no politics in here, no partisanship.'' When Senator Hatfield was chairman of the committee there was no partisanship. When Senator Stennis was chairman of the committee we didn't have politics in the committee. As far as I am concerned, there are no Democrats and no Republicans on the Appropriations Committee. We are all Members of the Senate and there is no partisanship. If they want to argue over politics they can do it on the floor, but we don't do it in that committee.

And I feel that Members have just as much right under the Constitution and laws of this land, its customs, traditions and regulations—just as much right as any administration has to request appropriations for projects and programs that are deemed to be in the interests of the constituencies of the elected representatives.

So I will not hear—I have ears, but will not hear those who exhort, ''That little item you have in West Virginia is veto bait.'' I say, ''Go ahead, go ahead, veto it. Lay on, Macduff.'' That's the way I feel about the projects of other Members.

I want to help the President where I can help him. I want to help the administration where I can help it. There have been times when I have helped Republican administrations and Republican Presidents. But this is one Senator who will not be persuaded or swayed by threats that, ''That item is veto bait. You'll have to modify it, you'll have to do it our way or the President will veto it.''

So, Senators, don't negotiate. In so doing we legitimize what I consider to be an illegitimate end run around the Constitution of the United States. We legitimize it. That's where the administration wants us. That's where they would like to have us—under their thumb. ''Oh, we've got them now, they are negotiating.''

Finally, just a word more about the letter that I received yesterday from Director Raines, the Executive Office of the President. It says in the last paragraph, ''While we strongly oppose S. 1292''—we? Who is ''we''? I wish the President would have signed the letter himself. But I understand he can't sign all the mail that goes out of his office. I know who is purportedly the author of the letter. But, nevertheless it says:

> While we strongly oppose S. 1292, we are committed to working with Congress to restore funding for those projects that were canceled as a result of inaccuracies in the data provided to the Department of Defense.

Now, in saying that, the President, through his surrogate, admits that some of the projects were canceled based on errors, based on inaccuracies, based on data that were inaccurate and provided by the Department of Defense. The administration was mistaken in exercising the veto pen, and they admit it there.

I would like for any Senator within the range of my voice, or anybody else, to tell me how Mr. Raines, or the President, or anybody in the administration, expects to, ''restore funding for those projects that were canceled as a result of inaccuracies in the data provided by the Department of Defense.'' Mr. Raines says that we—I assume that he means by ''we,'' the personal pronoun ''we,'' I assume he means the President and the administration, ''we''—''While we strongly oppose [this disapproval resolution] * * * we are committed to working with Congress to restore funding for those projects that were canceled. * * *''

Now, how is the funding going to be restored? Those projects are dead. The head has been severed, the corpse has been laid out on a piece of cold marble and every drop of blood has been drained from the veins of those projects. How, then, do they propose to restore funding? How is it going to be done? The item has been canceled. The President has unilaterally exercised a legislative act and unilaterally repealed that legislation. It is dead. That project is dead. The line-item veto does not give the President the authority to restore it. It may have been an item that he canceled 5 minutes after he had signed the bill into law. He may have slept on it a while and then overnight thought, ''Well, I think it might be a good idea to cancel a few more of those items,'' and he cancels a few more. And the third day after the bill has become law, some of his aides come to him and say, ''Mr. President, we think we have found some more. We didn't find it written in the four corners of the appropriations bill, we found it in a table. We found it in a committee report.''

These aides will say to the President, ''You know what? We have been working 36 hours and we find projects on these tables that are not in the bill. Don't look in there, Mr. President. But there are tables that were used in some hearings, or used during markup. And in those tables we have found some more items that we think you ought to consider vetoing,'' and the President goes back and he vetoes them. Then along comes the 5th day, the 23rd hour and the 59th minute, and the President thinks, ''Ah, that BOB BYRD, he said one day, he wouldn't negotiate. Can you find another item for me? I want to strike one of his projects. I'll make him rue the day he said those words.''

In any event, those items are gone. The President cannot go back and restore them, no matter how sorry he may be. He finds from the Department of Defense data that he was mistaken; the data were wrong. It is too late.

So how does Mr. Raines intend to work with Congress to restore funding for those projects that were cancelled? Tell me how? How do they intend to restore funding? They can't be restored by inoculation, by the use of a needle. How do they intend to restore funding?

As I was saying earlier, they claimed that they saved x millions of dollars through these cancellations, but Senators should watch. That project that they struck out of that bill for West Virginia this year, I intend to try to put it back next year, because it can be justified. It is important to the defense of this country. It is in the 5-year plan of the Department of Defense. I intend to put it back in.

That may be a year away. So, have they saved money? How much does one subtract from the figures that they say they save through their actions, through the President's actions in line-item vetoing these projects? As we look back a year from now, how much will they have saved when some or most of the items will have been put back into the bills we pass next year

Many of the projects will be put back, so the President's veto of projects really won't constitute savings after all. What it will result in is perhaps increased costs because of inflation or other reasons; the items will cost more when they are put back.

Therefore, while it warms the cockles of my heart to see in the letter from Mr. Raines that ''the administration is committed to working with Congress to restore the funding for those projects that were canceled,'' I shall go home wondering what is meant by that, how they will work with Congress to restore the funding. How will they do it?

Mr. President, I hope that by introducing legislation today to restore the legislative branch to the standing and the stature that it has had for over 200 years, I hope to contribute to the welfare of my country, the well-being of our people, the perpetuation of the dream of America and the dream of a system that has its roots, not just in Philadelphia in the year 1787, but also in the colonial experience, and the history of England, roots that extend back, yes, as Montesquieu thought, even to the ancient Romans.

I hope that we will restore the system which was given to us by our forebears and which they expected us to hand on to our sons and daughters.

> Who saves his country saves all things, saves himself and all things saved do bless him.
>
> Who let's his country die let's all things die, dies himself ignobly, and all things dying curse him.

Mr. President, let us act and let us work to save our country!

I ask unanimous consent that an article in the Washington Post titled ''Line-Item Veto Tips Traditional Balance of Power'' be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 24, 1997]

LINE-ITEM VETO TIPS TRADITIONAL BALANCE OF POWER—CAPITOL HILL PLOTS STRATEGY TO COUNTER PRESIDENT'S PEN

(By Guy Gugliotta and Eric Pianin)

On Oct. 6, Sen. Conrad Burns (R-Mont.) invited President Clinton to lunch at Montana's Malmstrom Air Force Base's dining hall, a broken-down wreck whose ''serving areas,'' he said later, ''would be borderline'' on a health inspection.

Clinton had just used his new line-item veto power to strike the dining hall's proposed $4.5 million rehab from one of the annual spending bills, and Burns, a senior member of the Senate Appropriations Committee with enormous responsibility for military construction projects, told Clinton he was ''disappointed'' by the decision. He wanted to discuss it ''and other important projects'' at ''your convenience.''

The advent of the line-item veto has shaken the 200-year-old power relationships in the federal government. While presidents have always paid close attention to their own priorities, the veto has given them an unprecedented ability to micromanage the appropriations process.

White House sources say the line-item veto has provoked a blizzard of letters and phone calls from Congress to Clinton, touting the merits of tiny projects that until this year were tucked so deeply into appropriations bills that they scarcely merited a presidential glance.

Thus Burns, chairman of the Senate's military construction subcommittee, lost his own project in his own bill. Burns shrugged off the snub, but said, ''We haven't given up on this.'' The Malmstrom rehab, he said, is included in legislation to override the veto that the Appropriations Committee approved yesterday.

Micromanaging projects may be the most obvious evidence of the new executive presence in Congress's business, but many experts and lawmakers believe it may be only the tip of the iceberg. Both Republicans and Democrats worry presidents may use the veto to extract promises of support on unrelated legislation, exact revenge against political enemies or to make policy, leaning on individual lawmakers where they are most vulnerable—tending to their home town affairs.

''It's not lost on me that this has political overtones, but that's fine, it comes with the territory,'' said Sen. Rick Santorum (R-Pa.), a conservative, who, like Burns, lost a military construction project to the veto pen. ''If you're a big boy, you take your lumps and go after them next year.''

But many lawmakers have decided not to sit still, and budget mavens on Capitol Hill are brainstorming ways to counter or cope with the veto. Some appropriators are talking about legislative mechanisms to immunize particular items; others are suggesting that obvious veto bait be jettisoned from the final versions of bills.

Others see the veto as a precedent-setting escape mechanism that could be used to break deadlock on controversial appropriations bills. They say the president could veto provisions he opposes, but let the rest stand, thus averting the danger of a government shutdown or the need for an interim spending measure based on the previous year's expenditures. Congress has yet to clear six of the 13 annual spending bills, three weeks after the start of the fiscal year.

Still, cautioned House Appropriations Committee Chairman Bob Livingston (R-La.), it is too early to predict what will happen. ''When the president signed the line-item veto legislation we were all shooting in the dark as far as how it would work. We are still groping.''

One thing on which almost everyone interviewed could agree, however, was that the line-item veto would not serve as a significant brake on federal spending, even for parochial ''pork-barrel'' projects. Of the five appropriations bills signed so far, only $458 million in projects has been lined out by Clinton, or less than a percentage point of the $291.3 billion in the bills.

''The line-item veto is never going to be a deficit reduction tool, and you think they [Congress] would have realized it when they gave it to the president,'' said Stanley E. Collender, an expert on federal spending issues. ''It's a raw exercise in power.''

The line-item veto, a pillar of the House Republicans' ''Contract With America,'' passed both houses of Congress overwhelmingly and was signed into law in early 1996.

It took effect during the budget year that began Oct. 1.

The law has been challenged in court for radically altering the balance of power within the federal government without the enactment of a constitutional amendment. Many experts believe the law will be struck down, but until it is, the president for the first time in history may delete individual spending items from appropriations bills without vetoing the entire bill.

Clinton first used the authority in August to veto three provisions from the five-year omnibus budget agreement, but it was not until Oct. 6, when he struck 38 projects worth $287 million from Burns's military construction appropriations bill, that he caught Congress's attention.

''He had to convince everybody he was willing to use it,'' Collender said.

Lawmakers were convinced. The vetoes touched off an uproad among congressional leaders who had not been consulted in advance. ''We're dealing with a raw abuse of political power by a president who doesn't have to run again,'' thundered Senate Appropriations Committee Chairman Ted Stevens (R–Alaska).

But since the military construction vetoes, Clinton has used the authority sparingly on three other appropriations bills, prompting speculation in some quarters that he had become gun shy after the initial upheaval.

Just yesterday, Office of Management and Budget Director Franklin D. Raines acknowledged that several projects were mistakenly crossed out of the military construction bill. In a letter to Stevens, Raines said, ''We are committed to working with Congress to restore funding for those projects that were canceled as a result of inaccuracies in the data provided by the Department of Defense.''

''This is clearly evolving,'' said Senate Budget Committee staff director G. William Hoagland. ''Maybe like the kid in the candy store, his eyes were bigger than his stomach, and now he sees he has to be careful not to jeopardize the power.''

But OMB spokesman Lawrence J. Haas said there was no ''pattern'' of political manipulation. The president, he said, was trying to use the veto ''because of the substance before him, not because of the politics.''

A crucial test may come next week when Clinton will examine the Veterans Affairs-Housing and Urban Development and independent agencies appropriations bill. Lawmakers acknowledge it is full of special projects, and one White House source described the bill as ''one of the most project-based in years.''

Despite uncertainty about how Clinton will next use the veto, it is clear that Congress is wary and mistrustful. ''I've never seen a vote taken where more people wanted their vote back,'' said House Appropriations Committee member Rep. Jose E. Serrano (D–N.Y.), who opposed the line-item veto.

Indeed, hundreds of lawmakers have been contacting the White House since the military construction bill. Burns and Santorum wrote to complain about vetoes already exercised and to warn of adverse consequences to military readiness.

Florida Sens. Bob Graham (D) and Connie Mack (R), by contrast, wrote a joint letter stressing the need for $1 million to establish a Central Florida High Intensity Drug Trafficking Area. ''We would request that you keep in mind the importance of the Central Florida HIDTA to the national war on drugs and to us personally as you consider the Fiscal Year 1998 Treasury Appropriation,'' the letter said. The line item survived.

Among those who lost favored projects, Rep. Jerry Lewis (R-Calif.) was still steamed a week after Clinton vetoed his district's $4 million breast cancer research grant. And he spoke of exacting a penalty—suggesting he might oppose Clinton in his efforts to obtain ''fast-track'' authority to negotiate trade agreements. ''I don't like to link things,'' he said, but ''there is a two-way street here.''

Collender cautioned that in the revenge game, ''the president holds all the cards.'' A member may withhold one vote, but he will lose on another bill or be embarrassed on another line-item, Collender said. ''The president may lose a battle, but he will win the war.''

Most lawmakers, however, agreed with former Congressional Budget Office director Robert D. Reischauer, who described veto gamesmanship as ''a two-edged sword. The more influence the president tries to exert, the more of a backlash he will see. We have already seen it.''

Sen. Bob Kerrey (D–Neb.) used the line-item veto as his state's governor, but voted against the federal line-item veto. He said it gave the president too much power, suggesting he could use it to trade projects for votes. ''Now the president is going to say, 'I want X,' would you help me? And the answer will be, 'Yes, but what are you going to do for me this year?'''

This is one way the president can make policy with the line-item veto. Another way is to veto items that effectively eliminate entire programs. Clinton has already done this by striking our $39 million for the SR–71 Blackbird spy plane, said Sen. John McCain (R-Ariz.). ''They never wanted to keep it.''

McCain, a dedicated cost-cutter who has criticized Clinton for not being aggressive enough with the veto, nevertheless cautions against ''politicizing'' the process and permanently poisoning relations between the two branches of government.

As for those who complain about the veto, McCain noted that many lawmakers spent years fighting for it when a Democratic Congress remained adamantly opposed. ''To my Republican colleagues, I say, 'Be careful what you ask for. You may get it.'''

Mr. BYRD. Mr. President, I send to the desk the bill to which I have referred, and I ask unanimous consent that it be printed in the RECORD and that it be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be received and appropriately referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF THE LINE ITEM VETO ACT OF 1996.

(a) IN GENERAL.—The Line Item Veto Act (Public Law 104–130) and the amendments made by that Act are repealed.

(b) APPLICABILITY.—The Impoundment Control Act of 1974 shall be applied and administered as if the Line Item Veto Act had not been enacted.

Mr. BYRD. I yield the floor.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

Mr. LOTT. I now ask the Senate resume the highway bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate continued with the consideration of the bill.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Trent Lott, John Chafee, John Ashcroft, Larry Craig, Don Nickles, Mike DeWine, Frank Murkowski, Richard Shelby, Gordon Smith, Robert Bennett, Craig Thomas, Pat Roberts, Mitch McConnell, Conrad Burns, Spence Abraham, and Jesse Helms.

Mr. LOTT. For the information of all Senators, I have just filed the last cloture motion to the highway bill. This cloture vote will occur on Tuesday. If cloture is not invoked on Tuesday, I will have to ask the Senate then to move on to other items.

Needless to say, I hope cloture will be invoked on Tuesday. I know there are some Senators who have voted against cloture three times who intend to vote for it if this is going to be the last one. I have, as majority leader, basically given 2 weeks to opening statements and a preliminary discussion about the highway bill while we tried to see if other issues could be resolved. But unless we can get cloture invoked and I can unstack the tree of amendments and allow us to go forward with full debate and amendments on ISTEA, if this matter is going to continue to be held up at the insistence of Senator MCCAIN and Senator FEINGOLD because of the campaign finance reform issue, then I have no alternative but to stop.

I really think that is unfortunate. I think the Senate was showing leadership by moving on to the ISTEA highway bill. The Environment and Public Works Committee came up with a good bill. It was reported unanimously from the committee. I think we would show leadership to pass the 6-year bill whereas the House had only passed a 6-month extension. I think it would be better for the country if we did this bill now. I think it would be better for the Senate if we did it now. I think that next spring or next summer or, heaven forbid, next fall, if we are still working on the highway bill, it will get tougher and tougher and tougher as more problems are developed, more amendments are written and as we get closer to elections. Every State is going to believe it has to have a little bit more, a little bit more for highways and bridges. That is fine. We all need that. But we need some kind of closure on how we deal with the formula and what funds are going to be available to our States.

I think this is very unfortunate. I do not see there is any process now for there even to be a short-term extension. Everything seems to be tied to something on campaign finance reform that we have not been able to develop yet. I want to emphasize to all Senators that yesterday I believed Senator DASCHLE and I had come very, very close to having an agreement worked out whereby we would consider this other, unrelated to the highway bill, campaign finance issue next March, by the end of the first week in March, and that amendments would be in order and that there wasn't going to be an effort to fill up the tree and that Senators could offer amendments, first degree, second degree, and motions to table would be in order. Everything would basically go the regular order. But for some reason, at the last minute, interested Senators could not agree to that, but a very good-faith effort was made by Senators on both sides of the aisle and on both sides of the issue, and it did not come about.

I am willing to have the Senate have this issue before it and have one more cloture vote, but then we will have to move on.

I also want to emphasize that next Monday we do intend to take up some important issues, including the Interior appropriations conference report we have finally completed action on. If we have to, we are going to call for a vote on the Federal Reserve nominees that the President has sent to the Senate and the Senate committee has now reported to the full Senate for action. And we are going to have to take up legislation dealing with the threatened Amtrak strike.

So we will have a full plate of things to do Monday and Tuesday, and we hope other appropriations bills will be ready in short order next week. In fact, we had meetings this morning on two of them, the Labor, HHS appropriations bill—we think maybe some good progress was made there, I say to the Senator from West Virginia—and we are getting closer, I believe, on the foreign operations appropriations bill. So we have other business that we need to do and must do, and we cannot give the balance of our time to the delay of the ISTEA bill based on the campaign finance reform issue.

MORNING BUSINESS

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate resume morning business with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES-CHINA RELATIONS

Mr. ASHCROFT. Mr. President, I rise today to address the state of United States-China relations as the summit with Chinese President Jiang Zemin approaches. President Clinton is expected to give a speech this afternoon on United States-China relations, a speech that will, no doubt, continue to defend the administration's policy of so-called ''constructive engagement'' with China. The policy generally posits that there is no alternative for the United States but to accommodate China in virtually any behavior in hope of establishing a good relationship with Beijing.

I want to be clear that I certainly do hope that a stable and positive relationship can be established between our two countries, but the administration's China policy of engagement gives little regard to the behavior of China and is putting the prospect of a strong relationship with Beijing at risk. Rather than constructively engage Beijing, this administration's China policy has been advanced at the expense of discarded American principles and lost United States credibility in the international arena. For instance, China has a weapons proliferation record that is unrivaled in the world, distributing weapons of mass destruction in spite of previous nonproliferation commitments. Beijing also maintains trade barriers which continue to block United States goods and United States companies from being involved in the kind of free and open commerce we should have with China. And in the last several years, Beijing has had a human rights record that has resulted in the most intense religious persecution in several decades, and in the silencing of all active political dissidents.

The latest State Department report on human rights noted that all Chinese political dissidents had been detained and imprisoned. We have to remind

ourselves that there are 1.3 billion people in China and to be without any political dissent in a country that large is indeed a troubling matter.

In spite of these distressing areas in our relationship with China, there is near unanimity in the administration that China must be embraced, that it must be accommodated, that it somehow must be honored. Betraying our country's history of leadership in defense of freedom and a stable international environment is not a way to enhance our relationship with China.

I believe a strong relationship would be based on mutual respect and trust, but when we constantly compromise, when we constantly accommodate, and when we constantly ignore violations by the Chinese of their responsibilities in the international community and their responsibilities to respect human rights, I believe we don't provide a foundation for a good United States-China relationship.

Nuclear cooperation with China is one of the issues for discussion during the summit, and it is an issue of particular concern to me. If the President allows nuclear cooperation with China to proceed, it may be the clearest illustration yet of the appeasement-at-any-cost approach in our present United States-China policy.

The President is considering giving China advanced United States nuclear technology in spite of the fact that a CIA report identified China as the world's worst proliferator of weapons-of-mass-destruction technology. This CIA report is not a stale document. This report indicates that the Chinese have been the worst proliferators of weapons of mass destruction, and this report came out last June.

The report says:

During the last half of 1996, China was the most significant supplier of weapons-of-mass-destruction-related goods and technology to foreign countries. The Chinese provided a tremendous variety of assistance to both Iran's and Pakistan's ballistic missile programs. China was also the primary source of nuclear-related equipment and technology to Pakistan and a key supplier to Iran during this reporting period.

The period the CIA report covers is the last half of 1996. In May 1996, just before the period for the CIA report was to commence, the Chinese made a commitment to stop their proliferation activities.

In the face of one of their rather notable assurances that they were going to act differently, they continued to persist in their active nuclear technology proliferation and the proliferation of other weapons of mass destruction technologies. Of course, the definition of weapons of mass destruction includes nuclear, chemical and biological weapons. If there is any doubt as to what kind of nuclear-related equipment was provided, the CIA report goes on to state:

Pakistan was very aggressive in seeking out equipment, material and technology for its nuclear weapons program with China as its principal supplier.

The administration says China has honored its nonproliferation pledge of May 1996. But let me again make clear that the CIA report covers the last half of 1996, the period after China made its so-called nuclear nonproliferation commitment. How the administration can expect to be a credible actor in the international community by saying that the nonproliferation commitment of May 1996 was honored, when the CIA says that after May, China was the principal supplier to Pakistan of equipment, material and technology for a nuclear weapons program—how the administration can say that is consistent with the nonproliferation commitment is beyond me.

Since 1985, no President has been able to certify that China's proliferation activities meet the legal requirements that would allow us to start designating them as a nuclear cooperator and to extend to them nuclear exports from the United States. I certainly don't believe China's recent activities warrant such certification now, not in the face of our own Government's report that they were the worst proliferators of components, equipment, and technology related to weapons of mass destruction, particularly nuclear weapons of mass destruction.

I might point out that Ken Adelman, President Reagan's Director of the Arms Control and Disarmament Agency and a key official involved in the formulation of the original 1985 agreement, also does not believe that China's recent activities warrant the certification for nuclear cooperation to proceed.

China has made several nonproliferation promises in recent weeks to reassure the administration. While these commitments have the potential to improve China's proliferation record, China has made and broken nonproliferation commitments for a decade. I think we should first ask that China at least keep its word for some interval of time rather than blindly accept China's most recent nonproliferation promises even though the previous ones have been broken.

We all know the potential for this nuclear technology to be used in a variety of settings and ways. I believe China must establish its commitment to nonproliferation in deeds, not just words. Chinese credibility should be established before nuclear-related trade takes place between the United States and China.

The administration does not want Chinese President Jiang Zemin to return to Beijing emptyhanded. I think that is kind and generous and warm hearted, but I question the need to give China nuclear technology just to make President Jiang happy.

Have we forgotten the summit itself is a major gift to President Jiang, and why are we so anxious to make concessions to China? I hope the President of the United States understands that at stake in the nuclear cooperation debate is the credibility of the United States in combatting the global spread of weapons of mass destruction. Rather than forcefully address this critical national security threat, our administration apparently is downsizing our counterproliferation apparatus and making life uncomfortable for key personnel who have dedicated their lives to protect our country from the spread of weapons of mass destruction.

The recent announcement of the retirement of Gordon Oehler from the Central Intelligence Agency is, according to an article in the Washington Post, driven by the administration's disapproval of Mr. Oehler's candor and his honesty in informing Congress of the weapons proliferation activity, not only of China but of other nations.

Is our administration so infatuated with charming China at any price that we are willing to ignore the facts presented by our intelligence personnel, and when the facts are troublesome to us, that we make these intelligence officers so uncomfortable that they resign?

Government personnel like Gordon Oehler should be praised and thanked for helping defend our country and keeping Congress informed of rising threats to our national security.

Mr. President, China potentially has broken every major commitment that it has made concerning the production or proliferation of weapons of mass destruction or the missile delivery systems to deliver such weapons. In light of China's behavior, it is difficult to understand why President Clinton is so eager to accept placebos and questionable promises in exchange for the transfer of valuable and potentially dangerous nuclear technology. The United States needs to be sober and vigilant in dealing with China.

A stable and truly constructive relationship with Beijing will be established only when our national security interests are defended and when our commitment to the principles of liberty and freedom is preserved.

There is something substantially different between our commitment to freedom and liberty and what is occurring in China. President Jiang's remarks recently indicate that he does not believe that freedom is for all individuals, that freedom is something that is negotiable. He said, ''The theory of relativity worked out by Mr. Einstein which is in the domain of natural science, I believe, can be applied to the political field.''

We in the United States believe in God-given rights that are not relative, and our policy with regard to China should be a policy which is based on credibility and integrity. Appeasement or engagement without integrity is nothing more than a surrender of American principles.

Mr. President, I ask unanimous consent that the Washington Post article to which I referred earlier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE AGING MAOISTS OF BEIJING

(By Michael Kelly)

It has been 12 years since the leader of the People's Republic of China has honored the United States with a visit, and in the meantime relations between us have become—as they say—strained. It has seemed at times almost as if the aging Maoists of Beijing were trying to flaunt their disdain for American values and American interests. There was the ever-ending campaign of torture and imprisonment against advocates of political and religious liberty. There was, despite Richard Gore, the continued occupation and subjugation of Tibet. There was the unpleasantness at Tiananmen Square. There were the arms sales and the nuclear assistance to nations unfriendly to the United States. There was the missile-rattling off the cost of Taiwan. There was the finely calculated humiliation of Warren Christopher. There was the cool, unblushing dismantling of democracy's infrastructure in Hong Kong. Finally, it appears, there was the attempt to subvert our very own democratic system by illegally funneling PRC cash into the 1996 elections.

Now comes Jiang Zemin, president of China, unapologetically. On the eve of his week-long American journey, Jiang gave careful interviews to The Washington Post and Time magazine. He told the reporters that the slaughter of democracy's hopefuls at Tiananmen had been necessary for China's economic boom (you can't make an omelet without rolling a tank over a few hundred eggs); that Taiwan must accept ''the principle that there is only one China,'' which is to say rule by Beijing; that Chinese democratic activists such as Wei Jingsheng and Wang Dan were languishing in prison ''not because they are so-called political dissidents but because they violated China's criminal law''; that the good-hands people of Beijing would continue to hold Tibet in their cossetting grasp; and that the United States must accept that China has its own standards of what constitutes a proper respect for democracy and human rights. ''The theory of relativity worked out by Mr. Einstein, which is in the domain of natural science,'' the old despot lectured, ''I believe can also be applied to the political field.''

Quite so, say the Einsteinists in the Clinton administration who are driving the China policy they call ''engagement.'' Under the rules of this engagement, the United States has during the past five years answered China's slights and slurs with shows of affection. The Commerce Department has had its way in maintaining trading status for China as a most-favored nation. The State Department has kept its complaints about the oppression of democrats and Christians to a discreet murmur. The president himself has most graciously entertained the friends of Mr. Johnny Chung and Mr. John Huang. The approval for an official visit by Jiang Zemin was the greatest engagement gift yet. The trip, which will begin with Ziang laying a wreath for the slain of 1941 in Pearl Harbor, is planned as an elaborate exercise in propaganda, and it is intended to serve both to ratify China's post-Tiananmen diplomatic rehabilitation and to solidify Ziang's domestic political status.

And yet, the nervous suitors at the White House fret, there must be something more we can do, something really grand. Indeed, it develops, there is. Jiang's government would like to buy some of the new-generation nuclear reactors that have been jointly developed by the American nuclear industry and the government in an $870 million research project. The moribund nuclear industry is desperate to sell to China, and it has lobbied the administration heavily. The nuclear industry has, of course, large sums at its disposal, and this president is always willing to grant potential or actual big-money donors what he has called ''a respectful hearing,'' so there is naturally a desire at the White House to see the sales go forward.

But there is a problem: China's impressive record in spreading the advance of the bomb—a record that includes the export of nuclear technology and materiel to Iran, Iraq, Pakistan and India. In 1985, as Washington prepared for the last Sino-American summit, the Chinese were found, in violation of recent promises, to be assisting the Pakistani nuclear program. As a result, Congress passed a law barring implementation of the Nuclear Cooperation Agreement signed by president Reagan and the then-Chinese President Li Xiannian, to permit nuclear trade with China until the President certified that China had stopped aiding the spread of the bomb.

Such certification has never been given because China has never changed its behavior. Gordon Oehler, the CIA's senior official responsible for monitoring mass-weapons proliferation, has testified to Congress that China has provided Iran with large numbers of anti-ship missiles that are considered a direct threat to U.S. naval forces in the Persian Gulf. Oehler, by the way, resigned this week amid reports that he had been under pressure from administration policymakers over his unwelcome assessments.

The administration insists that China has—just in the nick of time for a gift grand enough for a summit—changed its ways. it points to two promises: one in 1996 to stop aiding Pakistan's nuclear program; the other last week not to sell any more anti-ship missiles to Iran. So, that's that, the White House argues, it's time to certify China as a respectable member of the nuclear club at last and get on with the business of the United States, which is business. As for human rights—if everything goes to their satisfaction next week, the Chinese hint they might be willing to let Wang Dan out of jail for a while.

This is policy so wrongheaded that it isn't even interesting. It is possible that the Chinese are suddenly serious about nonproliferation. And it would be nice to provide some foreign business for the nuclear industry, so it doesn't die from a lack of business at home. But the Chinese have broken or bent most of their previous promises on issues of nuclear exports, and their new promises are untested.

We are engaged for the moment. A responsible president must not attempt to certify what he cannot know to be so; a responsible Congress must stop, by a veto-proof two-thirds majority, a president who puts the interests of Beijing and Westinghouse ahead of national security. Let's verify before we trust. And let's get something in return a little less pathetic than the release of one well-beaten man from his prison cell.

Mr. HAGEL assumed the chair.

Mr. ASHCROFT. I thank the Chair, and I yield the floor.

GLOBAL WARMING

Mr. MURKOWSKI. Mr. President, I noted that the White House recently released a strategy for climate change talks. The President said the United States would not assume binding obligations until developing countries agree to participate meaningfully in the climate-change issue. White House officials said they expect requirements for developing countries would be fleshed out in negotiations.

This is what concerns me, Mr. President, ''fleshed out in negotiations.'' The senior Senator from West Virginia and the occupant of the chair, Senator HAGEL, authored a resolution that has been supported in this body by an overwhelming vote of 95 to 0. The Byrd-Hagel resolution said developing nations must have targets and timetables in the same timeframe as the United States.

Mr. President, it is my contention that the President is glossing over the issue of developing-country participation.

The Berlin Mandate says ''no new commitments for developing nations.'' Has the President repudiated the Berlin Mandate? Otherwise, how in the world can President Clinton simply state that this is something that can be taken care of in negotiations when the Berlin Mandate clearly says no new commitments for developing nations? Our President only says ''meaningful commitments for developing nations.'' I wonder what meaningful really means.

At this time, we are somewhat at the mercy of our negotiators on this matter. We have seen comments in the RECORD from various members of the Senate praising the President's plan, stating that they are encouraged by the policy announcements and pleased with the White House plan. Another member said that the President's position should satisfy demands of the Byrd-Hagel resolution as expressed in this body.

Those demands are not met, Mr. President, because Byrd-Hagel says developing nations must have targets and timetables in the same timeframe as the United States. That is the test.

Another Senator indicates this is a green light that speaks to our Nation's commitment to reducing greenhouse gases. I am a bottom line person, a nuts and bolts kind of guy. How are we going to get there from here? How will we reach the goal the President expressed, which is to go back to emissions levels of 1990 by the years 2008 to 2012?

Let's do the math.

Fifty-five percent of our U.S. energy production is coal. What is happening to coal? If a new climate treaty is signed, there will be reductions in coal use. EPA's new air quality standards on ozone and particulate matter are likely to decrease coal use. EPA's tightened air quality standards on oxides of sulfur and nitrogen will put more emphasis on coal reduction. EPA's proposed regional haze rule will put more pressure on coal as will any new EPA mercury emission rules.

So there is going to be more pressure to reduce use of the resource supplying 55 percent of our electricity.

What about nuclear?

Well, the President threatens to veto our nuclear waste bill. There have been no new orders for new plants in the United States since 1975. There is the potential inability to recover stranded

costs of nuclear plants in electric restructuring, so nuclear use is likely to fall.

Nuclear is the largest carbon-free generator of power. The President didn't even mention it in his plan.

Let us go to our next contributor—10 percent of our energy comes from hydroelectric. Yet, there are considerations in the administration to tear down dams. An example that has been discussed is the Glen Canyon Dam. If we tear down Glen Canyon, we would drain Lake Powell—252 square miles. That is a lake that provides the water for Los Angeles, Phoenix, and Las Vegas. It would eliminate sources of carbon-free electricity for 4 million consumers in the Southwest. We would scuttle a $500 million tourist industry.

What about gas that supplies 10 percent of our power? Gas also emits carbons, but not as much. Demand would increase, prices would increase, and shortages might result.

Some people say we will pick up the slack with wind and solar. I like wind and solar, but you can't always count on it. It is kind of interesting to see the Sierra's Club announcement the other day opposing wind farms. They refer to them as ''Cuisinarts for birds.'' So they are opposed to that.

So the point is, Mr. President, how do you get there from here if the administration does not consider nuclear or hydroelectric? In his speech, the President specifically excludes hydro from renewable energy.

What about the rest of the world? Let me tell you what one of our witnesses said at a hearing yesterday. Mr. Bill Martin, former Deputy Secretary of Energy, said the world is likely to increase its dependence on coal primarily due to energy demand in China. This dependence is likely to result in the doubling of sulfur dioxides in Asia and at least a 30-percent increase in global CO_2, in 1990 levels, by the year 2000. To reach a sustainable energy with respect to carbon, the world will have to triple natural gas production, increase coal efficiencies through clean coal technology, triple renewables, triple nuclear power to a worldwide total of 1,000 gigawatts and increase energy efficiency by at least 25 percent.

Mr. President, these are the real terms and conditions in the world that we are living in. Nuclear energy, renewables and energy efficiency emerge as the only viable source to date that are emissions-free and offer some energy independence to nations which adopt them.

The point I want to make here, Mr. President, is that nuclear and hydro, a big part of the solution, are not addressed in the administration's proposal on how to reduce emissions to the 1990 level by the year 2008 to 2012.

The witnesses at the hearings we held yesterday said you cannot get there from here. You cannot physically do it unless you triple nuclear and the renewables, including hydro.

Let me conclude with one other thing. The President says we can do this without a carbon tax. The Department of Energy says you need a carbon permit price of $50/ton. There is no difference. There are no free rides. Somebody has to pay it. If it is a carbon tax, it is $50 a ton, and it goes to the consumer. If we set up some kind of a market in emissions, somebody like the Board of Trade starts trading permits, they are estimated to equate to $50 a ton. Somebody is going to have to pay for that, and that is the U.S. consumer.

Let me conclude with just one observation as we address China, as we address the question of whether we should sell nuclear reactors and technology to China.

China has the availability of nuclear power reactors from France. They have it from other nations. Canada is selling; Russia is selling. And certainly they are a nuclear power.

Do we want China to burn more coal? We already have a prohibition against assisting China in the development of the world's largest hydroelectric project. It is called the Three Gorges Dam. The Eximbank will not assist.

Let me tell you how big Three Gorges is. That plant would produce 18,000 megawatts, equal to 36 500-megawatt coal plants. So that is how China will address some of its energy demands from carbon-free hydropower. But we are prohibited from participating. And we are prohibited from participating in their nuclear power program.

So I think, Mr. President, we have to be realistic. As the administration comes down with its plan, again, I suggest to you that the President has glossed over the issue of the developing countries' participation.

I suggest and remind my colleagues of the Byrd-Hagel vote that was 95 to 0. It said developing nations must have targets and timetables in the same timeframe as the United States. And the Berlin Mandate says, no new commitments for developing nations.

So I conclude by saying the President only says ''meaningful commitments for developing nations.'' And I say ''meaningful'' means what?

Mr. President, I thank the Chair.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, October 23, 1997, the Federal debt stood at $5,424,897,442,383.46. (Five trillion, four hundred twenty-four billion, eight hundred ninety-seven million, four hundred forty-two thousand, three hundred eighty-three dollars and forty-six cents)

One year ago, October 23, 1996, the Federal debt stood at $5,229,624,000,000. (Five trillion, two hundred twenty-nine billion, six hundred twenty-four million)

Five years ago, October 23, 1992, the Federal debt stood at $4,061,912,000,000. (Four trillion, sixty-one billion, nine hundred twelve million)

Ten years ago, October 23, 1987, the Federal debt stood at $2,384,077,000,000 (Two trillion, three hundred eighty-four billion, seventy-seven million) which reflects a debt increase of more than $3 trillion—$3,040,820,442,383.46 (Three trillion, forty billion, eight hundred twenty million, four hundred forty-two thousand, three hundred eighty-three dollars and forty-six cents) during the past 10 years.

AN EMMY FOR KEVIN WALLEVAND: LAND MINE DOCUMENTARY

Mr. DORGAN. Mr. President. A bright young reporter, Kevin Wallevand, who covers news in Fargo, ND for WDAY television, has made my State, and me, awfully proud. Kevin's documentary, ''The Quilt: Hope from the Heartland,'' has been awarded an Emmy, television's highest award.

In North Dakota, we have always known that Kevin is a talented reporter, writer, and producer. Now, his documentary about the dark side of human nature that allows exploding land mines to do the work of war; and the bright side of human kind, the compassion people show toward one another in the aftermath of war's tragedies, has earned him national acclaim.

Kevin Wallevand has produced a moving story about a rural community where women create by hand a beautiful, colorful quilt in the hope that it will warm and cheer someone less fortunate than themselves. The resulting quilt begins its travels near the North Dakota border on the Buffalo River, and ends its journey along a river in Angola, Africa where a homeless family—bodies ravaged by exploding land mines—clutches the quilt for warmth and safety.

Sadly, we learn that the family's story is not an isolated one. Kevin takes us into the hospital beds of other villagers who have fallen victim to landmines—who are displaced and anticipating the help and the arrival of thousands of quilts, blankets and other donated items from American volunteers.

Hundreds of churches, like the one in Kevin's story, and other humanitarian groups have taken it upon themselves to give a little comfort and a little hope to landmine victims. Now we, as a country, owe it to them to prevent this instrument of war, which targets innocent people long after the peace agreement has been signed, from ever being used again.

Like Kevin, I have seen first hand the tragic human costs of landmines. While serving in the House of Representatives, I visited a clinic in Central America where landmine victims who had lost hope, along with a leg or an arm, were fitted for artificial limbs. I witnessed how important it was to support this program which could turn their lives around. When I returned, I worked to get funding so that other landmine victims might be able to get prosthetic limbs and I'm proud to say I helped get it done. Kevin must have

the same kind of satisfaction—because by showing others the horrors of this war against the innocent, he has struck a blow against the worldwide scourge of land mines. But more must be done.

I commend Kevin Wallevand, and the others who worked on this story at WDAY, for bringing this tragedy to the attention of others. Landmines are a worldwide problem, but with a very simple solution. We must rid the world of landmines and promise future generations that this weapon of destruction will never be used again for warfare. In sharing this Emmy winning story, Kevin's work heightens our awareness of the problem and brings us a step closer to that ultimate goal. Congratulations to Kevin Wallevand. You make North Dakotans very proud.

RURAL SATELLITE SUBSCRIBERS

Mr. HATCH. Mr. President, I rise today to raise an issue that my colleagues may have heard about, the recent decision by an arbitration panel convened under the auspices of the Copyright Office in the Library of Congress regarding the rates satellite carriers will pay under the satellite copyright compulsory license. The panel, in attempting to set a fair market value of the retransmission of broadcast signals, has decided to raise those rates and has made the new rate effective July 1, 1997. The arbitration panel's decision is currently on appeal to the Librarian of Congress who is empowered to review the decision. The standard of review is limited to one of arbitrariness or contrariness to law. The Librarian's decision will be announced next Tuesday, October 28. At that point, the Librarian's decision is subject to appeal to the Court of Appeals for the District of Columbia. The decision to raise the rates and especially its retroactive effective date has raised objections by the satellite carriers. Obviously, copyright owners disagree with the satellite carriers. My colleagues may be contacted by one side or the other of this dispute in the coming weeks or months.

My colleagues should know that as chairman of the Senate Judiciary Committee, the committee of jurisdiction over copyright matters generally, and the Satellite Home Viewers Act in particular, I have begun a review of the satellite and cable licenses. Earlier this year I asked the Copyright Office to conduct in depth public hearings and make a comprehensive report to the Judiciary Committee on the licenses, together with recommendations for reforms. The Judiciary Committee is now reviewing these recommendations.

As we make our review of the compulsory licenses, I believe we need to keep in mind the needs of rural families. The Satellite Home Viewers Act was originally intended in 1988 to ensure that households that could not get television in any other way, such as traditional broadcast or cable, would be able to get television signals via satellite.

The market has changed substantially since 1988, and those changes have led to many of the controversies that currently surround the act. Many are looking to satellite carriers to compete directly with cable companies for viewership. But as we consider reforms to make the license work better in the current marketplace, we need to consider carefully the impact on the original beneficiaries, rural folks who are otherwise beyond the reach of traditional television signals.

I come from a state that has a fine broadcast industry that invests its energy and capital in trying to reach as many viewers as it can in our mountainous State of Utah. But there are some Utahans, or others in similar rural States, who appear to be simply beyond the reach of broadcast transmitters and translators, despite the best efforts of our broadcasters. As the chairman of the Judiciary Committee, I hope to find a fair way of helping the greatest number of Utahans have the greatest amount of choice in television entertainment. Obviously this means balancing a number of interests, since consumer choice will be curtailed if any segment of the industry is disadvantaged too much to support the other segments. We need to try to get a system that will be consumer-friendly, fair to creators and copyright holders to encourage them to continue to produce quality entertainment, and that makes for a competitive environment that will lower prices and increase choices. As we do this, we need to remember the original purpose of the satellite license, which is to make television available to those who cannot otherwise get it.

I believe many of my colleagues on the committee and in the Senate share my views, particularly my good friend, the ranking member of the Judiciary Committee, Senator LEAHY. Mr. President, I would ask the distinguished ranking member if he shares my concerns about rural satellite viewers, as well as the other affected interests in this industry?

Mr. LEAHY. I thank Senator HATCH for his comments. I am also very concerned about rural areas in my home State of Vermont and about the needs of rural satellite viewers throughout the country.

Mr. HATCH. I thank my colleague. Mr. President, I would ask my colleague from Vermont if he will work with me and the other members of the Judiciary Committee to help ensure that we keep the needs of rural satellite viewers in mind as we consider reforms to the compulsory licenses?

Mr. LEAHY. I look forward to working with you and the rest of the committee on these important issues.

Mr. HATCH. I thank my colleague, and I invite my colleagues in the Senate to work with me and with the ranking member of the Judiciary Committee as we review the compulsory licenses to ensure the best situation for all our constituents.

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 a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2646. An act to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

A message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that House 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. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 2646. An act to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

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. LUGAR:

S. 1313. A bill to provide market transition assistance to quota owners, tobacco producers, and communities that are dependent on tobacco production, to phase out Federal programs that support tobacco production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON (for herself and Mr. FAIRCLOTH):

S. 1314. A bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which

each spouse is taxed using the rates applicable to unmarried individuals; to the Committee on Finance.

By Mr. FAIRCLOTH:

S. 1315. A bill to establish an Office of National Security within the Securities and Exchange Commission, provide for the monitoring of the extent of foreign involvement in United States securities markets, financial institutions, and pension funds, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABRAHAM (for himself, Mr. BROWNBACK, Mr. KYL, Mr. HAGEL, Mr. ALLARD, Mr. FAIRCLOTH, Mr. NICKLES, and Mr. GRAMM):

S. 1316. A bill to dismantle the Department of Commerce; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG (for himself and Mr. BAUCUS):

S. 1317. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to expand the opportunity for health protection for citizens affected by hazardous waste sites; to the Committee on Environment and Public Works.

By Mr. ABRAHAM (for himself and Ms. LANDRIEU):

S. 1318. A bill to establish an adoption awareness program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BYRD (for himself and Mr. MOYNIHAN):

S. 1319. A bill to repeal the Line Item Veto Act of 1996; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. WELLSTONE, and Mrs. MURRAY):

S. 1320. A bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf during the Persian Gulf war for purposes of determining a service connection relating to such illnesses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JEFFORDS:

S.J. Res. 37. A joint resolution to provide for the extension of a temporary prohibition of strikes or lockout and to provide for binding arbitration with respect to the labor dispute between Amtrak and certain of its employees; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself, Mr. LOTT, Mr. FAIRCLOTH, Mr. BREAUX, Mr. HOLLINGS, Mr. BINGAMAN, Mr. BROWNBACK, and Mr. INOUYE):

S. Res. 140. A resolution expressing the sense of the Senate in support of the President's action to eliminate discriminatory trade practices by Japan relating to international shipping; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FAIRCLOTH:

S. 1313. A bill to establish an Office of National Security within the Securities and Exchange Commission, provide for the monitoring of the extent of foreign involvment in U.S. securities markets, financial institutions, and pension funds, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE U.S. MARKET SECURITY ACT OF 1997

Mr. FAIRCLOTH. Mr. President, on October 28 the President of the People's Republic of China will begin an official state visit to this country. Jiang Zemin is coming. It is reported, as a gift to him, the Clinton administration will applaud China's policy on weapons proliferation.

As a reward for China's responsible behavior, President Clinton and Vice President GORE plan to willingly, without reservation, share our most sensitive nuclear technology with China.

There is something very suspicious about this drastic shift in U.S. foreign policy. I cannot understand why the administration would negotiate this kind of deal?

Hasn't the CIA told us that China serves as the weapons clearinghouse of the world? Why in the world would President Clinton seek to abandon a longstanding Federal law that has prohibited American corporations from selling nuclear technology to Communist China.

It appears this is payback time.

Senator THOMPSO9N and the Governmental Affairs Committee have spent the last few months searching for why China would funnel illegal contributions into American political campaigns. Perhaps the pieces of the puzzle are starting to come together.

Clearly, the Chinese Government wants the best American technology for both military and commercial use. China wants both nuclear weapons and nuclear powerplants.

Apparently, President Clinton And vice President GORE are convinced that the best American nuclear technology is none too good for Beijing.

Now I understand that there are some very good American companies which stand to make billions from this deal. Certainly the foreign policy establishment is excited about all of the new lobbying and consulting possibilities. But aren't there some far more important factors to be considered?

Let me remind the Clinton administration that its own Central Intelligence Agency concluded in July that the People's Republic of China had become the most significant supplier of nuclear and chemical weapons technology to foreign countries.

Let me remind the Clinton administration that the People's Republic of China sold chemical weapons materials to Iran and missiles and ring magnets used to process uranium to Pakistan.

Let me remind the Clinton administration that the People's Republic of China has a long history of misrepresenting the use of American technology it buys and then reselling it to other nations, often terrorist countries like Iran.

Mr. President, selling nuclear technology to the Chinese is a terrible idea. Even worse, however, is the thought that Americans are paying for it too.

Since 1989, the Peoples Republic of China and various businesses connected to the Chinese Government have issued nearly $7 billion in bonds denominated in United States dollars.

China itself has issued some $2.7 billion in such bonds.

The Chinese International Trading and Investment Co., Chaired by Wang Jung, reportedly connected to the Chinese Army, has issued $800 million in bonds in the United States during the past few years.

If Mr. Jung's name sounds familiar—its because he was at the White House having coffee with the President on February 6, 1996. What a delightful man for a tea party.

It was also discovered that Mr. Jung's other company, Poly Technologies, was responsible for smuggling AK–47's to Los Angeles gangs.

This is the man that was at the tea party.

The Bank of China has also issued some $80 million in dollar denominated bonds in the United States. This is the same bank that wired money to Charlie Trie on a regular basis.

Mr. President, my greatest concern is that American mutual funds and pension funds will end up owning these bonds. Where else is there for them to go except to mutual funds and pension funds? To say that these bonds are risky is putting a nice face on them. If these companies default, they will stick the American taxpayer with the bill on the Chinese bonds.

Today, I am introducing legislation that will require the SEC to establish an office of national security that will routinely report to the Congress on security offerings by foreign governments and companies. This will also require the Pension Benefit Guaranty Corporation to annually review America's pension funds and report on the number of foreign securities being held.

It is time that Congress and the American public start paying attention to this quiet financial invasion. We need to pay attention to what is in America's retirement funds because we know who will pick up the deficit.

Already, it has been reported that the Arkansas State Teachers' Retirement Fund is holding roughly 40 percent of its assets in Pacific rim entities, several of which are Chinese.

If so, this is a tragedy for people who worked all their lives and are counting on that pension for their retirement peace of mind, when in reality it might not happen.

Mr. President, maybe this administration thinks the American people don't care about China's activities. Maybe I'm wrong, but I believe the American people do care. They know the Chinese people are oppressed by a

Communist government that uses capitalism when it is convenient to further their death grip on political power.

They know that China engages in unfair trading practices which result in a $50 billion trade deficit with the American people on an annual basis. They know that China oppresses their people and flagrantly violates human rights. They know China uses slave labor to make products for sale. They know that China sells the internal organs of executed prisoners on the black market. They know China infringes patents by selling pirated copies of American products. They know the People's Liberation Army is buying businesses in the United States as fronts for their secretive dealings. They know China persecutes Christians and religious believers.

I say to President Clinton and Vice President GORE that the American people do care. And remember that while the People's Republic of China may have supported their reelection campaigns, they do not support the freedom campaign of their own people.

Selling highly sensitive nuclear technology to China is a bad idea with extremely dangerous consequences. Permitting the invasion of our capital markets is another bad idea with worse potential consequences.

I also believe that allowing China to own ports on both ends of the Panama Canal is another bad idea, from whence they could dominate the canal and will bring dangerous consequences to our national security.

The Clinton administration and this Congress will face a difficult decision between two very strong competing forces—money and morality. I hope they decide to do what is in the best interests of the American people, not their foreign campaign donors that have all fled the country.

By Mr. FAIRCLOTH:

S. 1315. A bill to establish an Office of National Security within the Securities and Exchange Commission, provide for the monitoring of the extent of foreign involvement in United States securities markets, financial institutions, and pension funds, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE TOBACCO TRANSITION ACT

Mr. LUGAR. Mr. President, I rise today to introduce legislation to reform the federal tobacco quota and price support programs. This legislation would provide economic assistance to tobacco quota owners, tobacco producers, and tobacco-dependent communities as they make the transition to the free market.

Nearly every American is aware of the global tobacco settlement between 40 States' attorneys general and cigarette companies. Tobacco farmers and their communities were conspicuously omitted from these negotiations. Yet the settlement offers Congress a unique opportunity to provide economic assistance to tobacco farmers while ending the federal government's support for tobacco production.

My legislation would buy out tobacco marketing quotas, provide transition payments to tobacco producers, phase out the price support program, and provide economic assistance to tobacco-dependent communities. The cost of these reforms would be approximately $15 billion and would be paid for with funds from the tobacco settlement. Because farmers were not considered in the negotiations that led to this settlement, this amount would be added to the current $368.5 billion.

Under my legislation, the tobacco quota program would end in 1999 and, beginning that year, the price support program would be phased out over three years. In 1999, price supports would decline by 25 percent, then by an additional 10 percent in each of 2000 and 2001, and would end thereafter.

Quota owners would receive $8 for every pound of quota they own. They could elect to receive either first, a lumpsum payment in 1999 if they agree to cease tobacco production altogether, or second, three equal annual payments beginning in 1999 if they choose to continue to produce tobacco.

Tobacco producers would receive transition payments of 40 cents per pound over 3 consecutive years for tobacco quota that they lease or rent on a cash-rent or crop-share basis. Transition payments would be based on the average of at least 3 years of production over the 1993–97 period. Producers who both own and lease quota would receive transition payments based on their leased quota and a buyout based on the quota they own.

Under this legislation, producers would be able to grow whatever amounts of tobacco they choose—free of Government control. Most other farm programs went through a similar change just last year when Congress passed the freedom-to farm legislation. The global tobacco settlement would provide the funds to assist tobacco farmers as they join other farmers in the free market.

Communities that are economically dependent on tobacco production would receive $300 million in economic assistance. Eligible States would receive block grants to facilitate the development of alternative crops, industries, and infrastructure. Recipient States would then determine the areas most in need of assistance.

Mr. President, with or without a settlement, the forces to reform the tobacco program have been converging for some time now and they can no longer be ignored. High-domestic price supports have hurt the competitiveness of U.S.-grown tobacco. Exports of tobacco have fallen, while imports have grown. Congress has already ended Government control over nearly every other farm commodity. And, most importantly, Congress cannot ask Americans to accept Federal support for tobacco production when we are considering legislation to settle claims that stem directly from tobacco use.

Clearly, the tobacco program may not be sustainable for much longer. With that reality facing all tobacco producers, we should not pass up this opportunity to provide economic assistance to farmers and their communities.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1315

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 ''Tobacco Transition Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—TOBACCO PRODUCTION TRANSITION

Subtitle A—Tobacco Transition Contracts

Sec. 101. Tobacco Transition Account.
Sec. 102. Offer and terms of tobacco transition contracts.
Sec. 103. Elements of contracts.
Sec. 104. Buyout payments to owners.
Sec. 105. Transition payments to producers.

Subtitle B—Rural Economic Assistance Block Grants

Sec. 111. Rural economic assistance block grants.

TITLE II—TOBACCO PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS

Subtitle A—Tobacco Price Support Program

Sec. 201. Interim reform of tobacco price support program.
Sec. 202. Termination of tobacco price support program.

Subtitle B—Tobacco Production Adjustment Programs

Sec. 211. Termination of tobacco production adjustment programs.

TITLE III—FUNDING

Sec. 301. Trust Fund.
Sec. 302. Commodity Credit Corporation.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to authorize the use of binding contracts between the United States and tobacco quota owners and tobacco producers to compensate them for the termination of Federal programs that support the production of tobacco in the United States;

(2) to make available to States funds for economic assistance initiatives in counties of States that are dependent on the production of tobacco; and

(3) to terminate Federal programs that support the production of tobacco in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSOCIATION.—The term ''association'' means a producer-owned cooperative marketing association that has entered into a loan agreement with the Commodity Credit Corporation to make price support available to producers.

(2) BUYOUT PAYMENT.—The term ''buyout payment'' means a payment made to a quota owner under section 104 in 1 or more installments in accordance with section 102(c)(1).

(3) CONTRACT.—The term ''contract'' or ''tobacco transition contract'' means a contract entered into under section 102.

(4) GOVERNOR.—The term ''Governor'' means the chief executive officer of a State.

(5) LEASE.—The term ''lease'' means a rental of quota on either a cash rent or crop share basis.

(6) MARKETING YEAR.—The term ''marketing year'' means—

(A) in the case of Flue-cured tobacco, the period beginning July 1 and ending the following June 30; and

(B) in the case of each other kind of tobacco, the period beginning October 1 and ending the following September 30.

(7) OWNER.—The term ''owner'' means a person who, at the time of entering into a tobacco transition contract, owns quota provided by the Secretary.

(8) PHASEOUT PERIOD.—The term ''phaseout period'' means the 3-year period consisting of the 1999 through 2001 marketing years.

(9) PRICE SUPPORT.—The term ''price support'' means a nonrecourse loan provided by the Commodity Credit Corporation through an association for the kind of tobacco involved.

(10) PRODUCER.—The term ''producer'' means a person who during at least 3 of the 1993 through 1997 crops of tobacco (as determined by the Secretary) that were subject to quota—

(A) leased quota;

(B) shared in the risk of producing a crop of tobacco; and

(C) marketed the tobacco subject to quota.

(11) QUOTA.—The term ''quota'' means the quantity of tobacco produced in the United States, and marketed during a marketing year, that will be used in, or exported from, the United States during the marketing year (including an adjustment for stocks), as estimated by the Secretary.

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(13) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(14) TOBACCO.—The term ''tobacco'' means any kind of tobacco for which a marketing quota is in effect or for which a marketing quota is not disapproved by producers.

(15) TOBACCO TRANSITION ACCOUNT.—The term ''Tobacco Transition Account'' means the Tobacco Transition Account established by section 101(a).

(16) TRANSITION PAYMENT.—The term ''transition payment'' means a payment made to a producer under section 105 for each of the 1999 through 2001 marketing years.

(17) TRUST FUND.—The term ''Trust Fund'' means the National Tobacco Settlement Trust Fund established in the Treasury of the United States consisting of amounts that are appropriated or credited to the Trust Fund from the tobacco settlement approved by Congress.

(18) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

TITLE I—TOBACCO PRODUCTION TRANSITION

Subtitle A—Tobacco Transition Contracts

SEC. 101. TOBACCO TRANSITION ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Trust Fund a Tobacco Transition Account.

(b) USE.—Funds appropriated or credited to the Tobacco Transition Account shall be available for providing buyout payments and transition payments authorized under this subtitle.

(c) TERMINATION.—The Tobacco Transition Account terminates effective September 30, 2001.

SEC. 102. OFFER AND TERMS OF TOBACCO TRANSITION CONTRACTS.

(a) OFFER.—The Secretary shall offer to enter into a tobacco transition contract with each owner and producer of tobacco.

(b) TERMS.—Under the terms of a contract, the owner or producer shall agree, in exchange for a payment made pursuant to section 104 or 105, as applicable, to relinquish the value of quota that is owned or leased.

(c) RIGHTS OF OWNERS AND PRODUCERS.—

(1) OWNERS.—An owner shall elect to receive a buyout payment in—

(A) 1 installment for the kind of tobacco involved, in exchange for permanently foregoing production of tobacco; or

(B) 3 equal installments, 1 installment for each of the 1999 through 2001 crops of tobacco, in which case the owner shall have the right to continue production of each of those crops.

(2) PRODUCERS.—In the case of each of the 1999 through 2001 crops for the kind of tobacco involved, a producer who is not an owner during the 1998 marketing year for the kind of tobacco involved shall not be subject to any restrictions on the quantity of tobacco produced or marketed.

SEC. 103. ELEMENTS OF CONTRACTS.

(a) DEADLINES FOR CONTRACTING.—

(1) COMMENCEMENT.—To the maximum extent practicable, the Secretary shall commence entering into contracts under this subtitle not later than 90 days after the date of enactment of this Act.

(2) DEADLINE.—The Secretary may not enter into a contract under this subtitle after June 31, 1999.

(b) DURATION OF CONTRACT.—

(1) BEGINNING DATE.—The term of a contract shall begin on the date that is the beginning of the 1999 marketing year for the kind of tobacco involved.

(2) TERMINATION DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term of a contract shall terminate on the date that is the end of the 2001 marketing year for the kind of tobacco involved.

(B) EXCEPTION.—In the case of an owner who enters into a contract and elects to receive a buyout payment in 1 installment under section 102(c)(1)(A), the contract shall be permanent.

(c) TIME FOR PAYMENT.—

(1) IN GENERAL.—A buyout payment or transition payment shall be made not later than the date that is the beginning of the marketing year for the kind of tobacco involved for each year of the term of a tobacco transition contract of an owner or producer of tobacco.

(2) APPLICABILITY.—This subsection shall be applicable to all payments covered by section 102(c).

SEC. 104. BUYOUT PAYMENTS TO OWNERS.

(a) IN GENERAL.—During the phaseout period, the Secretary shall make buyout payments to owners in accordance with section 102(c)(1).

(b) COMPENSATION FOR LOST VALUE.—The payment shall constitute compensation for the lost value to the owner of the quota.

(c) PAYMENT CALCULATION.—Under this section, the total amount of the buyout payment made to an owner shall be determined by multiplying—

(1) $8.00; by

(2) the average annual quantity of quota owned by the owner during the 1995 through 1997 crop years.

SEC. 105. TRANSITION PAYMENTS TO PRODUCERS.

(a) IN GENERAL.—The Secretary shall make transition payments during each of the 1999 through 2001 marketing years for a kind of tobacco that was subject to a quota to a producer who—

(1) produced the kind of tobacco during at least 3 of the 1993 through 1997 crop years; and

(2) entered into a tobacco transition contract.

(b) TRANSITION PAYMENTS LIMITED TO LEASED QUOTA.—A producer shall be eligible for transition payments only for the portion of the production of the producer that is subject to quota that is leased during the 3 crop years described in subsection (a)(1).

(c) COMPENSATION FOR LOST REVENUE.—The payments shall constitute compensation for the lost revenue incurred by a tobacco producer during each of the 1999 through 2001 marketing years for the kind of tobacco involved.

(d) ELECTION BY PRODUCER; PRODUCTION.—

(1) ELECTION.—The producer may elect which 3 of the 1993 through 1997 crop years shall be used for the calculation under subsection (e).

(2) PRODUCTION.—The producer shall have the burden of demonstrating to the Secretary the production of tobacco for each year of the election.

(e) PAYMENT CALCULATION.—Under this section, each of the 3 transition payments made to a producer for the kind of tobacco involved shall be determined by multiplying—

(1) 40 cents; by

(2) the average quantity of the kind of tobacco produced by the producer during the 3 crop years elected by the producer under subsection (d).

Subtitle B—Rural Economic Assistance Block Grants

SEC. 111. RURAL ECONOMIC ASSISTANCE BLOCK GRANTS.

(a) IN GENERAL.—For each of fiscal years 1999 through 2001, the Secretary shall use funds in the Tobacco Transition Account to provide block grants to tobacco-growing States to assist areas of such a State that are economically dependent on the production of tobacco.

(b) FUNDING.—To carry out this section, there shall be credited to the Tobacco Transition Account, from the Trust Fund, $100,000,000 for each of fiscal years 1999 through 2001.

(c) PAYMENTS BY SECRETARY TO TOBACCO-GROWING STATES.—

(1) IN GENERAL.—The Secretary shall use the amount available for a fiscal year under subsection (b) to make block grant payments to the Governors of tobacco-growing States.

(2) AMOUNT.—The amount of a block grant paid to a tobacco-growing State shall be based on—

(A) the number of counties in the State in which tobacco production is a significant part of the county's economy; and

(B) the level of economic dependence of the county on tobacco production.

(d) GRANTS BY STATES TO ASSIST TOBACCO-GROWING AREAS.—

(1) IN GENERAL.—A Governor of a tobacco-growing State shall use the amount of the block grant to the State under subsection (c) to make grants to counties or other public or private entities in the State to assist areas that are dependent on the production of tobacco, as determined by the Governor.

(2) AMOUNT.—The amount of a grant paid to a county or other entity to assist an area shall be based on (as determined by the Secretary)—

(A) the ratio of gross tobacco sales receipts in the area to the total farm income in the area; and

(B) the ratio of all tobacco related receipts in the area to the total income in the area.

(3) USE OF GRANTS.—A county or other entity that receives a grant under this subsection shall use the grant in a manner determined appropriate by the county or entity (with the approval of the State) to assist producers and other persons who are economically dependent on the production of tobacco, including use for—

(A) on-farm diversification and alternatives to the production of tobacco and risk management; and

(B) off-farm activities such as development of non-tobacco related jobs.

(e) TERMINATION OF AUTHORITY.—The authority provided by this section terminates October 1, 2001.

TITLE II—TOBACCO PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS

Subtitle A—Tobacco Price Support Program

SEC. 201. INTERIM REFORM OF TOBACCO PRICE SUPPORT PROGRAM.

(a) PRICE SUPPORT RATES.—Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The price support rate for each kind of tobacco for which quotas have been approved shall be reduced by—

''(1) for the 1999 crop, 25 percent from the 1998 support rate for the kind of tobacco involved;

''(2) for the 2000 crop, 10 percent from the 1999 support rate for the kind of tobacco involved; and

''(3) for the 2001 crop, 10 percent from the 2000 support rate for the kind of tobacco involved.'';

(2) by striking subsections (b) and (f); and

(3) by redesignating subsection (c), (d), and (g) as subsections (b), (c), and (d), respectively.

(b) BUDGET DEFICIT ASSESSMENT.—Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) (as amended by subsection (a)(3)) is amended by striking subsection (d) and inserting the following:

''(d) TOBACCO TRANSITION PAYMENT.—Effective only for the 1998 crop of tobacco, the Secretary of the Treasury shall transfer from the Tobacco Transition Account of the National Tobacco Settlement Trust Fund an amount equal to the product obtained by multiplying—

''(1) the amount per pound equal to 2 percent of the national price support level for each kind of tobacco for which price support is made available under this Act; and

''(2) the total quantity of the kind of tobacco that is produced or purchased in, or imported into, the United States.''.

(c) NO NET COST TOBACCO FUND AND ACCOUNT.—

(1) NO NET COST TOBACCO FUND.—Section 106A of the Agricultural Act of 1949 (7 U.S.C. 1445–1) is amended to read as follows:

''SEC. 106A. NO NET COST TOBACCO FUND.

''(a) DEFINITIONS.—In this section:

''(1) ASSOCIATION.—The term 'association' means a producer-owned cooperative marketing association that has entered into a loan agreement with the Corporation to make price support available to producers of a kind of tobacco.

''(2) CORPORATION.—The term 'Corporation' means the Commodity Credit Corporation, an agency and instrumentality of the United States within the Department of Agriculture through which the Secretary makes price support available to producers.

''(3) NET GAINS.—The term 'net gains' means the amount by which the total proceeds obtained from the sale by an association of a crop of quota tobacco pledged to the Corporation for a price support loan exceeds the principal amount of the price support loan made by the Corporation to the association on the crop, plus interest, charges, and costs of administering the price support program.

''(4) NO NET COST TOBACCO FUND.—The term 'No Net Cost Tobacco Fund' means the capital account established within each association under this section.

''(5) PURCHASER.—The term 'purchaser' means any person who purchases in the United States, either directly or indirectly for the account of the person or another person, Flue-cured or burley quota tobacco.

''(6) QUOTA TOBACCO.—The term 'quota tobacco' means any kind of tobacco for which marketing quotas are in effect or for which marketing quotas are not disapproved by producers.

''(7) TRUST FUND.—The term 'Trust Fund' means the National Tobacco Settlement Trust Fund established in the Treasury of the United States consisting of amounts that are appropriated or credited to the Trust Fund from the tobacco settlement approved by Congress.

''(b) PRICE SUPPORT PROGRAM; LOANS.—The Secretary—

''(1) may carry out the tobacco price support program through the Corporation; and

''(2) shall, except as otherwise provided by this section, continue to make price support available to producers through loans to associations that, under agreements with the Corporation, agree to make loan advances to producers.

''(c) ESTABLISHMENT OF FUND.—

''(1) IN GENERAL.—Each association shall establish within the association a No Net Cost Tobacco Fund.

''(2) AMOUNT.—There shall be transferred from the Trust Fund to each No Net Cost Tobacco Fund such amount as the Secretary determines will be adequate to reimburse the Corporation for any net losses that the Corporation may sustain under its loan agreements with the association, based on—

''(A) reasonable estimates of the amounts that the Corporation has lent or will lend to the association for price support for the 1982 and subsequent crops of quota tobacco, except that for the 1986 and subsequent crops of burley quota tobacco, the Secretary shall determine the amount of assessments without regard to any net losses that the Corporation may sustain under the loan agreements of the Corporation with the association for the 1983 crop of burley quota tobacco;

''(B) the cost of administering the tobacco price support program (as determined by the Secretary); and

''(C) the proceeds that will be realized from the sales of tobacco that are pledged to the Corporation by the association as security for loans.

''(d) ADMINISTRATION.—The Secretary shall—

''(1) require that the No Net Cost Tobacco Fund established by each association be kept and maintained separately from all other accounts of the association and be used exclusively, as prescribed by the Secretary, for the purpose of ensuring, insofar as practicable, that the Corporation, under its loan agreements with the association with respect to 1982 and subsequent crops of quota tobacco, will suffer no net losses (including recovery of the amount of loans extended to cover the overhead costs of the association), after any net gains are applied to net losses of the Corporation under paragraph (3), except that, notwithstanding any other provision of law, the association may, with the approval of the Secretary, use funds in the No Net Cost Tobacco Fund, including interest and other earnings, for—

''(A) the purposes of reducing the association's outstanding indebtedness to the Corporation associated with 1982 and subsequent crops of quota tobacco and making loan advances to producers as authorized; and

''(B) any other purposes that will be mutually beneficial to producers and purchasers and to the Corporation;

''(2) permit an association to invest the funds in the No Net Cost Tobacco Fund in such manner as the Secretary may approve, and require that the interest or other earnings on the investment shall become a part of the No Net Cost Tobacco Fund;

''(3) require that loan agreements between the Corporation and the association provide that the Corporation shall retain the net gains from each of the 1982 and subsequent crops of tobacco pledged by the association as security for price support loans, and that the net gains will be used for the purpose of—

''(A) offsetting any losses sustained by the Corporation under its loan agreements with the association for any of the 1982 and subsequent crops of tobacco; or

''(B) reducing the outstanding balance of any price support loan made by the Corporation to the association under the loan agreements for 1982 and subsequent crops of tobacco; and

''(4) effective for the 1986 and subsequent crops of quota tobacco, if the Secretary determines that the amount in the No Net Cost Tobacco Fund or the net gains referred to in paragraph (3) exceeds the total amount necessary for the purposes specified in this section, suspend the transfer of amounts from the Trust Fund to the No Net Cost Tobacco Fund under this section.

''(e) NONCOMPLIANCE.—

''(1) IN GENERAL.—If any association that has entered into a loan agreement with the Corporation with respect to any of the 1982 or subsequent crops of quota tobacco fails or refuses to comply with this section (including regulations promulgated under this section) or the terms of the agreement, the Secretary may terminate the agreement or provide that no additional loan funds may be made available under the agreement to the association.

''(2) PRICE SUPPORT.—If the Secretary takes action under paragraph (1), the Secretary shall make price support available to producers of the kind or kinds of tobacco, the price of which had been supported through loans to the association, through such other means as are authorized by this Act or the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.).

''(f) TERMINATION OF AGREEMENT OR ASSOCIATION.—If, under subsection (e), a loan agreement with an association is terminated, or if an association having a loan agreement with the Corporation is dissolved, merges with another association, or otherwise ceases to operate, the No Net Cost Tobacco Fund or the net gains referred to in subsection (d)(3) shall be applied or disposed of in such manner as the Secretary may approve or prescribe, except that the net gains shall, to the extent necessary, first be applied or used for the purposes specified in this section.

''(g) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this section.''.

(2) NO NET COST TOBACCO ACCOUNT.—Section 106B of the Agricultural Act of 1949 (7 U.S.C. 1445–2) is amended to read as follows:

''SEC. 106B. NO NET COST TOBACCO ACCOUNT.

''(a) DEFINITIONS.—In this section:

''(1) AREA.—The term 'area', when used in connection with an association, means the general geographical area in which farms of the producer-members of the association are located, as determined by the Secretary.

''(2) ASSOCIATION.—The term 'association' has the meaning given the term in section 106A(a)(1).

''(3) CORPORATION.—The term 'Corporation' has the meaning given the term in section 106A(a)(2).

''(4) NET GAINS.—The term 'net gains' has the meaning given the term in section 106A(a)(3).

''(5) NO NET COST TOBACCO ACCOUNT.—The term 'No Net Cost Tobacco Account' means an account established by and in the Corporation for an association under this section.

''(6) PURCHASER.—The term 'purchaser' has the meaning given the term in section 106A(a)(5).

''(7) TOBACCO.—The term 'tobacco' means any kind of tobacco (as defined in section 301(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b))) for which marketing quotas are in effect or for which marketing quotas are not disapproved by producers.

''(8) TRUST FUND.—The term 'Trust Fund' has the meaning given the term in section 106A(a)(7).

''(b) PRICE SUPPORT PROGRAM; LOANS.—Notwithstanding section 106A, the Secretary shall, on the request of any association, and may, if the Secretary determines, after consultation with the association, that the accumulation of the No Net Cost Tobacco Fund for the association under section 106A is, and is likely to remain, inadequate to reimburse the Corporation for net losses that the Corporation sustains under its loan agreements with the association—

''(1) continue to make price support available to producers through the association in accordance with loan agreements entered into between the Corporation and the association; and

''(2) establish and maintain in accordance with this section a No Net Cost Tobacco Account for the association in lieu of the No Net Cost Tobacco Fund established within the association under section 106A.

''(c) ESTABLISHMENT OF ACCOUNT.—

''(1) IN GENERAL.—A No Net Cost Tobacco Account established for an association under subsection (b)(2) shall be established within the Corporation.

''(2) AMOUNT.—There shall be transferred from the Trust Fund to each No Net Cost Tobacco Account such amount as the Secretary determines will be adequate to reimburse the Corporation for any net losses that the Corporation may sustain under its loan agreements with the association, based on—

''(A) reasonable estimates of the amounts that the Corporation has lent or will lend to the association for price support for the 1982 and subsequent crops of quota tobacco, except that for the 1986 and subsequent crops of burley quota tobacco, the Secretary shall determine the amount of assessments without regard to any net losses that the Corporation may sustain under the loan agreements of the Corporation with the association for the 1983 crop of burley quota tobacco;

''(B) the cost of administering the tobacco price support program (as determined by the Secretary); and

''(C) the proceeds that will be realized from the sales of the kind of tobacco involved that are pledged to the Corporation by the association as security for loans.

''(3) ADMINISTRATION.—On the establishment of a No Net Cost Tobacco Account for an association, any amount in the No Net Cost Tobacco Fund established within the association under section 106A shall be applied or disposed of in such manner as the Secretary may approve or prescribe, except that the amount shall, to the extent necessary, first be applied or used for the purposes specified in that section.

''(d) USE.—Amounts deposited in a No Net Cost Tobacco Account established for an association shall be used by the Secretary for the purpose of ensuring, insofar as practicable, that the Corporation under its loan agreements with the association will suffer, with respect to the crop involved, no net losses (including recovery of the amount of loans extended to cover the overhead costs of the association), after any net gains are applied to net losses of the Corporation under subsection (g).

''(e) EXCESS AMOUNTS.—If the Secretary determines that the amount in the No Net Cost Tobacco Account or the net gains referred to in subsection (g) exceed the total amount necessary to carry out this section, the Secretary shall suspend the transfer of amounts from the Trust Fund to the No Net Cost Tobacco Account under this section.

''(f) TERMINATION OF AGREEMENT OR ASSOCIATION.—In the case of an association for which a No Net Cost Tobacco Account is established under subsection (b)(2), if a loan agreement between the Corporation and the association is terminated, if the association is dissolved or merges with another association that has entered into a loan agreement with the Corporation to make price support available to producers of the kind of tobacco involved, or if the No Net Cost Tobacco Account terminates by operation of law, amounts in the No Net Cost Tobacco Account and the net gains referred to in subsection (g) shall be applied to or disposed of in such manner as the Secretary may prescribe, except that the net gains shall, to the extent necessary, first be applied to or used for the purposes specified in this section.

''(g) NET GAINS.—The provisions of section 106A(d)(3) relating to net gains shall apply to any loan agreement between an association and the Corporation entered into on or after the establishment of a No Net Cost Tobacco Account for the association under subsection (b)(2).

''(h) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this section.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 314(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314(a)) is amended in the first sentence—

(i) by striking ''(1)''; and

(ii) by striking '', or (2)'' and all that follows through ''106B(d)(1) of that Act''.

(B) Section 320B(c)(1) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314h(c)(1)) is amended by inserting after ''1445–2)'' the following: ''(as in effect before the effective date of the amendments made by section 201(c) of the Tobacco Transition Act)''.

(d) ADMINISTRATIVE COSTS.—Section 1109 of the Agriculture and Food Act of 1981 (Public Law 97–98; 7 U.S.C. 1445 note) is repealed.

(e) CROPS.—This section and the amendments made by this section shall apply with respect to the 1999 and subsequent crops of the kind of tobacco involved.

SEC. 202. TERMINATION OF TOBACCO PRICE SUPPORT PROGRAM.

(a) PARITY PRICE SUPPORT.—Section 101 of the Agricultural Act of 1949 (7 U.S.C. 1441) is amended—

(1) in the first sentence of subsection (a), by striking ''tobacco (except as otherwise provided herein), corn,'' and inserting ''corn'';

(2) by striking subsections (c), (g), (h), and (i);

(3) in subsection (d)(3)—

(A) by striking '', except tobacco,''; and

(B) by striking ''and no price support shall be made available for any crop of tobacco for which marketing quotas have been disapproved by producers;''; and

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) TERMINATION OF TOBACCO PRICE SUPPORT AND NO NET COST PROVISIONS.—Sections 106, 106A, and 106B of the Agricultural Act of 1949 (7 U.S.C. 1445, 1445–1, 1445–2) are repealed.

(c) DEFINITION OF BASIC AGRICULTURAL COMMODITY.—Section 408(c) of the Agricultural Act of 1949 (7 U.S.C. 1428(c)) is amended by striking ''tobacco,''.

(d) REVIEW OF BURLEY TOBACCO IMPORTS.—Section 3 of Public Law 98–59 (7 U.S.C. 625) is repealed.

(e) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended by inserting ''(other than tobacco)'' after ''agricultural commodities'' each place it appears.

(f) TRANSITION PROVISIONS.—

(1) LIABILITY.—The amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the effective date of this section.

(2) TOBACCO STOCKS AND LOANS.—The Secretary shall issue regulations that require—

(A) the orderly disposition of tobacco stocks; and

(B) the repayment of all tobacco price support loans by not later than 1 year after the effective date of this section.

(g) CROPS.—This section and the amendments made by this section shall apply with respect to the 2002 and subsequent crops of the kind of tobacco involved.

Subtitle B—Tobacco Production Adjustment Programs

SEC. 211. TERMINATION OF TOBACCO PRODUCTION ADJUSTMENT PROGRAMS.

(a) DECLARATION OF POLICY.—Section 2 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1282) is amended by striking ''tobacco,''.

(b) DEFINITIONS.—Section 301(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (C);

(2) in paragraph (6)(A), by striking ''tobacco,'';

(3) in paragraph (7), by striking the following:

''tobacco (flue-cured), July 1—June 30;

''tobacco (other than flue-cured), October 1–September 30;'';

(4) in paragraph (10)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B);

(5) in paragraph (11)(B), by striking ''and tobacco'';

(6) in paragraph (12), by striking ''tobacco,'';

(7) in paragraph (14)—

(A) in subparagraph (A), by striking ''(A)''; and

(B) by striking subparagraphs (B), (C), and (D);

(8) by striking paragraph (15);

(9) in paragraph (16)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B); and

(10) by redesignating paragraphs (16) and (17) as paragraphs (15) and (16), respectively.

(c) PARITY PAYMENTS.—Section 303 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1303) is amended in the first sentence by striking ''rice, or tobacco,'' and inserting ''or rice,''.

(d) MARKETING QUOTAS.—Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is repealed.

(e) ADMINISTRATIVE PROVISIONS.—Section 361 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1361) is amended by striking ''tobacco,''.

(f) ADJUSTMENT OF QUOTAS.—Section 371 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1371) is amended—

(1) in the first sentence of subsection (a), by striking ''peanuts, or tobacco'' and inserting ''or peanuts''; and

(2) in the first sentence of subsection (b), by striking ''peanuts or tobacco'' and inserting ''or peanuts''.

(g) REPORTS AND RECORDS.—Section 373 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373) is amended—

(1) by striking ''peanuts, or tobacco'' each place it appears in subsections (a) and (b) and inserting ''or peanuts''; and

(2) in subsection (a)—

(A) in the first sentence, by striking ''all persons engaged in the business of redrying, prizing, or stemming tobacco for producers,''; and

(B) in the last sentence, by striking ''$500;'' and all that follows through the period at the end of the sentence and inserting ''$500.''.

(h) REGULATIONS.—Section 375(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1375(a)) is amended by striking ''peanuts, or tobacco'' and inserting ''or peanuts''.

(i) EMINENT DOMAIN.—Section 378 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1378) is amended—

(1) in the first sentence of subsection (c), by striking ''cotton, tobacco, and peanuts'' and inserting ''cotton and peanuts''; and

(2) by striking subsections (d), (e), and (f).

(j) BURLEY TOBACCO FARM RECONSTITUTION.—Section 379 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379) is amended—

(1) in subsection (a)—

(A) by striking ''(a)''; and

(B) in paragraph (6), by striking '', but this clause (6) shall not be applicable in the case of burley tobacco''; and

(2) by striking subsections (b) and (c).

(k) ACREAGE-POUNDAGE QUOTAS.—Section 4 of the Act entitled ''An Act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes'', approved April 16, 1965 (Public Law 89–12; 7 U.S.C. 1314c note), is repealed.

(l) BURLEY TOBACCO ACREAGE ALLOTMENTS.—The Act entitled ''An Act relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended'', approved July 12, 1952 (7 U.S.C. 1315), is repealed.

(m) TRANSFER OF ALLOTMENTS.—Section 703 of the Food and Agriculture Act of 1965 (7 U.S.C. 1316) is repealed.

(n) ADVANCE RECOURSE LOANS.—Section 13(a)(2)(B) of the Food Security Improvements Act of 1986 (7 U.S.C. 1433c–1(a)(2)(B)) is amended by striking ''tobacco and''.

(o) TOBACCO FIELD MEASUREMENT.—Section 1112 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203) is amended by striking subsection (c).

(p) LIABILITY.—The amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the effective date under subsection (q).

(q) CROPS.—This section and the amendments made by this section shall apply with respect to the 1999 and subsequent crops of the kind of tobacco involved.

TITLE III—FUNDING

SEC. 301. TRUST FUND.

(a) REQUEST.—The Secretary of Agriculture shall request the Secretary of the Treasury to transfer, from the Tobacco Transition Account in the Trust Fund, amounts authorized under sections 104, 105, and 111, and the amendments made by section 201, to the account of the Commodity Credit Corporation.

(b) TRANSFER.—On receipt of such a request, the Secretary of the Treasury shall transfer amounts requested under subsection (a).

(c) USE.—The Secretary of Agriculture shall use the amounts transferred under subsection (b) to carry out the activities described in subsection (a).

(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall expire on September 30, 2001.

SEC. 302. COMMODITY CREDIT CORPORATION.

The Secretary may use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this Act and the amendments made by this Act.

By Mr. LAUTENBERG (for himself and Mr. BAUCUS):

S. 1317. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to expand the opportunity for health protection for citizens affected by hazardous waste sites; to the Committee on Environment and Public Works.

THE ENVIRONMENTAL HEALTH PROTECTION ACT

Mr. LAUTENBERG. Mr. President, all across America toxic time bombs lurk beneath the soil. Many of our families find their futures poisoned by a long-gone industrial past.

And sadly we've made our families—especially our children—the canaries in the coal mine. Only after they've been stricken, do we move on the danger.

We need to change our emphasis.

Mr. President, we should help local communities meet the health treats bubbling up from toxic waste sites. That is why I am today introducing the Environmental Health Protection Act—legislation to require the Agency for Toxic Substances and Disease Registry [ASTDR] to actively work with local community health and safety leaders both to design and train local health authorities to better manage a potential toxic hazard and to design site-specific remedies and monitoring systems.

Today, the ranking member of the Environmental and Public works Committee, Senator BAUCUS, is joining with me in introducing legislation to significantly boost the role that public health considerations play in Superfund decisions.

Mr. President, the potential health hazard posed from toxic waste dumps is great and growing.

According to a recent study of 136 Superfund toxic waste sites by the Agency for Toxic Substance and Disease Registry [ASTDR], more than half the sites they examined represent serious, ongoing public health hazards. ATSDR placed an additional 23 percent of toxic waste sites in an indeterminate hazard category because they potentially pose a long-term risk to human life.

Communities and community leaders must have the tools and resources to meet these potential disaster—just like we prepare communities to meet potential natural disasters.

ATSDR recently determined that 11 million Americans reside within 1 mile of the 1,309 Superfund National Priority List [NPL] sites. These families are at particular risk from the hazardous substances wafting through the air they breath or oozing into water they drink.

The problems that communities face from toxic waste dumps are immense and complicated by the need for specialized knowledge, training and skills to address toxic waste problems. Dr. Barry Johnson of the ATSDR recently testified before the Superfund Subcommittee of the Senate Environment and Public Works Committee about the kinds of health problems communities face. He told the committee that:

ATSDR health investigations at hazardous waste sites across the country found that nearby residents were exposed to increased health risk from a wide variety of maladies including: birth defects; nerve damage; skin disorders; leukemia; cardiovascular abnormalities; respiratory problems, and immune disorders.

Two sets of studies in my home State of New Jersey—one carried out by the Environmental Protection Agency [EPA] and the other by the New Jersey School of Medicine and Dentistry—showed an increase in cancer cases in counties surrounding hazardous waste sites. The New Jersey Medicine study by Dr. G. Najem found that age-adjusted gastrointestinal cancer morality rates were higher in 20 of New Jersey's 21 counties than national rates.

An ATSDR 1995 study of residents of Forest City and Glover, MO, who live near Superfund sites, showed an increase in reports of breathing disorders and decreased pulmonary function; especially among nonsmoking women.

Compilation of studies in California report the occurrence of an increased risk of birth defects in the children of women living near the State's 700 hazardous waste sites.

The results of another recent study funded by ATSDR and performed by the New Jersey Department of Health, are particularly disturbing and, understandably, have frightened many of my constituents in the town of Maywood, NJ. The study reviewed data gathered on 15,000 residents living near Superfund sites and found the incidence of brain cancers running at 50 percent above the expected level. In addition, the study found cancer clusters—areas with unusually high rates of certain forms of cancer—existing in Ocean County and distressing 50 percent increase in various kinds of childhood cancers.

In short, ATSDR research demonstrates how important it is to the health of Americans living near Superfund sites to clean up those sites as quickly as possible. And this is no small task.

Communities struggling to come to grips with the potential health hazards of a toxic waste dump are too often left to fend for themselves. No one agency is specifically charged with coordinating the various health-relief efforts these families need.

Currently, EPA uses a risk assessment process to write plans for dealing with the problems posed by toxic sites. As a result, the selection of containment as a remedy rather than removing the toxins from a site has grown to 30 percent of the EPA remedy decisions. If containment is to work for the communities surrounding Superfund and other toxic sites, we must increase health monitoring and provide other health care assistance, advice, and tools to those living with near these sites.

Congress established ATSDR specifically to address possible health problems arising from Superfund sites. Now is the time to use what we have learned and to actively involve local communities in their efforts to meet the health challenges posed by the hazardous waste sites. This bill requires ATSDR to do just that.

First, my bill both allows ATSDR to study any location where there is concern that hazardous wastes threatens public health and requires that ATSDR work closely with State and local health officials in making its assessment. Presently, Mr. President, State and local health and environmental officials are only required to be involved at sites listed on the Environmental Protection Agency's national list of priority sites—the National Priority List [NPL]. By mandating that ATSDR work with the State and local officials from the get-go at any potential site, we will be insuring the understanding, cooperation, and consultation necessary to effective environmental cleanup exists in a community.

Second, critics frequently complain that ATSDR's health assessments are completed too late in the process to be of any real use to the local officials struggling to manage the health impact of a hazardous waste site on a community. This bill changes the way EPA and the health authorities do their job. It requires EPA to notify local and State health officials early in the process that an investigation is commencing and to better coordinate its activities with local authorities so that EPA's proposed remedy better reflects local conditions and needs.

Third, this bill requires EPA to directly involve State and local health officials in decisions concerning analysis and sampling methods used at hazardous sites. State and local health officials are often the frontline experts. They have important first-hand information on how a toxic waste dump affects their community. Working with EPA, they can better determine and analyze possible health problems patterns in a community and whether that arises from a toxic waste dump. With this information, EPA can zero-in on those areas for additional sampling and further studies and design a site appropriate remedy that meets the special circumstances of the affected community.

Fourth—and this is critically important—better training and up-to-date information are essential to helping communities deal with hazardous waste sites. This legislation will ensure that State and local health officials receive the training and technical information they need to diagnose and treat environmental health problems, and it will also empower local authorities to help EPA make appropriate, site-specific decisions about clean up remedies.

Fifth, this bill requires that when EPA selects to leave toxic wastes in place, then EPA must work with local health officials to design a site specific health monitoring program. This will be paid for by the parties responsible for the hazard, and those requirements will become an enforceable part of any clean up agreement. It will no longer be adequate for a polluter to simply build a fence around a toxic waste site and hope the toxins stay in and community residents stay out. EPA's remedy must now ensure that the health of the residents in the line of fire is protected first, foremost, and always. And, when EPA revisits a site to evaluate whether the clean up is working, EPA will now specifically have to consider the recommendations of local health officials on the effectiveness and appropriateness of the solution.

Since the Superfund amendments of 1986, the communities near hazardous waste sites have appealed to us to strengthen the public health requirements of the law. A major focus of our efforts in cleaning up toxic waste must be the health of our people. This bill will put community health and safety back at the top of the Superfund agenda. It will increase the information available to the public and cooperation between public health officials at all levels of government. It will result in health considerations being made a central part of any discussions of clean up strategies and effective long-term monitoring of toxic waste sites. This bill will ensure that the remedy chosen by EPA better protects the millions of Americans who live around our nation's hazardous waste sites.

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. 1317

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 ''Environmental Health Protection Act of 1997''.

SEC. 2. DEFINITIONS.

(a) GENERAL DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

''(39) ATSDR.—The term 'ATSDR' means the Agency for Toxic Substances and Disease Registry.''.

(b) DEFINITIONS IN THE PUBLIC PARTICIPATION SECTION.—

(1) IN GENERAL.—Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) is amended—

(A) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively; and

(B) by inserting after the section heading the following:

''(a) DEFINITIONS.—In this section:

''(1) AFFECTED COMMUNITY.—The term 'affected community' means a group of 2 or more individuals who may be affected by the release or threatened release of a hazardous substance, pollutant, or contaminant from a covered facility.

''(2) COVERED FACILITY.—The term 'covered facility' means a facility—

''(A) that has been listed or proposed for listing on the National Priorities List;

''(B) at which the Administrator is undertaking a removal action that it is anticipated will exceed—

''(i) in duration, 1 year; or

''(ii) in cost, the funding limit under section 104; or

''(C) with respect to which the Administrator of ATSDR has approved a petition requesting a health assessment or other related health activity under section 104(i)(6)(B).

''(3) WASTE SITE INFORMATION OFFICE.—The term 'waste site information office' means a waste site information office established under subsection (j).''.

(2) CONFORMING AMENDMENTS.—

(A) Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(i) in section 111(a)(5) (42 U.S.C. 9611), by striking ''117(e)'' and inserting ''117(f)'';

(ii) in section 113(k)(2)(B) (42 U.S.C. 9613)—

(I) in clause (iii), by striking ''117(a)(2)'' and inserting ''117(b)(2)''; and

(II) in the third sentence, by striking ''117(d)'' and inserting ''117(e)''.

(B) Section 2705(e) of title 10, United States Code, is amended—

(i) by striking ''117(e)'' and inserting ''117(f)''; and

(ii) by striking ''(42 U.S.C. 9617(e))'' and inserting ''(42 U.S.C. 9617(f))''.

SEC. 3. AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.

(a) NOTICE TO HEALTH AUTHORITIES.—Section 104(b) of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(b)) is amended by adding at the end the following:

''(3) NOTICE TO HEALTH AUTHORITIES.—The President shall notify State, local, and tribal public health authorities whenever a release or a hazardous substance, pollutant, or contaminant has occurred, is occurring, or is about to occur, or there is a threat of such a release, and the release or threatened release is under investigation pursuant to this section.''.

(b) AMENDMENTS RELATING TO ATSDR.—Section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)) is amended—

(1) in paragraph (1)—

(A) in the second sentence, by striking ''and appropriate State and local health officials'' and inserting ''the Indian Health Service, and appropriate State, tribal, and local health officials'';

(B) in subparagraphs (A) and (C), by inserting ''and Indian tribes'' after ''States''; and

(C) by striking the last sentence and inserting the following flush sentence: ''In a public health emergency, exposed persons shall be eligible for referral to licensed or accredited health care providers.'';

(2) in paragraph (3)—

(A) in the matter following subparagraph (C)—

(i) by striking the sentence beginning ''The profiles required'';

(ii) in the sentence beginning ''The profiles prepared'', by inserting before the period at the end the following: ''and of substances not on the list, but that have been detected at covered facilities (within the meaning of section 117) and are determined by the Administrator of ATSDR to pose a significant potential threat to human health due to their known or suspected toxicity to humans and the potential for human exposure to such substances at such facilities.'';

(iii) in the sentence beginning ''Profiles required under'', by striking '', but no less often'' and all that follows through the period at the end and inserting ''if the Administrator of ATSDR determines that there is significant new information.''; and

(iv) in the last sentence, by inserting ''and Indian tribes'' after ''States''; and

(B) by inserting after subparagraph (C) the following:

''(D) Evaluations of the cumulative effects (including synergistic effects) of other chemicals.'';

(3) in paragraph (4)—

(A) in the first sentence, by striking ''State officials'' and inserting ''State, tribal,''; and

(B) in the second sentence, by inserting ''or Indian tribes'' after ''States'';

(4) in paragraph (5)(A)—

(A) in the first sentence, by inserting ''and the Indian Health Service'' after ''Public Health Service'';

(B) in the second sentence, by inserting after ''program of research'' the following: ''conducted directly or by such means as cooperative agreements and grants with appropriate public and nonprofit institutions. The program shall be''; and

(C) in the last sentence—

(i) in clause (iii), by striking ''and'' at the end;

(ii) by redesignating clause (iv) as clause (vi); and

(iii) by inserting after clause (iii) the following:

''(iv) laboratory and other studies that can lead to the development of innovative techniques for predicting organ-specific, tissue-specific, and system-specific acute and chronic toxicity associated with a covered facility; and

''(v) laboratory and other studies to determine the health effects of substances commonly found in combination with other substances, and the short, intermediate, and long-term cumulative health effects (including from synergistic impacts).'';

(5) in paragraph (6)—

(A) by striking ''(6)(A) The Administrator'' and all that follows through the end of subparagraph (A) and inserting the following:

''(6) HEALTH ASSESSMENTS AND RELATED HEALTH ACTIVITIES.—

''(A) REQUIREMENTS.—The Administrator of ATSDR shall perform a health assessment or related health activity (including, as appropriate, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers or any other health activity authorized in this subsection) for each covered facility (as defined in section 117(a)).'';

(B) in subparagraph (B)—

(i) in the first sentence, by inserting ''or other health related activity'' after ''health assessments'';

(ii) in the second sentence, by inserting ''or other health related activity'' after ''health assessment''; and

(iii) in the third sentence—

(I) by inserting ''or other health related activity'' after ''health assessment'' the first place it appears; and

(II) by striking ''a health assessment'' the second place it appears and inserting ''the requested activity'';

(C) in subparagraph (C)—

(i) in the first sentence—

(I) by inserting ''or other health related activity'' after ''health assessments''; and

(II) by striking ''existing health assessment data'' and inserting ''data from existing health assessments or related activity''; and

(ii) in the second sentence, by inserting ''or other health related activity'' after ''health assessments'';

(D) in subparagraph (D), by adding at the end the following: ''The President and the Administrator of ATSDR shall obtain and exchange facility characterization data and other information necessary to make a public health determination sufficiently before the completion of a remedial investigation and feasibility study to allow full consideration of the public health implications of a release, but in no circumstance shall the President delay the progress of a remedial action pending completion of a health assessment or other health related activity. When appropriate, the Administrator of ATSDR shall, in cooperation with State and local health officials, provide to the President recommendations for sampling environmental media. To the extent practicable, the President shall incorporate the recommendations into facility characterization activities.'';

(E) in the first sentence of subparagraph (E), by striking ''or political subdivision carrying out a health assessment'' and inserting ''Indian tribe, or political subdivision of a State carrying out a health assessment or related health activity'';

(F) in subparagraph (F)—

(i) by striking ''(F) For the purpose of health assessments'' and inserting the following:

''(F) DEFINITION OF HEALTH ASSESSMENTS.—

''(i) IN GENERAL.—For the purpose of health assessments or related activity'';

(ii) in the first sentence—

(I) by inserting ''(including children and other highly susceptible or highly exposed populations)'' after ''human health'';

(II) by striking ''existence of potential'' and inserting ''past, present, or future potential'';

(III) by striking ''and the comparison'' and inserting ''the comparison''; and

(IV) by striking the period at the end and inserting ''and the cumulative effects (including synergistic effects) of chemicals.''; and

(iii) by striking the second sentence and inserting the following:

''(ii) PROVISION OF DATA.—The Administrator shall consider information provided by State, Indian tribe, and local health officials and the affected community (including a community advisory group, if 1 has been established under subsection (g)) as is necessary to perform a health assessment or other related health activity.'';

(G) in the last sentence of subparagraph (G)—

(i) by striking ''In using'' and all that follows through ''to be taken'' and inserting ''In performing health assessments''; and

(ii) by inserting before the period at the end the following: ''and shall give special consideration, where appropriate, to any practices of the affected community that may result in increased exposure to hazardous substances, pollutants, or contaminants, such as subsistence hunting, fishing, and gathering''; and

(H) in subparagraph (H)—

(i) in the first sentence—

(I) by inserting ''or other health related activity'' after ''health assessment''; and

(II) by striking ''each affected State'' and inserting ''appropriate State, Indian tribe, and local health officials and community advisory groups and waste site information offices; and

(ii) in the second sentence, by inserting ''or other health related activity'' after ''health assessment'';

(7) in paragraph (7)—

(A) by striking ''pilot'' each place it appears;

(B) by inserting ''or other related health activity'' after ''health assessment'' each place it appears; and

(C) in subparagraph (A), by inserting ''covered facilities'' after the ''individuals'';

(8) in paragraph (10)—

(A) by striking ''two years'' and all that follows through ''thereafter'' and inserting ''Every 2 years'';

(B) by striking ''and'' at the end of subparagraph (D);

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(F) the health impacts on Indian tribes of hazardous substances, pollutants, and contaminants from covered facilities.'';

(9) in paragraph (14)—

(A) by striking ''distribute to the States, and upon request to medical colleges, physicians, and'' and inserting the following: ''distribute—

''(A) to the States and local health officials, and upon request to medical colleges, medical centers, physicians, nursing institutions, nurses, and'';

(B) by striking ''methods of diagnosis and treatment'' and inserting ''methods of prevention, diagnosis, and treatment'';

(C) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(B) to the community potentially affected by a facility appropriate educational materials, facility-specific information, and other information on human health effects of hazardous substances using available community information networks, including, if appropriate, a community advisory group or a waste site information office established under section 117.'';

(10) in the last sentence of paragraph (15), by striking ''through cooperative'' and all that follows through ''which the Administrator'' and inserting the following: ''through grants to, or cooperative agreements or contracts with, States (or political subdivisions of States) or other appropriate public authorities or private nonprofit entities, public or private institutions, colleges or universities (including historically black colleges and universities), or professional associations that the Administrator''; and

(11) by adding at the end the following:

''(19) COMMUNITY HEALTH PROGRAMS.—When appropriate, using existing health clinics and health care delivery systems, the Administrator of ATSDR shall facilitate the provision of environmental health services (including testing, diagnosis, counseling, and community health education) in communities that—

''(A) may have been, or may be, subject to exposure to a hazardous substance, pollutant, or contaminant from a covered facility; and

''(B) have a medically underserved population (as defined in section 330(b) of the Public Health Service Act (42 U.S.C. 254b(b)) or lack sufficient expertise in environmental health.

''(20) PUBLIC HEALTH EDUCATION.—

''(A) IN GENERAL.—If the Administrator of ATSDR considers it appropriate, the Administrator of ATSDR, in cooperation with State, Indian tribe, and other interested Federal and local officials, shall conduct health education activities to make a community near a covered facility aware of the steps the community may take to mitigate or prevent

exposure to hazardous substances and the health effects of hazardous substances.

''(B) ENVIRONMENTAL MEDICAL EXPERTS.—The health education activities may include providing access and referrals to environmental health experts.

''(C) DISSEMINATION.—In disseminating public health information under this paragraph relating to a covered facility, the Administrator of ATSDR shall use community health centers, area health education centers, or other community information networks, including a community advisory group, a technical assistance grant recipient, or a waste site information office established under section 117.''.

(b) PUBLIC HEALTH RECOMMENDATIONS IN REMEDIAL ACTIONS.—Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(c)) is amended in the first sentence by inserting after ''such remedial action'' the second place it appears the following: '', including public health recommendations and decisions resulting from activities under section 104(i),''.

(c) STUDY OF MULTIPLE SOURCES OF RISK.—

(1) IN GENERAL.—The Administrator of the Agency for Toxic Substances and Disease Registry (referred to in this subsection as ''ATSDR''), in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study relating to the identification, assessment, and management of, and response to, multiple sources of exposure affecting or potentially affecting a community.

(2) COMPONENTS.—In conducting the study, the Administrator of ATSDR may—

(A) examine various approaches to protect communities affected or potentially affected by multiple sources of exposure to hazardous substances; and

(B) include recommendations that the President may consider in developing an implementation plan to address the effects or potential effects of exposure at covered facilities (as defined in Section 117(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617(a)).

By Mr. ABRAHAM (for himself and Ms. LANDRIEU):

S. 1318. A bill to establish an adoption awareness program, and for other purposes; to the Committee on Labor and Human Resources.

THE ADOPTION PROMOTION AWARENESS ACT

Mr. ABRAHAM. Mr. President, I rise to urge my colleagues' support for the Adoption Promotion Awareness Act. This legislation will provide the means necessary to keep women fully informed concerning all their options regarding any unexpected pregnancy.

Mr. President, each year more than a million couples eagerly await the opportunity to adopt a child. Unfortunately, only 50,000 domestic, nonrelated adoptions occur each year. That means that only 5 percent of American couples willing and able to open their hearts and homes to a child who needs them are able to do so.

As a result, Mr. President, would-be parents often must wait several years for the opportunity to adopt a healthy child. For the anxious parents, the waiting seems to last an eternity. And their waiting is made even more tragic by the fact that only 4 percent of women in America choose adoption as an option for an unplanned pregnancy. We have hundreds of thousands of empty homes, waiting to welcome children who are never born.

There are many reasons for the sharp disparity between the relatively limited number of children available for adoption and the growing number of families anxiously waiting to adopt a child. Crucial is the fact that many women are not provided adequate information about adoption when they are making the crucial decision of how to deal with an unexpected pregnancy. Too few women are fully informed concerning the adoption option. If we could get the news out to these women that couples are waiting with open arms to welcome their children into a loving home, more would chose to have their babies and release them for adoption.

This is not mere speculation, Mr. President, it is supported by the facts. Michigan's private adoption agencies, for instance, report that 21 percent of the women seen for services decide to release their children for adoption. Studies have shown that women are more likely to choose adoption when clear, positive information is provided concerning that option.

We know that providing information to women on adoption as a choice can increase the number of adoptions that occur each year and decrease the number of abortions. I believe that this is an important goal. For this reason, I have introduced, along with my colleague, Senator LANDRIEU, legislation that authorizes an Adoption Awareness Promotion Program. This program will provide $25 million in grants to be used for adoption promotion activity. It will also require recipients to contribute $25 million of in-kind donations. The total amount going to adoption promotion will, therefore, be $50 million. This amount will allow for a thorough information campaign to take place—reaching women all over the country.

The legislation provides for grants to be used for public service announcements on prints, radio, TV, and billboards. Grants will also be provided for the development and distribution of brochures regarding adoption through federally funded title X clinics. These provisions will enable women to have accurate and clear information on adoption as an alternative when at a crucial point in their pregnancies. Further, the campaign will help to raise the level of awareness around the country about the importance of adoption.

Mr. President, I believe that each and every one of us, whether pro-life or pro-choice, should be working to reduce the number of abortions that occur each year. Indeed, I have often heard on this floor that abortion should be ''safe, legal and rare.'' I take my colleagues at their word and urge them to join me in this voluntary information program; a program designed to inform women of all their choices regarding any unexpected pregnancy.

Too many women in America feel abandoned and helpless in the face of an unexpected pregnancy. The father of the child may have left, the woman's family and friends even may desert her. Even those who stay with her may simply pressure her to end an embarrassing and troublesome situation.

Too often, then, our women, in a vulnerable state, are left without full, unbiased information and guidance concerning their options. I think it is crucial in these circumstances that we keep these women fully informed of all their options—including the option of releasing their child into the arms of a welcoming couple, anxious to become loving parents.

If we truly are committed to making every child a wanted child, Mr. President, I believe it is our duty to see to it that pregnant women know that there are couples out their who would love to care for their children. It is time for us, as a nation, to make clear our commitment to truly full information for expectant mothers, information that includes the availability of safe, loving homes for their children.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. WELLSTONE, and Mrs. MURRAY):

S. 1320. A bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf during the Persian Gulf War for purposes of determining a service connection relating to such illnesses, and for other purposes; to the Committee on Veterans' Affairs.

THE PERSIAN GULF VETERANS ACT OF 1997

Mr. ROCKEFELLER. Mr. President, I am proud to introduce today the Persian Gulf War Veterans Act of 1997, legislation which establishes a clear framework for the compensation and health care needs of Persian Gulf war veterans. This bill implements the recommendation of the Presidential Advisory Committee on Gulf War Veterans' Illnesses to create a permanent statutory authority for the compensation of ill gulf war veterans. It builds upon the system of scientific review and determinations for presumptive compensation that currently exists for veterans exposed to agent orange during the Vietnam war.

As ranking member of the Committee on Veterans' Affairs, I have witnessed firsthand the struggles of many of our Nation's gulf war veterans. The Persian Gulf war will undoubtedly go down in history as one of our country's most decisive military victories. Despite our fears of potentially huge troop injuries and losses, the careful planning and strategy of our military leaders paid off. The ground war lasted only four days, and the casualties we experienced, while deeply regrettable, were fortunately few. But as with any war, the human costs of the gulf war have been high, and the casualties have continued long after the battle was over.

Many of the men and women who served in the gulf have suffered chronic, debilitating health problems. Unnecessarily compounding their pain has been their difficulty in getting the government they served to acknowledge their problems and provide the appropriate care and benefits they deserve. This legislation will go a long way to address some of these concerns. We can't wait the 20 years we waited after the Vietnam war to assess the effects of agent orange, or the 40 years we waited after World War II to concede the problems of radiation-exposed veterans. We must learn from the lessons of the past and act now. We have already waited too long.

For the past 6 years, we have looked to the leaders of the Department of Defense and the Department of Veterans Affairs for a resolution of these difficult issues. While they have made some progress, I think we can all agree there is much more to be done. This legislation will require VA to enlist the National Academy of Sciences—an independent, nonprofit, scientific organization—to review and evaluate the research regarding links between illnesses and exposure to toxic agents and wartime hazards. Based on the findings of the NAS, VA will then determine whether a diagnosed or undiagnosed illness found to be associated with gulf war service warrants a presumption of service connection for compensation purposes. This will provide an ongoing scientific basis and nonpolitical framework for the VA to use in compensating Persian Gulf war veterans.

SUMMARY OF PROVISIONS

Mr. President, I will now highlight some of the provisions contained in this legislation.

First, this legislation calls for the Secretary of the Department of Veterans Affairs to contract with the National Academy of Sciences [NAS] to provide a scientific basis for determining the association between illnesses and exposures to environmental or wartime hazards as a result of service in the Persian Gulf. The NAS will review the scientific literature to assess health exposures during the gulf war and health problems among veterans, and report to Congress and the VA.

Second, this legislation authorizes VA to presume that diagnosed or undiagnosed illnesses that have a positive association with exposures to environmental or wartime hazards were incurred in or aggravated by service even if there was no evidence of the illness during service. Having that authority, VA will determine whether there is a sound medical and scientific basis to warrant a presumption of service connection for compensation for diagnosed or undiagnosed illnesses, based on NAS' report. Within 60 days of that determination, VA will publish proposed regulations to presumptively service connect these illnesses.

Third, this bill requires NAS to provide recommendations for additional research that should be conducted to better understand the possible adverse health effects of exposures to toxic agents or environmental or wartime hazards associated with gulf war service. The VA, in conjunction with the Department of Defense (DOD) and the Department of Health and Human Services [HHS], will review and act upon the recommendations for additional research and future studies.

Fourth, this legislation tasks NAS with assessing potential treatment models for the chronic undiagnosed illnesses that have affected so many of our gulf war veterans. They will make recommendations for additional studies to determine the most appropriate and scientifically sound treatments. VA and DOD will review this information and submit a report to Congress describing whether they will implement these treatment models and their rationale for their decisions.

Fifth, this legislation calls for the establishment of a system to monitor the health status of Persian Gulf war veterans. VA, in collaboration with DOD, will develop a plan to establish and operate a computerized information data set to collect information on the illnesses and health problems of gulf war veterans. This data base will also track the treatment provided to veterans with chronic undiagnosed illnesses to determine whether these veterans are getting sicker or better over time. VA and DOD will submit this plan for review and comment by NAS. After this review, VA and DOD will implement the agreed-upon plan and provide annual reports to Congress on the health status of Persian Gulf war veterans.

Finally, this legislation requires that VA, in consultation with DOD and HHS, carry out an ongoing outreach program to provide information to gulf war veterans. This information will include health risks, if any, from exposures during service in the gulf war theater of operations, and any services or benefits that are available.

DISCUSSION

After the war, DOD and VA acknowledged that they couldn't define what health problems were affecting Persian Gulf war veterans. Nonetheless, we did not want to make these veterans wait for the science to catch up before we could provide health care and compensation for their service-related conditions.

That is why, back in 1993, we provided Persian Gulf war veterans with priority health care at VA facilities for conditions related to their exposure to environmental hazards. Congress went on to pass legislation in 1994 that confirmed that VA could provide compensation to Persian Gulf war veterans who suffered from chronic undiagnosed illnesses. Prior to this authority, VA asserted that it could not compensate veterans whose health problems could not be diagnosed.

However, some gulf war veterans are falling between the cracks and still cannot receive compensation under current law. These veterans have been diagnosed with a condition several years after leaving service, such as chronic fatigue syndrome or migraines. Therefore, they are not eligible for compensation under VA's undiagnosed illness authority, nor are they eligible under the guidelines for diagnosed illnesses because the diagnosis was not made within the proscribed period following service. At the same time, these illnesses are due to unknown causes which could, someday, be tied to their gulf service. We cannot require veterans to wait for that day to arrive. This legislation will address this unfortunate catch-22 unwittingly created through previous legislation.

We will continue to retrace the steps and decisions that were made in deploying almost 697,000 men and women to the Persian Gulf in 1990. Hopefully, we will learn from the lessons of this war to prevent some of these same health problems in future deployments where our troops will again face the threat of an everchanging and increasingly toxic combat environment. But we also must address what our ill gulf war veterans need now. We need to provide a permanent statutory authority to compensate them. We need to be able to answer the questions of How many veterans are ill? and Are our ill veterans getting sicker over time?

Mr. President, this legislation targets these important issues. As Veterans' Day approaches, we prepare to honor those who offered to make the ultimate sacrifice for our country. Many of us will be called upon to make speeches in support of these brave men and women. I ask my colleagues in the Senate to join me now in supporting this legislation. Let us honor our gulf war veterans through our deeds—and not just our words—this Veterans' Day.

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. 1320

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 ''Persian Gulf War Veterans Act of 1997''.

SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR ILLNESSES ASSOCIATED WITH SERVICE IN THE PERSIAN GULF DURING THE PERSIAN GULF WAR.

(a) IN GENERAL.—(1) Subchapter II of chapter 11 of title 38, United States Code, is amended by adding at the end the following:

''§ 1118. Presumptions of service connection for illnesses associated with service in the Persian Gulf during the Persian Gulf War

''(a)(1) For purposes of section 1110 of this title, and subject to section 1113 of this title, each illness (if any) described in paragraph (2) shall be considered to have been incurred in or aggravated by service referred to in that paragraph, notwithstanding that there is no record of evidence of such illness during the period of such service.

''(2) An illness referred to in paragraph (1) is any diagnosed or undiagnosed illness that—

''(A) the Secretary determines in regulations prescribed under this section to warrant a presumption of service connection by reason of having a positive association with exposure to a biological, chemical, or other toxic agent or environmental or wartime hazard known or presumed to be associated with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War; and

''(B) becomes manifest within the period (if any) prescribed in such regulations in a veteran who served on active duty in that theater of operations during that war and by reason of such service was exposed to such agent or hazard.

''(3) For purposes of this subsection, a veteran who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War and has an illness described in paragraph (2) shall be presumed to have been exposed by reason of such service to the agent or hazard associated with the illness in the regulations prescribed under this section unless there is conclusive evidence to establish that the veteran was not exposed to the agent or hazard by reason of such service.

''(b)(1)(A) Whenever the Secretary makes a determination described in subparagraph (B), the Secretary shall prescribe regulations providing that a presumption of service connection is warranted for the illness covered by that determination for purposes of this section.

''(B) A determination referred to in subparagraph (A) is a determination based on sound medical and scientific evidence that a positive association exists between—

''(i) the exposure of humans to a biological, chemical, or other toxic agent or environmental or wartime hazard known or presumed to be associated with service in the Southwest Asia theater of operations during the Persian Gulf War; and

''(ii) the occurrence of a diagnosed or undiagnosed illness in humans.

''(2)(A) In making determinations for purposes of paragraph (1), the Secretary shall take into account—

''(i) the reports submitted to the Secretary by the National Academy of Sciences under section 3 of the Persian Gulf War Veterans Act of 1997; and

''(ii) all other sound medical and scientific information and analyses available to the Secretary.

''(B) In evaluating any report, information, or analysis for purposes of making such determinations, the Secretary shall take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.

''(3) An association between the occurrence of an illness in humans and exposure to an agent or hazard shall be considered to be positive for purposes of this subsection if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

''(c)(1)(A) Not later than 60 days after the date on which the Secretary receives a report from the National Academy of Sciences under section 3 of the Persian Gulf War Veterans Act of 1997, the Secretary shall determine whether or not a presumption of service connection is warranted for each illness (if any) covered by the report.

''(B) If the Secretary determines that a presumption of service connection is warranted, the Secretary shall, not later than 60 days after making the determination, issue proposed regulations setting forth the Secretary's determination.

''(C)(i) If the Secretary determines that a presumption of service connection is not warranted, the Secretary shall, not later than 60 days after making the determination, publish in the Federal Register a notice of the determination. The notice shall include an explanation of the scientific basis for the determination.

''(ii) If an illness already presumed to be service connected under this section is subject to a determination under clause (i), the Secretary shall, not later than 60 days after publication of the notice under that clause, issue proposed regulations removing the presumption of service connection for the illness.

''(2) Not later than 90 days after the date on which the Secretary issues any proposed regulations under paragraph (1), the Secretary shall issue final regulations. Such regulations shall be effective on the date of issuance.

''(d) Whenever the presumption of service connection for an illness under this section is removed under subsection (c)—

''(1) a veteran who was awarded compensation for the illness on the basis of the presumption before the effective date of the removal of the presumption shall continue to be entitled to receive compensation on that basis; and

''(2) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from the illness on the basis of the presumption before that date shall continue to be entitled to receive dependency and indemnity compensation on that basis.

''(e) Subsections (b) through (d) shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences submits to the Secretary the first report under section 3 of the Persian Gulf War Veterans Act of 1997.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1117 the following new item:

''1118. Presumptions of service connection for illnesses associated with service in the Persian Gulf during the Persian Gulf War.''.

(b) CONFORMING AMENDMENTS.—Section 1113 of title 38, United States Code, is amended—

(1) by striking out ''or 1117'' each place it appears and inserting in lieu thereof ''1117, or 1118''; and

(2) in subsection (a), by striking out ''or 1116'' and inserting in lieu thereof '', 1116, or 1118''.

(c) COMPENSATION FOR UNDIAGNOSED GULF WAR ILLNESSES.—Section 1117 of title 38, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Whenever the Secretary determines as a result of a determination under section 1118(c) of this title that a presumption of service connection for an undiagnosed illness (or combination of undiagnosed illnesses) is no longer warranted under this section—

''(A) a veteran who was awarded compensation under this section for such illness (or combination of illnesses) on the basis of the presumption shall continue to be entitled to receive compensation under this section on that basis; and

''(B) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from the disease on the basis of the presumption before that date shall continue to be entitled to receive dependency and indemnity compensation on that basis.

''(2) This subsection shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences submits to the Secretary the first report under section 3 of the Persian Gulf War Veterans Act of 1997.''.

SEC. 3. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.

(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise, to review and evaluate the available scientific evidence regarding associations between illnesses and exposure to toxic agents or environmental or wartime hazards associated with Gulf War service.

(b) AGREEMENT.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the services covered by this section and sections 4(a)(6) and 5(d). The Secretary shall seek to enter into the agreement not later than two months after the date of enactment of this Act.

(c) IDENTIFICATION OF AGENTS AND ILLNESSES.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall—

(A) identify the biological, chemical, or other toxic agents or environmental or wartime hazards to which members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf War may have been exposed by reason of such service; and

(B) identify the illnesses (including diagnosed illnesses and undiagnosed illnesses) that are manifest in such members.

(2) In identifying illnesses under paragraph (1)(B), the Academy shall review and summarize the relevant scientific evidence regarding illnesses among the members described in paragraph (1)(B) and among other appropriate populations of individuals, including mortality, symptoms, and adverse reproductive health outcomes among such members and individuals.

(d) DETERMINATIONS OF ASSOCIATIONS BETWEEN AGENTS AND ILLNESSES.—(1) For each agent or hazard and illness identified under subsection (c), the National Academy of Sciences shall determine, to the extent that available scientific data permit meaningful determinations—

(A) whether a statistical association exists between exposure to the agent or hazard and the illness, taking into account the strength of the scientific evidence and the appropriateness of the scientific methodology used to detect the association;

(B) the increased risk of the illness among human populations exposed to the agent or hazard; and

(C) whether a plausible biological mechanism or other evidence of a causal relationship exists between exposure to the agent or hazard and the illness.

(2) The Academy shall include in its reports under subsection (h) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(e) REVIEW OF POTENTIAL TREATMENT MODELS FOR CERTAIN ILLNESSES.—Under the agreement under subsection (b), the National Academy of Sciences shall separately review, for each chronic undiagnosed illness identified under subsection (c)(1)(B) and for any chronic illness that the Academy determines to warrant the review, the available scientific data in order to identify empirically valid models of treatment for such illnesses which employ successful treatment modalities for populations with similar symptoms.

(f) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall make any recommendations that it considers appropriate for additional scientific studies (including studies relating to treatment models) to resolve

areas of continuing scientific uncertainty relating to the health consequences of exposure to toxic agents or environmental or wartime hazards associated with Gulf War service.

(2) In making recommendations for additional studies, the Academy shall consider the available scientific data, the value and relevance of the information that could result from such studies, and the cost and feasibility of carrying out such studies.

(g) SUBSEQUENT REVIEWS.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall conduct on a periodic and ongoing basis additional reviews of the evidence and data relating to its activities under this section.

(2) As part of each review under this subsection, the Academy shall—

(A) conduct as comprehensive a review as is practicable of the evidence referred to in subsection (c) and the data referred to in subsections (d), (e), and (f) that became available since the last review of such evidence and data under this section; and

(B) make its determinations on the basis of the results of such review and all other reviews conducted for the purposes of this section.

(h) REPORTS.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall submit to the committees and officials referred to in paragraph (4) periodic written reports regarding the Academy's activities under the agreement.

(2) The first report under paragraph (1) shall be transmitted not later than 18 months after the date of enactment of this Act. That report shall include—

(A) the determinations and discussion referred to in subsection (d);

(B) the results of the review of models of treatment under subsection (e); and

(C) any recommendations of the Academy under subsection (f).

(3)(A) Reports shall be submitted under this subsection at least once every two years, as measured from the date of the report under paragraph (2).

(B) In any report under this subsection (other than the report under paragraph (2)), the Academy may specify an absence of meaningful developments in the scientific or medical community with respect to the activities of the Academy under this section during the 2-year period preceding the date of such report.

(4) Reports under this subsection shall be submitted to the following:

(A) The designated congressional committees.

(B) The Secretary of Veterans Affairs.

(C) The Secretary of Defense.

(i) SUNSET.—This section shall cease to be effective 10 years after the last day of the fiscal year in which the National Academy of Sciences submits the first report under subsection (h).

(j) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—(1) If the Secretary is unable within the time period set forth in subsection (b) to enter into an agreement with the National Academy of Sciences for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this section with another appropriate scientific organization that is not part of the Government and operates as a not-for-profit entity and that has expertise and objectivity comparable to that of the National Academy of Sciences.

(2) If the Secretary enters into such an agreement with another organization, any reference in this section and in section 1118 of title 38, United States Code (as added by section 2), to the National Academy of Sciences shall be treated as a reference to the other organization.

SEC. 4. MONITORING OF HEALTH STATUS AND TREATMENT OF PERSIAN GULF WAR VETERANS.

(a) INFORMATION DATA BASE.—(1) The Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, develop a plan for the establishment and operation of a single computerized information data base for the collection, storage, and analysis of information on—

(A) the diagnosed and undiagnosed illnesses suffered by current and former members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf War; and

(B) the treatment provided such members for—

(i) any chronic undiagnosed illnesses; and

(ii) any chronic illnesses for which the National Academy of Sciences has identified a valid model of treatment pursuant to its review under section 3(e).

(2) The plan shall provide for the commencement of the operation of the data base not later than 18 months after the date of enactment of this Act.

(3) The Secretary shall ensure in the plan that the data base provides the capability of monitoring and analyzing information on—

(A) the illnesses covered by paragraph (1)(A);

(B) the treatments covered by paragraph (1)(B); and

(C) the efficacy of such treatments.

(4) In order to meet the requirement under paragraph (3), the plan shall ensure that the data base includes the following:

(i) Information in the Persian Gulf War Veterans Health Registry established under section 702 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note).

(ii) Information in the Comprehensive Clinical Evaluation Program for Veterans established under section 734 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 1074 note).

(iii) Information derived from other examinations and treatment provided veterans who served in the Southwest Asia theater of operations during the Persian Gulf War.

(iv) Information derived from other examinations and treatment provided current members of the Armed Forces (including members on active duty and members of the reserve components) who served in that theater of operations during that war.

(v) Such other information as the Secretary of Veterans Affairs and the Secretary of Defense consider appropriate.

(5) Not later than one year after the date of enactment of this Act, the Secretary shall submit the plan developed under paragraph (1) to the following:

(A) The designated congressional committees.

(B) The Secretary of Veterans Affairs.

(C) The Secretary of Defense.

(D) The National Academy of Sciences.

(6)(A) The agreement under section 3 shall require the evaluation of the plan developed under paragraph (1) by the National Academy of Sciences. The Academy shall complete the evaluation of the plan not later than 90 days after the date of its submittal to the Academy under paragraph (5).

(B) Upon completion of the evaluation, the Academy shall submit a report on the evaluation to the committees and individuals referred to in subparagraphs (A) through (D) of paragraph (5).

(7) Not later than 90 days after receipt of the report under paragraph (6), the Secretary shall—

(A) modify the plan in light of the evaluation of the Academy in the report; and

(B) commence implementation of the plan as so modified.

(b) COMPILATION AND ANALYSIS OF INFORMATION IN DATABASE.—(1) The Secretary of Veterans Affairs shall compile and analyze, on an ongoing basis, all clinical data in the data base under subsection (a) that is likely to be scientifically useful in determining the association, if any, between the illnesses (including diagnosed illnesses and undiagnosed illnesses) of veterans covered by such data and exposure to toxic agents or environmental or wartime hazards associated with Gulf War service.

(2) The Secretary of Defense shall compile and analyze, on an ongoing basis, all clinical data in the data base that is likely to be scientifically useful in determining the association, if any, between the illnesses (including diagnosed illnesses and undiagnosed illnesses) of current members of the Armed Forces (including members on active duty and members of the reserve components) and exposure to such agents or hazards.

(c) ANNUAL REPORT.—Not later than April 1 of each year after a year in which the Secretary of Veterans Affairs and the Secretary of Defense carry out activities under subsection (b), the Secretaries shall jointly submit to the designated congressional committees a report containing—

(1) with respect to the data compiled in accordance with subsection (b) during the preceding year—

(A) an analysis of the data;

(B) a discussion of the types, incidences, and prevalence of the disabilities and illnesses identified through such data;

(C) an explanation for the incidence and prevalence of such disabilities and illnesses;

(D) other reasonable explanations for the incidence and prevalence of such disabilities and illnesses; and

(E) an analysis of the scientific validity of drawing conclusions from the incidence and prevalence of such disabilities and illnesses, as evidenced by such data, about any association between such disabilities and illnesses, as the case may be, and exposure to a toxic agent or environmental or wartime hazard associated with Gulf War service; and

(2) with respect to the most current information received under section 3(h) regarding treatment models reviewed under section 3(e)—

(A) an analysis of the information;

(B) the results of any consultation between such Secretaries regarding the implementation of such treatment models in the health care systems of the Department of Veterans Affairs and the Department of Defense; and

(C) in the event either such Secretary determines not to implement such treatment models, an explanation for such determination.

SEC. 5. SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Health and Human Services shall jointly carry out a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on health hazards resulting from exposure to toxic agents or environmental or wartime hazards associated with Gulf War service.

(b) PROGRAM REQUIREMENTS.—(1) Under the program under subsection (a), the Secretaries shall, pursuant to criteria prescribed pursuant to paragraph (2), jointly award contracts or furnish financial assistance to non-Government entities for the conduct of studies referred to in subsection (a).

(2) The Secretaries shall jointly prescribe criteria for—

(A) the selection of entities to be awarded contracts or to receive financial assistance under the program; and

(B) the approval of studies to be conducted under such contracts or with such financial assistance.

(c) REPORT.—The Secretaries shall jointly report the results of studies conducted under the program to the designated congressional committees.

(d) CONSULTATION WITH NATIONAL ACADEMY OF SCIENCES.—(1) To the extent provided under the agreement entered into by the Secretary of Veterans Affairs and the National Academy of Sciences under section 3—

(A) the Secretary shall consult with the Academy regarding the establishment and administration of the program under subsection (a); and

(B) the Academy shall review the studies conducted under contracts awarded pursuant to the program and the studies conducted with financial assistance furnished pursuant to the program.

(2) The agreement shall require the Academy to submit any recommendations that the Academy considers appropriate regarding any studies reviewed for purposes of this subsection to the following:

(A) The designated congressional committees.

(B) The Secretary of Veterans Affairs.

(C) The Secretary of Defense.

(D) The Secretary of Health and Human Services.

SEC. 6. OUTREACH.

(a) OUTREACH BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense and the Secretary of Health and Human Services, carry out an ongoing program to provide veterans who served in the Southwest Asia theater of operations during the Persian Gulf War the information described in subsection (c).

(b) OUTREACH BY SECRETARY OF DEFENSE.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, carry out an ongoing program to provide current members of the Armed Forces (including members on active duty and members of the reserve components) who served in that theater of operations during that war the information described in subsection (c).

(c) COVERED INFORMATION.—Information under this subsection is information relating to—

(1) the health risks, if any, resulting from exposure to toxic agents or environmental or wartime hazards associated with Gulf War service; and

(2) any services or benefits available with respect to such health risks.

SEC. 7. DEFINITIONS.

In this Act:

(1) The term ''toxic agent or environmental or wartime hazard associated with Gulf War service'' means a biological, chemical, or other toxic agent or environmental or wartime hazard that is known or presumed to be associated with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term ''designated congressional committees'' means the following:

(A) The Committees on Veterans' Affairs and Armed Services of the Senate.

(B) The Committees on Veterans' Affairs and National Security of the House of Representatives.

Mr. DASCHLE. Mr. President, several years ago, I authored legislation that today allows Vietnam veterans to receive disability compensation for their exposure to Agent Orange and other toxic herbicides. This legislation, known as the Agent Orange Act of 1991, called for the National Academy of Sciences to review scientific and medical information related to the health effects of exposure to Agent Orange. In addition, it provided permanent presumptions of service connection for soft-tissue sarcoma, non-Hodgkin's lymphoma, chloracne, and any additional diseases the Secretary of Veterans Affairs, based on the Academy review and other relevant information, may determine to be associated with such exposure.

For more than a decade, many in Congress and the Department of Veterans Affairs [VA] debated whether there was a connection between exposure to Agent Orange and other toxic herbicides and the illnesses suffered by Vietnam veterans. There were allegations of bureaucratic attempts to thwart scientific investigations of the issue and alter, bury, or delay Government reports that did exist. Ultimately, independent scientific evidence and a long-term effort to uncover Government information convinced Congress to pass the Agent Orange Act of 1991.

With the help and guidance of Senator ROCKEFELLER and many others who cosponsored this legislation in the House and Senate, Vietnam veterans exposed to Agent Orange and other herbicides are beginning to receive the treatment and compensation they deserve. And, with the passage of additional legislation last year, approximately 2,800 children of Vietnam veterans whose exposure to Agent Orange has been linked to their children's diagnosis of spina bifida, a congenital defect in the spine, are now eligible for health care and related services from the VA.

Although we have made great strides to determine the cause of illnesses suffered by Vietnam veterans and their children and agreed to provide them with just compensation, we have yet to do the same for those men and women who served in the Persian gulf war. When the first reports of gulf war illness emerged, several of us warned that we needed to be sure that we did not repeat the mistakes that were made with respect to Agent Orange. We needed to act quickly to ask all the appropriate questions and secure timely answers. Whatever our investigation might reveal, we needed to uncover the truth and act accordingly. Our Nation's veterans deserve no less.

Unfortunately, the effort to get to the truth has been undermined by actions painfully reminiscent of the Agent Orange experience. I am hopeful, though, that those actions are behind us and that we are now moving ahead with a single-minded commitment to the truth.

Countless studies have been conducted to determine whether there is a connection between a wide range of toxins as well as environmental and wartime hazards and the illnesses suffered by Persian Gulf war veterans and their families. Despite these efforts, the actual causes of Persian Gulf war illnesses remain unknown, and many veterans and their families continue to suffer.

Mr. President, it is time for Congress, the VA, the Department of Defense [DOD] and the Department of Health and Human Services [HHS] to step up their efforts to find the causes of Persian Gulf war illnesses. More importantly, we must provide veterans and their families with proper medical care and compensation regardless of whether we know the particular causes of their illnesses.

That is why I am proud to join my friend and colleague from West Virginia, Senator ROCKEFELLER, in introducing the Persian Gulf War Veterans Act of 1991. As ranking member of the Senate Veterans' Affairs Committee, Senator ROCKEFELLER has been a tireless advocate for all veterans. His commitment and dedication to improving the lives of veterans and their families is well known, and he and his staff on the Veterans' Affairs Committee deserve to be commended for their work in drafting this important legislation.

Since the Persian Gulf war ended in 1991, many veterans have been suffering from a variety of symptoms, including extreme fatigue, joint and muscle pain, short-term memory loss, diarrhea, unexplained rashes, night sweats, headaches, and bleeding gums. Many believe that these illnesses may be caused by exposure to a wide range of toxins as well as environmental and wartime hazards. Among the potentially hazardous substances to which United States servicemembers may have been exposed are smoke from oil-well fires set by retreating Iraqi soldiers; pesticides and repellents; depleted uranium used in munitions; infectious diseases; petroleum products; and vaccines to protect against chemical warfare agents.

U.S. servicemembers may have also been exposed to chemical warfare agents. For 5 years, the Pentagon had steadfastly insisted that no United States soldiers had been exposed to chemical weapons in Iraq. In June of last year, however, the Pentagon revealed that chemical munitions had been unknowingly destroyed near an ammunition dump at Khamisiyah in southern Iraq and that 20,000 United States troops may have been exposed. In July of this year, the Pentagon changed its assessment again and announced that nearly 100,000 U.S. servicemembers may have actually been exposed to trace levels of poisonous sarin gas.

Much like the Agent Orange Act of 1991, the Persian Gulf War Veterans Act of 1997 calls for the Department of Veterans Affairs to contract with the National Academy of Sciences to evaluate the available scientific evidence regarding associations between illnesses suffered by Persian Gulf war veterans and their exposure to toxins or environmental or wartime hazards. Specifically, the Academy would identify the biological, chemical, or other

toxic agents or environmental or wartime hazards to which U.S. service members may have been exposed during the Persian Gulf war.

The National Academy of Sciences would be required to identify those diagnosed and undiagnosed illnesses among Persian Gulf war veterans. In addition, it would be responsible for reviewing potential treatment for chronic undiagnosed illnesses. As it did under the Agent Orange legislation, the Academy would also be authorized to make recommendations for additional scientific studies regarding the exposure that Persian Gulf war veterans may have had to toxic agents or environmental or wartime hazards.

Based upon the assessments of the National Academy of Sciences and any other relevant scientific and medical information, the Secretary of Veterans Affairs would then determine whether a presumption of service connection is warranted for various diagnosed or undiagnosed illnesses. The Secretary would provide compensation when there is a positive association between the illness and exposure to one or more toxic agents or environmental or wartime hazards during the Persian Gulf war. A positive association is regarded as one where credible evidence for the association is equal to or outweighs credible evidence against the association. Like the Agent Orange Act, this legislation provides for ongoing Academy reviews and puts a mechanism in place whereby the Secretary may provide compensation for additional illnesses as the scientific evidence warrants.

The bill Senator ROCKEFELLER and I are introducing today also requires the VA to collaborate with the Pentagon to operate a computerized database for the collection, storage, and analysis of information on the diagnosed and undiagnosed illnesses suffered by Persian Gulf war veterans. I should point out that the database would also include information on the treatment veterans receive for chronic undiagnosed illnesses. The VA would be required to continuously compile and analyze the information in this database that is likely to determine the association between the diagnosed and undiagnosed illnesses suffered by veterans and their exposure to toxic agents or environmental or wartime hazards during the Persian Gulf war.

In June, the General Accounting Office issued a report stating that, ''although efforts have been made to diagnose veterans' problems and care had been provided to many eligible veterans, neither DOD nor VA has systematically attempted to determine whether ill Gulf War veterans are any better or worse today than when they were first examined.'' The database we are proposing would correct that deficiency. It would permit VA and DOD to determine whether Persian Gulf war veterans are getting better over time and whether they are responding to the treatment they are receiving.

The bill we are introducing today also calls for enhanced outreach to those who served in the Persian Gulf war. Specifically, it would require the VA to consult with DOD and HHS to create an ongoing program to provide information to veterans and their families. For example, they would receive information pertaining to the possible health risks to Persian Gulf war veterans who were exposed to toxic agents or environmental or wartime hazards. In addition, veterans would receive valuable information on any services or benefits available to them.

Mr. President, as I mentioned previously, we have made great strides to determine the cause of illnesses suffered by Vietnam veterans and their children and agreed to provide them with just compensation. We must now enhance our efforts to help those who served our country during the Persian Gulf war. Passage of this legislation is essential to providing answers to the many questions we have about the causes of Persian Gulf war illnesses. More importantly, it will ensure that our veterans are receiving proper medical care and the compensation they have earned. I again thank Senator ROCKEFELLER for his leadership on this issue and hope my colleagues will support this important legislation.

SENATE RESOLUTION 140—RELATIVE TO INTERNATIONAL SHIPPING

Mr. HELMS (for himself, Mr. LOTT, Mr. FAIRCLOTH, Mr. BREAUX, Mr. HOLLINGS, Mr. BINGAMAN, Mr. BROWNBACK, and Mr. Inouye) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. RES. 140

Whereas restrictive and discriminatory Japanese port practices have been a significant source of international concern for many years, have increased the cost of transporting goods to and from Japan for American consumers, and all ocean carriers and their customers, and have restricted United States carriers' operations in Japan while Japanese carriers have not faced similar restrictions in the United States.

Whereas for many years the Federal Maritime Commission, and the United States Departments of State and Transportation, have investigated and monitored these practices and urged the Japanese Government to remedy the problems caused by these restrictions; and

Whereas recent actions by the Federal Maritime Commission and negotiations conducted by the Departments of State and Transportation with the Government of Japan have reportedly produced agreements which would, when implemented, reform the Japanese port practices and remedy these problems: Now, therefore, be it

Resolved, That the Senate express strong support for—

(1) the efforts of the President and executive branch to achieve removal of Japanese port restrictions, and

(2) vigilant, continued monitoring and enforcement by the Federal Maritime Commission of changes in port practices promised by the Japanese Government that will benefit international trade.

Mr. HELMS. Mr. President, I, Senator FAIRCLOTH, Senator LOTT, Senator BREAUX, Senator HOLLINS, Senator BINGAMAN, Senator BROWNBACK, and Senator INOUYE are submitting today a sense-of-the-Senate resolution which commends the administration for its actions in attempting to end the Japanese blockade of American ships who wish to use Japanese port facilities. We are also urging the administration to remain firm and stand behind the Federal Maritime Commission in these negotiations with the Government of Japan.

This issue is a no brainer. The Japanese are simply throwing up a blockade against American ships, who seek to dock at Japanese ports.

Mr. President, this protectionist stand has increased cost of shipping for the American consumer and all American ocean carriers and their customers. We simply will not tolerate that kind of treatment from Japan or any other trading partner.

The Federal Maritime Commission is to be commended for taking a tough line toward the Japanese port authorities. We encourage the administration to stand squarely behind the Commission's efforts to achieve fairness for American ships, especially because we allow the Japanese open access to our ports.

There is the Biblical saying of ''Do unto others as you would have them do unto you.'' The Japanese version is the complete reverse of that.

We accommodate Japanese shipping and we should expect no less of them.

Mr. President, I urge the Senate to swiftly adopt this resolution.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 943

At the request of Mr. SPECTER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation accidents.

S. 1096

At the request of Mr. GRASSLEY, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S.

1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Alabama [Mr. SHELBY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the names of the Senator from Alabama [Mr. SHELBY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1297

At the request of Mr. COVERDELL, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 1297, a bill to redesignate Washington National Airport as ''Ronald Reagan Washington National Airport.''

S. 1299

At the request of Mr. HUTCHINSON, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Missouri [Mr. BOND], the Senator from Alabama [Mr. SHELBY], the Senator from Alabama [Mr. SESSIONS], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1299, a bill to limit the authority of the Administrator of the Environmental Protection Agency and the Food and Drug Administration to ban metered-dose inhalers.

S. 1306

At the request of Mr. INHOFE, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1306, a bill to prohibit the conveyance of real property at Long Beach Naval Station, California, to China Ocean Shipping Company.

AMENDMENTS SUBMITTED

THE ECONOMIC GROWTH DIVIDEND PROTECTION ACT OF 1997

ABRAHAM AMENDMENT NO. 1524

(Ordered referred jointly to the Committee on the Budget and to the Committee on Governmental Affairs.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill (S. 800) to create a tax cut reserve fund to protect revenues generated by economic growth; as follows:

On page 2, strike lines 6 through 13 and insert the following:

''(1) ESTIMATE.—OMB shall, for any amount by which revenues for a budget year and any outyears through fiscal year 2002 exceed the revenue target absent growth, estimate the excess (less any unexpected excess receipts (including attributable interest) of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, the Federal Hospital Insurance Trust Fund established by section 1817 of the Social Security Act, and the Highway Trust Fund) and include such estimate as a separate entry in the report prepared pursuant to subsection (d) at the same time as the OMB sequestration preview report is issued.

On page 3, strike lines 18 and 19 and insert the following: ''be considered to be in order for purposes of the Congressional Budget Act of 1974.''.

THE PRODUCT LIABILITY REFORM ACT OF 1997 BIOMATERIALS ACCESS ASSURANCE ACT OF 1997

ROCKEFELLER AMENDMENT NO. 1525

(Ordered to lie on the table.)

Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill (S. 648) to establish legal standards and procedures for product liability litigation, and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Product Liability Reform Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.

TITLE I—PRODUCT LIABILITY REFORM

Sec. 101. Definitions.
Sec. 102. Applicability; preemption.
Sec. 103. Liability rules applicable to product sellers, renters, and lessors.
Sec. 104. Defense based on claimant's use of alcohol or drugs.
Sec. 105. Misuse or alteration.
Sec. 106. Statute of limitations.
Sec. 107. Statute of repose for durable goods used in a workplace.
Sec. 108. Transitional provision relating to extension of period for bringing certain actions.
Sec. 109. Alternative dispute resolution procedures.
Sec. 110. Offers of judgment.
Sec. 111. Uniform standards for award of punitive damages.
Sec. 112. Liability for certain claims relating to death.
Sec. 113. Workers' compensation subrogation.

TITLE II—BIOMATERIALS ACCESS ASSURANCE

[TO BE SUPPLIED]

TITLE III—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

Sec. 301. Federal cause of action precluded.
Sec. 302. Effective date.

SEC. 2. PURPOSES.

Based upon the powers contained in clause 3 of section 8 of article I of the United States Constitution, the purposes of this Act are to promote the free flow of goods and services and to lessen burdens on interstate commerce by—

(1) establishing certain uniform legal principles of product liability that provide a fair balance among the interests of product users, manufacturers, and product sellers;

(2) providing for reasonable standards concerning, and limits on, punitive damages over and above the actual damages suffered by a claimant;

(3) ensuring the fair allocation of liability in product liability actions;

(4) reducing the unacceptable costs and delays in product liability actions caused by excessive litigation that harm both plaintiffs and defendants;

(5) establishing greater fairness, rationality, and predictability in product liability actions; and

(6) providing fair and expeditious judicial procedures that are necessary to complement and effectuate the legal principles established by this Act.

TITLE I—PRODUCT LIABILITY REFORM

SEC. 101. DEFINITIONS.

In this title:

(1) ALCOHOLIC BEVERAGE.—The term ''alcoholic beverage'' includes any beverage in liquid form that contains not less than ½ of 1 percent of alcohol by volume and is intended for human consumption.

(2) CLAIMANT.—The term ''claimant'' means any person who brings an action covered by this title and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such an action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(3) CLAIMANT'S BENEFITS.—The term ''claimant's benefits'' means the amount paid to an employee as workers' compensation benefits.

(4) CLEAR AND CONVINCING EVIDENCE.—The term ''clear and convincing evidence'' is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established. The level of proof required to satisfy that standard is more than that required under a preponderance of the evidence, but less than that required for proof beyond a reasonable doubt.

(5) COMMERCIAL LOSS.—The term ''commercial loss'' means—

(A) any loss or damage solely to a product itself;

(B) loss relating to a dispute over the value of a product; or

(C) consequential economic loss, the recovery of which is governed by the Uniform Commercial Code or analogous State commercial or contract law.

(6) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means damages awarded for economic and noneconomic loss.

(7) DRAM-SHOP.—The term ''dram-shop'' means a drinking establishment where alcoholic beverages are sold to be consumed on the premises.

(8) DURABLE GOOD.—The term ''durable good'' means any product, or any component of any such product, which—

(A)(i) has a normal life expectancy of 3 or more years; or

(ii) is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986; and

(B) is—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, training, demonstration, or any other similar purpose.

(9) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss,

loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for that loss is allowed under applicable State law.

(10) HARM.—The term ''harm''—

(A) means any physical injury, illness, disease, death, or damage to property caused by a product; and

(B) does not include commercial loss.

(11) INSURER.—The term ''insurer'' means the employer of a claimant if the employer is self-insured or if the employer is not self-insured, the workers' compensation insurer of the employer.

(12) MANUFACTURER.—The term ''manufacturer'' means—

(A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who—

(i) designs or formulates the product (or component part of the product); or

(ii) has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller—

(i) produces, creates, makes, constructs and designs, or formulates an aspect of the product (or component part of the product) made by another person; or

(ii) has engaged another person to design or formulate an aspect of the product (or component part of the product) made by another person; or

(C) any product seller not described in subparagraph (B) which holds itself out as a manufacturer to the user of the product.

(13) NONECONOMIC LOSS.—The term ''noneconomic loss'' means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation.

(14) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(15) PRODUCT.—

(A) IN GENERAL.—The term ''product'' means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSION.—The term ''product'' does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; or

(ii) electricity, water delivered by a utility, natural gas, or steam.

(16) PRODUCT LIABILITY ACTION.—The term ''product liability action'' means a civil action brought on any theory for harm caused by a product.

(17) PRODUCT SELLER.—

(A) IN GENERAL.—The term ''product seller'' means a person who in the course of a business conducted for that purpose—

(i) sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce; or

(ii) installs, repairs, refurbishes, reconditions, or maintains the harm-causing aspect of the product.

(B) EXCLUSION.—The term ''product seller'' does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; or

(II) leases a product under a lease arrangement in which the lessor does not initially select the leased product and does not during the lease term ordinarily control the daily operations and maintenance of the product.

(18) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded against any person or entity to punish or deter that person or entity, or others, from engaging in similar behavior in the future.

(19) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the foregoing.

(20) TOBACCO PRODUCT.—The term ''tobacco product'' means—

(A) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

(B) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

(C) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

(D) pipe tobacco;

(E) loose rolling tobacco and papers used to contain that tobacco;

(F) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

(G) any other form of tobacco intended for human consumption.

SEC. 102. APPLICABILITY; PREEMPTION.

(a) PREEMPTION.—

(1) IN GENERAL.—Except as provided in paragraph (2) and title II, this title governs any product liability action brought in any Federal or State court on any theory for harm caused by a product.

(2) ACTIONS EXCLUDED.—

(A) ACTIONS FOR COMMERCIAL LOSS.—A civil action brought for commercial loss shall be governed only by applicable commercial or contract law.

(B) ACTIONS FOR NEGLIGENT ENTRUSTMENT; NEGLIGENCE PER SE CONCERNING FIREARMS AND AMMUNITION; DRAM-SHOP.—

(i) NEGLIGENT ENTRUSTMENT.—A civil action for negligent entrustment shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(ii) NEGLIGENCE PER SE CONCERNING FIREARMS AND AMMUNITION.—A civil action brought under a theory of negligence per se concerning the use of a firearm or ammunition shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(iii) DRAM-SHOP.—A civil action brought under a theory of dram-shop or third-party liability arising out of the sale or provision of an alcoholic beverage to an intoxicated individual or an individual who has not attained the age of 21 shall not be subject to the provisions of this title, but shall be subject to any applicable Federal or State law.

(C) ACTIONS INVOLVING HARM CAUSED BY A TOBACCO PRODUCT.—A civil action brought for harm caused by a tobacco product shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(D) ACTIONS INVOLVING HARM CAUSED BY A BREAST IMPLANT.—

(i) IMPLANT DEFINED.—As used in this subparagraph, the term ''implant'' has the same meaning as in section ____.

(ii) EXCLUSION.—A civil action brought for harm caused by a breast implant shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(b) RELATIONSHIP TO STATE LAW.—This title supersedes a State law only to the extent that the State law applies to a matter covered by this title. Any matter that is not governed by this title, including any standard of liability applicable to a manufacturer, shall be governed by any applicable Federal or State law.

(c) EFFECT ON OTHER LAW.—Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any law;

(2) supersede or alter any Federal law;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede or modify any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief, for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

SEC. 103. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS, RENTERS, AND LESSORS.

(a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action that is subject to this title, a product seller other than a manufacturer shall be liable to a claimant only if the claimant establishes that—

(A)(i) the product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller;

(ii) the product seller failed to exercise reasonable care with respect to the product; and

(iii) the failure to exercise reasonable care was a proximate cause of the harm to the claimant;

(B)(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;

(ii) the product failed to conform to the warranty; and

(iii) the failure of the product to conform to the warranty caused the harm to the claimant; or

(C)(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law; and

(ii) the intentional wrongdoing was a proximate cause of the harm that is the subject of the complaint.

(2) REASONABLE OPPORTUNITY FOR INSPECTION.—For purposes of paragraph (1)(A)(ii), a product seller shall not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect the product, if—

(A) the failure occurred because there was no reasonable opportunity to inspect the product; or

(B) the inspection, in the exercise of reasonable care, would not have revealed the aspect of the product that allegedly caused the claimant's harm.

(b) SPECIAL RULE.—

(1) IN GENERAL.—A product seller shall be deemed to be liable as a manufacturer of a product for harm caused by the product, if—

(A) the manufacturer is not subject to service of process under the laws of any State in which the action may be brought; or

(B) the court determines that the claimant is or would be unable to enforce a judgment against the manufacturer.

(2) STATUTE OF LIMITATIONS.—For purposes of this subsection only, the statute of limitations applicable to claims asserting liability of a product seller as a manufacturer shall be tolled from the date of the filing of a complaint against the manufacturer to the date that judgment is entered against the manufacturer.

(c) RENTED OR LEASED PRODUCTS.—

(1) DEFINITION.—For purposes of paragraph (2), and for determining the applicability of this title to any person subject to that paragraph, the term ''product liability action'' means a civil action brought on any theory for harm caused by a product or product use.

(2) LIABILITY.—Notwithstanding any other provision of law, any person engaged in the business of renting or leasing a product (other than a person excluded from the definition of product seller under section 101(17)(B)) shall be subject to liability in a product liability action under subsection (a), but any person engaged in the business of renting or leasing a product shall not be liable to a claimant for the tortious act of another solely by reason of ownership of that product.

SEC. 104. DEFENSE BASED ON CLAIMANT'S USE OF ALCOHOL OR DRUGS.

(a) GENERAL RULE.—In any product liability action that is subject to this title, it shall be a complete defense to a claim made by a claimant, if that claimant—

(1) was intoxicated or was under the influence of alcohol or any drug when the accident or other event which resulted in that claimant's harm occurred; and

(2) as a result of the influence of the alcohol or drug, was more than 50 percent responsible for that harm.

(b) CONSTRUCTION.—For purposes of subsection (a)—

(1) the determination of whether a person was intoxicated or was under the influence of alcohol or any drug shall be made pursuant to applicable State law; and

(2) the term ''drug'' means any controlled substance as defined in the Controlled Substances Act (21 U.S.C. 802(6)) that was not legally prescribed for use by the claimant or that was taken by the claimant other than in accordance with the terms of a lawfully issued prescription.

SEC. 105. MISUSE OR ALTERATION.

(a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action that is subject to this title, the damages for which a defendant is otherwise liable under Federal or State law shall be reduced by the percentage of responsibility for the claimant's harm attributable to misuse or alteration of a product by any person if the defendant establishes that such percentage of the claimant's harm was proximately caused by a use or alteration of a product—

(A) in violation of, or contrary to, a defendant's express warnings or instructions if the warnings or instructions are adequate as determined pursuant to applicable Federal or State law; or

(B) involving a risk of harm which was known or should have been known by the ordinary person who uses or consumes the product with the knowledge common to the class of persons who used or would be reasonably anticipated to use the product.

(2) USE INTENDED BY A MANUFACTURER IS NOT MISUSE OR ALTERATION.—For purposes of this title, a use of a product that is intended by the manufacturer of the product does not constitute a misuse or alteration of the product.

(b) WORKPLACE INJURY.—Notwithstanding subsection (a), and except as otherwise provided in section 113, the damages for which a defendant is otherwise liable under State law shall not be reduced by the percentage of responsibility for the claimant's harm attributable to misuse or alteration of the product by the claimant's employer or any coemployee who is immune from suit by the claimant pursuant to the State law applicable to workplace injuries.

SEC. 106. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Except as provided in subsection (b) and subject to section 107, a product liability action that is subject to this title may be filed not later than 2 years after the date on which the claimant discovered or, in the exercise of reasonable care, should have discovered, the harm that is the subject of the action and the cause of the harm.

(b) EXCEPTIONS.—

(1) PERSON WITH A LEGAL DISABILITY.—A person with a legal disability (as determined under applicable law) may file a product liability action that is subject to this title not later than 2 years after the date on which the person ceases to have the legal disability.

(2) EFFECT OF STAY OR INJUNCTION.—If the commencement of a civil action that is subject to this title is stayed or enjoined, the running of the statute of limitations under this section shall be suspended until the end of the period that the stay or injunction is in effect.

SEC. 107. STATUTE OF REPOSE FOR DURABLE GOODS USED IN A WORKPLACE.

(a) IN GENERAL.—

(1) APPLICABLE PERIOD.—Except as provided in subsections (b) and (c), no product liability action that is subject to this title concerning a durable good described in paragraph (2) may be filed after the 18-year period beginning at the time of delivery of the product to the first purchaser or lessee.

(2) DURABLE GOODS DESCRIBED.—A durable good described in this section is a durable good that is—

(A) used in a workplace; and

(B) alleged to have caused harm (other than toxic harm) that is covered under an applicable State workers' compensation law.

(b) APPLICABILITY OF STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, a product liability action that is subject to this title and that concerns a durable good described in subsection (a)(2) may be filed during the applicable period prescribed in section 106 (including any applicable period prescribed under the exceptions under subsection (b) of that section) if the condition under paragraph (2) is met.

(2) CONDITION.—Paragraph (1) shall apply with respect to a claimant in an action described in that paragraph if that claimant discovers the harm that is the subject of the action during the 18-year period beginning on the date of the delivery of the product to the first purchaser or lessee.

(c) GENERAL EXCEPTIONS.—

(1) IN GENERAL.—A motor vehicle, vessel, aircraft, or train, that is used primarily to transport passengers for hire, shall not be subject to this section.

(2) CERTAIN EXPRESS WARRANTIES.—Subsection (a) does not bar a product liability action against a defendant who made an express warranty in writing as to the safety or life expectancy of the specific product involved which was longer than 18 years, except that such subsection shall apply at the expiration of that warranty.

(3) AVIATION LIMITATIONS PERIOD.—Subsection (a) does not affect the limitations period established by the General Aviation Revitalization Act of 1994 (49 U.S.C. 40101 note).

SEC. 108. TRANSITIONAL PROVISION RELATING TO EXTENSION OF PERIOD FOR BRINGING CERTAIN ACTIONS.

If any provision of section 106 or 107 shortens the period during which a product liability action could be otherwise brought pursuant to another provision of law, the claimant may, notwithstanding sections 106 and 107, bring the product liability action not later than 1 year after the date of enactment of this Act, except that nothing in this section shall affect the application of section 107(b).

SEC. 109. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) NOTIFICATION REQUIREMENT.—In any case in which an applicable State law provides for an alternative dispute resolution procedure, each defendant in a product liability action that is subject to this title shall, not later than 10 days before the applicable date specified for service of an offer under subsection (b), notify the claimant to inform the claimant of the applicability of that State law.

(b) SERVICE OF OFFER.—A claimant or a defendant in a product liability action that is subject to this title may serve upon an adverse party an offer to proceed pursuant to any voluntary, nonbinding alternative dispute resolution procedure established or recognized under the law of the State in which the product liability action is brought or under the rules of the court in which that action is maintained, not later than 60 days after the later of—

(1) service of the initial complaint; or

(2) the expiration of the applicable period for a responsive pleading.

(c) WRITTEN NOTICE OF ACCEPTANCE OR REJECTION.—Except as provided in subsection (d), not later than 20 days after the service of an offer to proceed under subsection (b), an offeree shall file a written notice of acceptance or rejection of the offer.

(d) EXTENSION.—

(1) IN GENERAL.—The court may, upon motion by an offeree made prior to the expiration of the 20-day period specified in subsection (c), extend the period for filing a written notice under such subsection for a period of not more than 60 days after the date of expiration of the period specified in subsection (c).

(2) PERMITTED DISCOVERY.—Discovery may be permitted during the period described in paragraph (1).

SEC. 110. OFFERS OF JUDGMENT.

(a) OFFERS OF JUDGMENT BY CLAIMANTS.—Any claimant in a product liability action that is subject to this title may, at any time after filing the complaint for that action,

serve an offer of judgment to be entered against a defendant for a specified dollar amount as complete satisfaction of the claim.

(b) OFFERS OF JUDGMENT BY DEFENDANTS.—A defendant in an action referred to in subsection (a) may, during the period described in that subsection, serve an offer of judgment to be entered against that defendant for a specified dollar amount as complete satisfaction of a claim referred to in that subsection.

(c) RESPONSE PERIOD.—Subject to subsection (d), the period for response to an offer of judgment under this section shall be the later of—

(1) the date that is 30 days after the date of the receipt of the offer; or

(2) the date of expiration of any otherwise applicable period for response.

(d) EXTENSION OF RESPONSE PERIOD.—

(1) IN GENERAL.—The court may extend the period for response to an offer of judgment under subsection (c) on a motion made by an offeree.

(2) REQUIREMENTS FOR MOTION.—Any motion made by an offeree under paragraph (1) shall be accompanied by an affidavit that—

(A) sets forth the reasons why the extension requested in the motion is necessary; and

(B) includes a statement that the information that is likely to be discovered during the period of the extension referred to in subparagraph (A) is—

(i) material; and

(ii) not, after reasonable inquiry, otherwise available to that offeree.

(e) PENALTY TO DEFENDANTS FOR REJECTION OF OFFER.—

(1) MODIFICATION OF JUDGMENT.—The court may modify a judgment against a defendant under paragraph (2) if—

(A) a defendant, as an offeree, does not serve on the claimant a written notification of acceptance of an offer of judgment served by the claimant in accordance with this section—

(i) during the applicable period for response referred to in subsection (c); or

(ii) in any case in which the responsive pleading of the defendant contains a motion to dismiss, not later than 30 days after the date on which the court denies that motion to dismiss; and

(B) the unadjusted final judgment against the defendant includes damages (including any compensatory, punitive, exemplary, or other damages) in an amount greater than the amount specified by the claimant in the offer of judgment.

(2) AMOUNT OF MODIFICATION.—The court may make a modification under paragraph (1) to provide for an increase of the civil penalties assessed against that defendant in an amount not to exceed the lesser of—

(A) $50,000; or

(B) the difference between—

(i) the amount of the unadjusted judgment; and

(ii) the amount of the offer of judgment made by the claimant.

(f) PENALTY TO CLAIMANTS FOR REJECTION OF OFFER.—

(1) MODIFICATION OF JUDGMENT.—The court may modify a judgment against a defendant in accordance with paragraph (2), if—

(A) a claimant, as an offeree, does not serve on the defendant a written notice of acceptance of an offer of judgment served by that defendant in accordance with this section during the applicable period for response referred to in subsection (c); and

(B) the unadjusted final judgment against that defendant includes damages (including any compensatory, punitive, exemplary, or other damages) in an amount less than the amount specified by that defendant in the offer of judgment.

(2) AMOUNT OF MODIFICATION.—The court may make a modification under paragraph (1) to provide for a decrease of the civil penalties assessed against that defendant in an amount not to exceed the lesser of—

(A) $50,000; or

(B)(i) the difference between—

(I) the amount of the unadjusted judgment; and

(II) the amount of the offer of judgment made by the defendant; reduced by

(ii) a reasonable attorney's fee.

(3) CLAIMANT NOT PREVAILING PARTY.—In any case in which the claimant is not the prevailing party, the refusal of the claimant to accept an offer of judgment shall not result in the payment of a penalty under this subsection.

(g) EVIDENCE OF OFFER.—An offer of judgment that is not accepted by the offeree by the applicable date for response specified in this section—

(1) shall be considered to have been withdrawn; and

(2) except in a proceeding to determine reasonable attorney's fees and costs, shall not be admissible as evidence in an action brought under this title.

SEC. 111. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) GENERAL RULE.—To the extent punitive damages are permitted by applicable State law, punitive damages may be awarded against a defendant in any product liability action that is subject to this title if the claimant establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct carried out by the defendant with a conscious, flagrant indifference to the rights or safety of others.

(b) SPECIAL RULE.—

(1) IN GENERAL.—Subject to subsection (c), in any action described in subsection (a) against a person or entity described in paragraph (2), an award of punitive damages shall not exceed the lesser of—

(A) 2 times the amount of compensatory damages awarded; or

(B) $250,000.

(2) PERSONS AND ENTITIES DESCRIBED.—

(A) IN GENERAL.—A person or entity described in this paragraph is—

(i) an individual whose net worth does not exceed $500,000; or

(ii) an owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has—

(I) annual revenues of less than or equal to $5,000,000; and

(II) fewer than 25 full-time employees.

(B) ANNUAL REVENUES AND EMPLOYEES.—For the purpose of determining the applicability of this subsection to a corporation, the calculation of—

(i) the annual revenues of that corporation shall include the annual revenues of any parent corporation (or other subsidiary of the parent corporation), subsidiary, branch, division, department, or unit of that corporation; and

(ii) the number of employees of that corporation shall include the number of employees of any parent corporation (or other subsidiary of the parent corporation), subsidiary, branch, division, department, or unit of that corporation.

(c) BIFURCATION AT REQUEST OF ANY PARTY.—

(1) IN GENERAL.—At the request of any party, the trier of fact in any action that is subject to this section shall consider in a separate proceeding, held subsequent to the determination of the amount of compensatory damages, whether punitive damages are to be awarded for the harm that is the subject of the action and the amount of the award.

(2) INADMISSIBILITY OF EVIDENCE RELATIVE ONLY TO A CLAIM OF PUNITIVE DAMAGES IN A PROCEEDING CONCERNING COMPENSATORY DAMAGES.—If any party requests a separate proceeding under paragraph (1), in a proceeding to determine whether the claimant may be awarded compensatory damages, any evidence, argument, or contention that is relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible.

SEC. 112. LIABILITY FOR CERTAIN CLAIMS RELATING TO DEATH.

(a) IN GENERAL.—Subject to subsection (b), a defendant may be liable for damages that are only punitive in nature without regard to section 111 in any product liability action that is subject to this title—

(1) in which the alleged harm to the claimant is death; and

(2) that is subject to an applicable State law that, as of the date of enactment of this Act, provides, or is construed to provide, for damages that are only punitive in nature.

(b) LIMITATION.—Subsection (a) shall apply to an action that meets the requirements of paragraphs (1) and (2) of that subsection only during such period as the State law provides, or is construed to provide, for damages that are only punitive in nature.

(c) SUNSET.—This section shall cease to be effective on September 1, 1998.

SEC. 113. WORKERS' COMPENSATION SUBROGATION.

(a) GENERAL RULE.—

(1) RIGHT OF SUBROGATION.—

(A) IN GENERAL.—An insurer shall have a right of subrogation against a manufacturer or product seller to recover any claimant's benefits relating to harm that is the subject of a product liability action that is subject to this title.

(B) WRITTEN NOTIFICATION.—To assert a right of subrogation under subparagraph (A), the insurer shall provide written notice to the court in which the product liability action is brought.

(C) INSURER NOT REQUIRED TO BE A PARTY.—An insurer shall not be required to be a necessary and proper party in a product liability action covered under subparagraph (A).

(2) SETTLEMENTS AND OTHER LEGAL PROCEEDINGS.—

(A) IN GENERAL.—In any proceeding relating to harm or settlement with the manufacturer or product seller by a claimant who files a product liability action that is subject to this title, an insurer may participate to assert a right of subrogation for claimant's benefits with respect to any payment made by the manufacturer or product seller by reason of that harm, without regard to whether the payment is made—

(i) as part of a settlement;

(ii) in satisfaction of judgment;

(iii) as consideration for a covenant not to sue; or

(iv) in another manner.

(B) WRITTEN NOTIFICATION.—Except as provided in subparagraph (C), an employee shall not make any settlement with or accept any payment from the manufacturer or product seller without written notification to the insurer.

(C) EXEMPTION.—Subparagraph (B) shall not apply in any case in which the insurer has been compensated for the full amount of the claimant's benefits.

(3) HARM RESULTING FROM ACTION OF EMPLOYER OR COEMPLOYEE.—

(A) IN GENERAL.—If, with respect to a product liability action that is subject to this title, the manufacturer or product seller attempts to persuade the trier of fact that the

harm to the claimant was caused by the fault of the employer of the claimant or any coemployee of the claimant, the issue of that fault shall be submitted to the trier of fact, but only after the manufacturer or product seller has provided timely written notice to the insurer.

(B) RIGHTS OF INSURER.—

(i) IN GENERAL.—Notwithstanding any other provision of law, with respect to an issue of fault submitted to a trier of fact pursuant to subparagraph (A), an insurer shall, in the same manner as any party in the action (even if the insurer is not a named party in the action), have the right to—

(I) appear;

(II) be represented;

(III) introduce evidence;

(IV) cross-examine adverse witnesses; and

(V) present arguments to the trier of fact.

(ii) LAST ISSUE.—The issue of harm resulting from an action of an employer or coemployee shall be the last issue that is submitted to the trier of fact.

(C) REDUCTION OF DAMAGES.—If the trier of fact finds by clear and convincing evidence that the harm to the claimant that is the subject of the product liability action was caused by the fault of the employer or a coemployee of the claimant—

(i) the court shall reduce by the amount of the claimant's benefits—

(I) the damages awarded against the manufacturer or product seller; and

(II) any corresponding insurer's subrogation lien; and

(ii) the manufacturer or product seller shall have no further right by way of contribution or otherwise against the employer.

(D) CERTAIN RIGHTS OF SUBROGATION NOT AFFECTED.—Notwithstanding a finding by the trier of fact described in subparagraph (C), the insurer shall not lose any right of subrogation related to any—

(i) intentional tort committed against the claimant by a coemployee; or

(ii) act committed by a coemployee outside the scope of normal work practices.

(b) ATTORNEY'S FEES.—If, in a product liability action that is subject to this section, the court finds that harm to a claimant was not caused by the fault of the employer or a coemployee of the claimant, the manufacturer or product seller shall reimburse the insurer for reasonable attorney's fees and court costs incurred by the insurer in the action, as determined by the court.

TITLE II—BIOMATERIALS ACCESS ASSURANCE

TITLE III—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

SEC. 301. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction pursuant to this Act based on section 1331 or 1337 of title 28, United States Code.

SEC. 302. EFFECTIVE DATE.

This Act shall apply with respect to any action commenced on or after the date of enactment of this Act without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before that date of enactment.

ADDITIONAL STATEMENTS

THE NOMINATION OF PETER SCHER TO BE SPECIAL TRADE AMBASSADOR FOR AGRICULTURE

• Mr. FEINGOLD. Mr. President, I want to make a few brief comments regarding the nomination of Mr. Peter Scher to be the Special Trade Ambassador for Agriculture which the Senate approved yesterday. I am pleased to report that the Senate Foreign Relations Committee, on which I serve, considered the nomination of Mr. Scher and favorably reported his nomination last month.

I met with Mr. Scher following his confirmation hearing before the Senate Foreign Relations Committee to discuss with him the problems Wisconsin's agricultural sector has had with our existing trade agreements such as the Uruguay Round of GATT and the North American Free Trade Agreement. I urged Mr. Scher, in his new position, to work diligently to ensure that our trading partners are complying with their agricultural trade obligations established by these agreements.

Specifically, I asked Mr. Scher and the USTR to accept a Section 301 petition filed by the dairy industry asking USTR to challenge the Canadian export pricing scheme before the World Trade Organization. Canada's dairy export subsidies violate the export subsidy reduction commitments under the Uruguay Round. These subsidies disadvantage the U.S. dairy industry in its efforts to compete in world markets. I also pointed out that Canada also has effectively prohibited our dairy industry from exporting products to lucrative Canadian markets. Not only must USTR aggressively pursue WTO dispute settlement proceedings against Canadian export subsidies, but it must also seek greater access for U.S. dairy products to Canadian markets, among others, in any upcoming trade negotiations.

I am pleased that late last month U.S. Trade Representative Barshefsky agreed to pursue formal WTO dispute resolution proceedings challenging the Canadian dairy export subsidy scheme as well as European Union violations of the dairy provisions of the Uruguay Round. I appreciate the cooperation of Mr. Scher and Ambassador Barshefsky on this important matter.

I also raised with Mr. Scher the problems the U.S. potato industry has had with respect to access to both Canadian and Mexican markets. I urged him to pursue negotiations with the Canadians to allow greater access of U.S. potatoes to their domestic markets and to aggressively seek accelerated reduction in Mexican tariffs for U.S. potatoes, a commitment made to potato growers when NAFTA was approved. Mr. Scher assured me that potatoes would be among the commodities to be considered in upcoming negotiations with Mexico.

I believe Mr. Scher has a fundamental understanding of both the importance of trade to agriculture generally and of the complex trade problems the U.S dairy industry faces regarding compliance with existing trade agreements. For that reason, I have supported the approval of his nomination. But I expect USTR, with Mr. Scher acting as Ambassador, to aggressively pursue the resolution of the critical issues facing our domestic dairy and potato sectors. I will continue to work with USTR to resolve these issues and will hold Mr. Scher to his commitment that USTR will use all existing tools to ensure compliance with existing trade agreements and to pursue greater access for agriculture to international markets.

I continue to have serious reservations about U.S. efforts to begin new trade negotiations until the problems with our current bilateral and multilateral agreements are successfully resolved. Wisconsin is home to 24,000 dairy farmers, 140 cheese processing plants and many other businesses associated with milk production and processing. Dairy contributes some $4 billion in income to Wisconsin's economy and provides 130,000 jobs. Wisconsin is also the fifth largest potato producing state with a large chip and french fry processing sector. Overall, Wisconsin ranks tenth in the nation in farm numbers and ninth nationally with respect to market value of agricultural products sold.

Wisconsin's farmers and food processing industry could greatly benefit by gaining a greater share of international markets. However, for that to happen, our trade agreements must not only be fair, they must be enforceable. To date, our trade agreements have not only failed to provide significant benefits for many agricultural sectors, including dairy, they have placed some sectors at a distinct disadvantage. I will look at all future trade agreement proposals with an eye to these issues and make decisions on those proposals based, in part, on how they treat Wisconsin farmers.•

TRIBUTE TO LEE H. CLARK

• Mr. ABRAHAM. Mr. President, I rise today to pay homage to a man of great character, commitment, and integrity.

Lee H. Clark has dedicated his life to public service. Beginning at the tender age of eighteen, Lee entered the United States Navy in 1943 where he served honorably for three years. After his commitment to the Navy, Lee entered college where he threw himself into academics, gaining a Master's degree in business from the University of Michigan. Following his education, Lee returned home and started his own business. Soon after, with his company flourishing, Lee's interest in the political process was sparked after serving as a precinct delegate in 1956. Lee entered into the political realm with the same determination and vigor that he displayed throughout his entire life and four years later ran for Congress. Although his bid for office was unsuccessful, Lee's desire for public service was unabated and he began a long, meritorious career in service to the State of Michigan.

Michigan has been greatly affected by Lee's energetic guidance and leadership. In the intervening years between 1956 and the present, Lee has been a driving force for the Republican Party. From community elections to those elections national in scope, Lee always offered great wisdom and foresight. Throughout his life, Lee has shown tremendous concern for his fellow citizens and was always a willing volunteer for any task. I am proud to have had the chance to work beside him.

Mr. President, I am extremely honored to have this opportunity to thank him for his many years of service and friendship. He is a very dear friend and my thoughts and prayers go out to him, his wife Nancy, and the rest of his family.●

TRIBUTE TO WESTERN COVENTRY SCHOOL, 1997 U.S. DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL

● Mr. REED. Mr. President, I rise today to recognize the achievement of Western Coventry School of Coventry, Rhode Island, which was honored earlier this year as a U.S. Department of Education Blue Ribbon School.

It is a highly regarded distinction to be named a Blue Ribbon School. Through an intensive selection process beginning at the state level and continuing through a federal Review Panel of 100 top educators, many of the very best public and private schools in the nation are identified as deserving of this honor. These schools are particularly effective in meeting local, state, and national goals. However, this honor signifies not just who is best, but what works in educating today's children.

Now, more than ever, it is important that we make every effort to reach out to students, that we truly engage and challenge them, and that we make their education come alive. At the Western Coventry School, a kindergarten through sixth grade school, parent-teacher cooperation, through an award winning Parent Teacher Association (PTA), has helped to improve the quality of education. The school has instituted a mentoring program for at-risk youth and has made concerted efforts to ensure that students with special needs receive the assistance they require. In addition, teachers have taken an aggressive role in developing new approaches to teaching reading and math.

Mr. President, Western Coventry School is dedicated to the highest standards. It is a school committed to a process of continuous improvement with a focus on high student achievement. Most importantly, Western Coventry recognizes the value of the larger community and seeks its support and involvement. This school and community are making a huge difference in the lives of its students.

Mr. President, the Blue Ribbon School initiative shows us the very best we can do for students and the techniques that can be replicated in every school to help all students succeed. I am proud to say that in Rhode Island we can look to a school like the Western Coventry School. Under the leadership of its principal, Barry Ricci, its capable faculty, and its involved parents, Western Coventry School will continue to be a shining example for years to come.●

HOW NOT TO BUILD CONFIDENCE IN GOVERNMENT STATISTICS

● Mr. MOYNIHAN. Mr. President, on October 16, following the release of monthly price data by the Bureau of Labor Statistics [BLS], the Social Security Administration announced a 2.1-percent cost of living adjustment [COLA] for Social Security and other Government programs. Yet a week earlier, the Social Security Administration circulated a table which indicated that the benefit increase would be 2.7 percent.

How could this happen? Simple. The Administration, as I have noted on numerous occasions, insisted on using an outdated economic forecast so as to obscure the fact that the budget was approaching balance in fiscal year 1997 in the absence of a budget agreement. While that budget legislation was pending in Congress last summer, it was feared that if the economic outlook was too favorable, pressure for the budget bills would decrease and agreement would not be reached. And so the Social Security Actuaries had no recourse other than to use the official forecast when presenting data on the actuarial status of the trust funds.

Here is why the numbers were, to put it mildly, misleading. The Administration notes that its midsession budget review—released almost 2 months late on September 5—is based on economic projections finalized in early June. But even by then it should have been clear what was happening to prices. By early June 1997, data for 8 months of the benefit computation period, August 1996–April 1997, indicated that, on an annual basis, CPI–W had increased by 2.4 percent. To increase by 2.7 percent for the full year would require, on an annual basis, a 3.2-percent increase in CPI–W for the remaining 4 months, April 1997–August 1997, of the computation period. Put another way the Administration was predicting a one-third increase in the inflation rate. Yet, on an annual basis, CPI–W increased by only 1.5 percent during these 4 months. That is, the inflation rate actually declined by almost 40 percent.

In short, by the spring it should have been clear that the benefit increase would be less than 2.7 percent. And by late summer it was virtually certain that the increase would be 2.0 to 2.2 percent, but nowhere near 2.7 percent.

What does this mean to the average beneficiary now receiving a monthly benefit of $749? Instead of a $20 monthly benefit increase—2.7 percent of $749—the benefit increase will be about $16. Fortunately, few if any Members of Congress rushed out in early October and announced to constituents, based on the Administration's estimates, that they would receive an expected 2.7-percent benefit increase.

The Advisory Commission to Study the Consumer Price Index—the Boskin Commission—concluded that the Consumer Price Index [CPI] overstates changes in the cost of living by about 1.1 percentage points. And many other researchers concur with the findings of the Boskin Commission. The American Association of Retired Persons [AARP], and others, have argued that the only way to keep politics out of the process is to let the BLS do it. Such critics should be mindful that accurate statistics include timely and accurate projections. By late September or early October of each year Social Security beneficiaries should be able to rely on their Government to provide reliable projections of upcoming benefit increases.

Mr. President, I ask that a table prepared by the Social Security Administration, Office of the Actuary, on October 7, 1997, be printed in the RECORD.

The table follows:

TABLE 1.—ECONOMIC ASSUMPTIONS UNDERLYING THE MID-SESSION REVIEW OF THE PRESIDENT'S FISCAL YEAR 1998 BUDGET

[In percent]

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Change in real GDP	2.4	3.5	2.0	2.0	2.1	2.4	2.4	2.4	2.4	2.4	2.4	2.4
Civilian unemployment rate	5.4	5.0	5.2	5.4	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5
Change in average annual CPI	2.9	2.7	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Change in average covered wage	4.3	4.6	3.2	3.8	3.9	3.7	3.6	3.8	3.8	3.8	3.9	3.9
Real wage differential	1.4	2.0	0.7	1.2	1.4	1.2	1.1	1.3	1.3	1.3	1.4	1.4
Benefit increase	2.9	2.7	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Average annual interest rate	6.6	6.7	6.1	5.7	5.6	5.4	5.4	5.4	5.4	5.4	5.4	5.4

Note: Social Security Administration, Office of the Chief Actuary, October 7, 1997.●

WORKING MOTHER'S 100 BEST COMPANIES FOR WORKING MOTHERS

• Ms. MOSELEY-BRAUN. Mr. President, yesterday afternoon, I attended the White House Conference on Child Care. Business, labor, and religious leaders will be sharing their strategies and successes for improving and expanding child care opportunities. This afternoon's discussion is entitled ''learning from what works.''

In government, we can do no better than to look to the private and nonprofit businesses and organizations in our communities to learn what works. With today's focus on child care issues, I commend to my colleagues, this month's issue of Working Mother Magazine, and it's 12th annual survey of the 100 best companies for working mothers.

The companies included on the 100 best list are ones that provide working mothers with exceptional opportunities to contribute to the company's success, and to care for their families. Working Mother Magazine measures companies based on five criteria: pay, opportunities to advance, child care, flexibility, and other family friendly benefits.

The 100 best companies have made a commitment to strengthening families and communities. At the same time, these companies are strengthening their bottom line. In order for our Nation to remain globally competitive in the 21st century, we must utilize all of the talents of all of our people. Working mothers have talents and abilities our country cannot afford to be without. The 100 best companies are utilizing creative, effective solutions to the problems working mothers face as they try to balance career and family concerns. By doing so, these companies profit as mothers are able to focus more energy and attention on their work.

Making jobs work for women and their families is what these companies are all about. I am especially proud that 7 of the companies on the 100 best list are based in my home State of Illinois. Each of the Illinois companies has taken steps to recognize the talents of working mothers, and to help them help their families. Among other accomplishments,

Allstate Insurance Co. recently opened a $3 million child care center in Northbrook, IL, that not only provides child care at the company's headquarters, but also offers full day kindergarten and holiday, vacation, and backup care;

Amoco Corp. provides elder and child care referral services that were used by over 6,000 employees last year, and provides reimbursements for child care expenses accrued due to travel or overtime;

Leo Burnett Co., Inc., continues to promote working mothers to executive positions. Today, the president and the chief creative officer are women;

Fel-Pro, Inc., offers family friendly programs ranging from an 8-week summer camp to a $1,000 savings bond for newborns. Fel-Pro has been included in the 100 best list since its inception years ago;

First Chicago NBD Corp. has been improving on their already impressive array of services with financial support for adoptions, and benefits for part-time employees;

Motorola, Inc., according to the magazine, ''remains the corporate leader in providing subsidized child care for employees' kids'';

Northern Trust Corp. has doubled the number of employees working at home in the past year; and

Sara Lee Corp. has a commitment to helping working mothers advance. Today, its general counsel, chief financial officer and treasurer, among others, are female.

This list includes some of the most successful companies in the country, including the largest advertising firm in the country, and one of the Nation's oil companies. What each of these seven corporations has shown is that both companies and children benefit from policies that take not only the employee, but her whole family into account. Working mothers are an important asset to the Nation's employers. Strong families are an important asset to us all.

I urge my colleagues to read this month's issue of Working Mother Magazine so that we can learn from industry leaders—we all benefit from policies that support working families.•

THE IMPORTANCE OF RENEWABLE FUELS

• Mr. HARKIN. Mr. President, just this week, we in the U.S. Senate have been confronted with two strong reminders of the importance of renewable fuels to this country. This emerging industry, potentially lucrative for American farmers and agribusiness, can help solve two key problems that we face: the impact of greenhouse gases on the global climate, and the growing dependency of the American economy on the import of foreign petroleum products.

On Wednesday, President Clinton, announced the U.S. position with respect to the climate change treaty to be negotiated in Kyoto in December. Under his instructions, American negotiators will seek to fashion an agreement that will commit, on an equitable basis, the nations of the world to reducing emissions of greenhouse gases over the next several decades. If implemented, our ability to meet such goals will depend greatly on the development and adoption of new technologies which are more energy efficient. The President's proposal to provide tax incentives for more energy efficient technology should be important in spurring such development efforts. Renewable fuel technologies, especially those derived from agricultural products, will be a crucial component of such activities. Many forms, such as the energy that will be produced from the switchgrass project underway in Centerville, IA, offer the added benefit of actually withdrawing carbon from the atmosphere. Expansion of production of renewable fuels also increases income for the farm sector, and creates new jobs. In keeping with a key theme voiced at the recent White House Conference on Climate Change, with renewable fuels we can do well by doing good, for American agriculture and the whole country.

If that were not enough, Mr. President, Tuesday's announcement by the Commerce Department that record oil imports caused our merchandise trade deficit to increase in August gives added urgency to the promotion of renewable fuels. It is clear that even if no treaty on climate change comes out of Kyoto, our dependence on oil imports still looms on the horizon. The share of imports in U.S. oil consumption has been climbing steadily over the last few years, and the Energy Information Administration of the Department of Energy projects that the share could reach 75 percent within the next 10–15 years. Increased production and use of renewable sources of energy could help to stem that tide, and reduce our need to rely on energy sourced in large part from a politically unstable region of the world.

During this session of Congress, we can begin to respond to these events in at least one concrete way, by passing into law the proposed extension of the ethanol tax credit to the year 2007. I urge my colleagues to seize this opportunity now to show our confidence in agriculture's ability to make a positive contribution in these areas by producing renewable energy for American consumers to use.•

MEASURE READ THE FIRST TIME—SENATE JOINT RESOLUTION 37

Mr. LOTT. Mr. President, I understand that Senate Joint Resolution 37, which was introduced earlier today by Senator JEFFORDS, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER (Mr. FRIST). The clerk will read the joint resolution for the first time by title.

The assistant legislative clerk read as follows.

A joint resolution (S.J. Res. 37) to provide for the extension of a temporary prohibition of strikes or lockout and to provide for binding arbitration with respect to the labor dispute between Amtrak and certain of its employees.

Mr. LOTT. I now ask for its second reading and would object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—H.R. 2646

Mr. LOTT. Mr. President, I understand that H.R. 2646 has arrived from

the House, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time by title.

The assistant legislative clerk read as follows.

A bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

Mr. LOTT. I now ask for its second reading and object to my own request on behalf of the other side of the aisle, Mr. President.

The PRESIDING OFFICER. Objection is heard.

DAVID B. CHAMPAGNE POST OFFICE BUILDING

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2013.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

A bill (H.R. 2013) to designate the facility of the United States Postal Service located at 551 Kingstown Road in South Kingstown, RI, as the ''David B. Champagne Post Office Building.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto appear at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2013) was passed.

ORDERS FOR MONDAY, OCTOBER 27, 1997

Mr. LOTT. Now, Mr. President I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, October 27. I further ask that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and there then be a period of morning business until the hour of 1:30 p.m. with Senators permitted to speak for up to 10 minutes each with the exception of the following: Senator THOMAS for 30 minutes, Senator FEINSTEIN for 30 minutes, and Senator DORGAN for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. As I just indicated, on Monday I hope the Senate will be able to take final action on the Federal Reserve Board nominees. We may still give some additional time to consideration of the pending highway bill. It is our intent to have the Interior appropriations conference report voted on following the vote on Judge Marbley at 5 o'clock. Also, the Senate could be asked to consider Amtrak reform legislation in conjunction with the strike legislation.

Under a previous order, at 5 o'clock, we will conduct the one rollcall vote on Judge Marbley. Then it could be followed by as many as three other votes, and we will have to determine that during the day Monday. But a minimum of one and possibly a maximum of five votes.

Another cloture motion was filed today, of course, on the highway bill, and that vote would occur on Tuesday.

DISAPPROVING PRESIDENT'S VETO OF CERTAIN PROJECTS IN THE MILITARY CONSTRUCTION APPROPRIATIONS ACT

Mr. BYRD. Mr. President, before the distinguished majority leader yields the floor, will he allow me to inquire, is he in a position to say when the Senate will take up the resolution reported from the Senate Appropriations Committee on yesterday disapproving the acts of the President in vetoing certain projects in the fiscal year 1998 Military Construction Appropriations Act?

Mr. LOTT. Mr. President, if I could respond to the distinguished Senator from West Virginia, I would need to consult further with Senator STEVENS, the chairman of the Appropriations Committee, and the Senator from West Virginia. But if they would agree, I think we should look for a time on Tuesday or Wednesday to take that matter up, because we are not sure exactly what will be our final days in session this year but it could be just the next 2 weeks. So I would like to go ahead and take this up at the earliest possible time.

I yield the floor.

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:08 p.m., adjourned until Monday, October 27, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 24, 1997:

DEPARTMENT OF ENERGY

CURT HEBERT, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1999, VICE ELIZABETH ANNE MOLER.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

WILLIAM R. FERRIS, OF MISSISSIPPI, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS, VICE SHELDON HACKNEY, RESIGNED.

THE JUDICIARY

L. PAIGE MARVEL, OF MARYLAND, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER SHE TAKES OFFICE, VICE LAWRENCE A. WRIGHT, RETIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JOHN P. JUMPER, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. FRANK B. CAMPBELL, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID W. MCILVOY, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LANSFORD E. TRAPP, JR., 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. DAVID J. MCCLOUD, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. PATRICK K. GAMBLE, 0000.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE U.S. OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be brigadier general

COL. HOWARD L. GOODWIN, 0000.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. DAVID R. BOCKEL, 0000.
BRIG. GEN. JAMES G. BROWDER, JR., 0000.
BRIG. GEN. MELVIN R. JOHNSON, 0000.
BRIG. GEN. J. CRAIG LARSON, 0000.
BRIG. GEN. RODNEY D. RUDDOCK, 0000.

To be brigadier general

COL. CELIA L. ADOLPHI, 0000.
COL. DONNA F. BARBISH, 0000.
COL. EMILE P. BATAILLE, 0000.
COL. JOEL G. BLANCHETTE, 0000.
COL. GEORGE F. BOWMAN, 0000.
COL. GARY R. DILALLO, 0000.
COL. DOUGLAS O. DOLLAR, 0000.
COL. RUSSELL A. EGGERS, 0000.
COL. SAM E. GIBSON, 0000.
COL. FRED S. HADDAD, 0000.
COL. KAROL A. KENNEDY, 0000.
COL. DENNIS E. KLEIN, 0000.
COL. DUANE L. MAY, 0000.
COL. ROBERT S. SILVERTHORN, JR., 0000.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. WILLIAM J. FALLON, 0000.

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 24, 1997, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF ENERGY

CURT HERBERT, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1999, VICE ELIZABETH ANNE MOLER, WHICH WAS SENT TO THE SENATE ON OCTOBER 23, 1997.

EXTENSIONS OF REMARKS

TRIBUTE TO MICHAEL VECCHIO

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to commend the efforts of Michael Vecchio and his crusade to bring an all war monument to Flemington, NJ. Currently on the main street of Flemington, there exists a Civil War monument. Dedicated 107 years ago, the monument honors Flemington's Civil War dead. However, Mr. Vecchio, a naval officer during the Vietnam war, noticed that Flemington needed a monument dedicated to those residents of Flemington who died in service of their country in the other great conflicts of this century.

Mr. Vecchio, chairman of the Hunterdon County Veterans Memorial Committee, proposed an upgrade to the already existing Civil War monument, adding a stone walkway and a granite wall around the statue. His efforts have paid off. Dedication ceremonies for the new monument took place on Sunday, September 14.

Mr. Vecchio, like many of us, realizes the importance of remembering fallen patriots from past conflicts. The Korean Memorial, which recently opened in Washington, shows our Nation's ongoing commitment to remembering our veterans. Also, through efforts like Mr. Vecchio's, we will never forget those still lost as POW/MIA's.

Again, I would like to congratulate Mike Vecchio for his campaign to help us remember our war heroes and thank him for his selfless commitment to veterans across our Nation.

TRIBUTE TO THE LATE DR. ANNE CAMPBELL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. BEREUTER. Mr. Speaker, on Saturday, October 18, Nebraska lost a great education leader when Dr. Anne Campbell passed away. There certainly is no need to exaggerate about the tremendous accomplishments of Dr. Campbell in the field of education or about the wonderful person she was. Her leadership on education matters will have a very positive and lasting effect on countless Nebraskans and indeed people throughout our Nation. Her legacy is the kind that enriches our civilization.

This Member frequently called upon Dr. Campbell over the years for her advice on education and in choosing among applicants for our service academies. If sound and far-sighted advice on educational issues was needed, this Member thought first of Dr. Campbell. She will be sorely missed by the great number of us who had the good fortune to have her friendship and by all who benefited from her leadership role in education. It is no surprise that Nebraska Governor E. Benjamin Nelson ordered State flags to fly at half-mast as a final tribute to Dr. Anne Campbell.

The following article from the October 20, 1997, Lincoln Journal Star lists her numerous accomplishments and career highlights.

[From the Lincoln Journal Star, Oct. 20, 1997]

NEBRASKA'S ''GRAND LADY OF EDUCATION'' DEAD AT 79

(By J. Christopher Hain)

One of the pillars of Nebraska education, M. Anne Campbell, Ph.D., died in Lincoln Saturday at the age of 79.

Campbell was a former Nebraska commissioner of education and is the namesake of Campbell Elementary School at North 21st and Superior streets in Lincoln.

She had been suffering from colon cancer and had been in and out of the hospital several times since April, said her husband Leonard Campbell.

Former U.S. Sen. J. James Exon, who was governor of Nebraska when Campbell became state commissioner of education, said ''the educational systems in Nebraska have lost an outstanding and stellar person.''

''People instinctively liked her and her approach to education,'' Exon said. ''You could sense her dedication to the cause of education.''

Campbell began her career as Madison County superintendent of schools from 1955 to 1963. During that time, she earned a master's degree from Wayne State College. She worked for two years as director of professional services and lobbyist for the Nebraska State Education Association.

In 1965, she began work as an administrative assistant for government services at Lincoln Public Schools. Her duties included lobbying the Legislature and seeking and administering federal funds. During her time at LPS, she worked behind the scenes on development of Nebraska's educational service unit system and the state's technical community colleges.

In 1969, she received a doctoral degree from the University of Nebraska. She worked for two years as director of public affairs for the university.

In 1974, Campbell became state commissioner of education. During her tenure, she served as an influential member of the National Commission on Excellence in Education. The commission's landmark report, ''A Nation At Risk,'' helped to focus the nation's attention on the condition of its schools. She retired in 1982.

She was former national president of the PTA and former president of the Council of Chief State School Officers, the American Association of University Women and the Easter Seal Society of Nebraska.

Campbell served as chairman of the Governor's Committee on the status of Women. She was a member of the Committee that selected teacher Christa McAuliffe as the first private citizen to ride in a space shuttle.

Joe Lutjeharms, who worked under Campbell and succeeded her as commissioner of education, said it was her kindness that made her a successful educator.

''She was a very, very great people person,'' he said. ''When you win friends, you influence people.''

Lutjeharms said Campbell worked to ensure that education efforts were always directed toward kids. ''She was the grand lady of education in Nebraska.''

TRIBUTE TO DR. ROBERT JACKSON

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Ms. KAPTUR. Mr. Speaker, I rise today to recall the life of Dr. Robert Jackson of Toledo, OH, a rare and outstanding citizen, a man of letters. In special tribute to his life and work, he will be remembered in a memorial service in Toledo on September 6, 1997. Our dear friend, Bob, died to this life on July 30, 1997 at age 88.

Bob Jackson was a generous and gifted human being, a genuine brother to us all, a confidante, a soulmate. He relished being a trusted political advisor to many including myself. He understood that community involvement requires commitment. Perhaps it was this sense of civic responsibility which prompted him—at age 85—to be the precinct captain for his neighborhood and work hard to get out the vote. He loved politics and he loved being a Democrat. He pondered the endless possibilities presented to each of us as Americans. He mused always with piercing humor about our body politics, its greatness and its foibles.

A voracious reader and devoted educator, Bob Jackson was elected to the Toledo Board of Education and had retired from the mathematics department of the University of Toledo. An Arkansas native, Bob graduated from the University of Oregon, was a Rhodes Scholar at Oxford University, and earned his Ph.D. in mathematics from Harvard University. A complicated man with a boundless sense of humor, he also was a retired naval officer along with being a proud member of the ACLU. While his education and social position could have taken him to elite surroundings, he used his considerable talent to teach youth at Scott High School in Toledo.

Bob and his wife, Agnes, together pursued commitments to causes dear to their hearts, especially to help those whose voices in the public weal were weak. They advocated on behalf of family planning initiatives for which they labored in order that mothers and fathers and children would have a better chance at successful family life, childhood, and adulthood. Even after Agnes' passing, Bob carried on their work. In poignant tribute to his wife, Bob created a living testament to her while at the same time dedicating himself to their mutual love of nature and of neighborhood: he created the Agnes Reynolds Jackson Arboretum, a truly splendid yet tranquil garden setting adjacent to what was their home in an area of grand old homes in the central city. The arboretum is a place to find true beauty and peace, and now stands as a most fitting memorial to both Agnes and Bob, their love for each other and their lives of service.

When his friends and family gather to memorialize Bob Jackson—and remember Agnes as well—we will do so in that arboretum. As we share stories and remembrances, together we will recall and enjoy the legacies left by two who lived spirited lives dedicated to others. How we will miss him as we miss her and know we are privileged to have considered them friends.

JITCH WALSH TRIBUTE IN CAYUGA COUNTY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. WALSH. Mr. Speaker, I want to pay tribute today to a family with the same last name as mine, though I am not directly related and cannot claim to know firsthand the entire history of their local fame. I, like many central New Yorkers in the Auburn and Cayuga County area, know the Walsh family of which I speak because of Mr. Thomas ''Jitch'' Walsh.

On October 7, 1997, Jitch Walsh Day was held at the original site of the family hot dog stand in Emerson Park on Owasco Lake. Auburn, for those who do not know, is blessed by its location in the Finger Lakes, close to several of the lakes and accustomed to these lakes for summertime leisure activities. It was at this hot dog stand, Jitch's and his wife Ellie's stand, that at 1940's-era generation of Cayuga County residents watched softball games, went to carnivals and otherwise wiled away the hot and humid mid-year months.

Jitch's unusual nickname, by the way, is a childhood moniker which has stuck over all these years. When friends and elders are nicknamed ''Hip 'O Hay,'' ''Joker'' and ''Pearshape,'' something like ''Jitch'' didn't sound so odd.

One of Jitch's nephews is John Walsh, who stars on the television show ''America's Most Wanted.'' Jitch's and Ellie's own son, Thommie, is a very successful choreographer and director who has won three Tony awards. Their daughter, Barbara, is a banker in Syracuse. But the fame of the Walsh clan in Auburn centers more on Jitch's father, T.J., ''the mayor of Market Street'' and his mother Loretta. Not to mention their connection to Ellie's father, Ross Cosentino, and her mother Rose.

The nickname comes from the word ''jits,'' which in Italian slang is said to mean someone who borrows small change constantly, as Jitch did when he was a young teen who wanted to buy a bag of peanuts at the softball games at the Y-Field. When he and his wife Ellie open their hot dog stand in the park in 1952, it naturally became Jitch's Stand—and a local legend was born.

As a gathering place, Jitch's Stand was a sensation, selling over 2,000 pounds of hog dogs a week. The popularity of the spot, and the spirit of local customers, is evidenced by the reunions. In 1980 Jitch Reunion Days drew 700 people; in 1986, more than 1,000.

And of course this year's Jitch Walsh Day was a huge success as well. In my family we respect family tradition—as does the Walsh family in Auburn. I am very proud to be able to express these sentiments today, and thank my colleagues for joining me in recognizing this important social milestone for many of my constituents.

HAPPY 60TH ANNIVERSARY ST. DEMETRIOS GREEK ORTHODOX CHURCH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. BARCIA. Mr. Speaker, any student of history knows that one of the strongest nations to offer leadership to the world in the development of civilization, culture, philosophy, and science is the nation of Greece. And it is equally no secret to any student to religion that one of the strongest faiths known to us is that offered by the Greek Orthodox Church. This Saturday, the Greek Orthodox Church, St. Demetrios, in Saginaw, MI, is celebrating its 60th anniversary of providing a place of worship, solitude, and support for its many members.

Just as the structures of ancient Greece provide us today with a moving reminder of the strength of that great era, St. Demetrios church provides a guidepost for its parishioners, including many of Greek heritage. For nearly 100 years people of Greek descent have been an important part of the Saginaw community. Since the mid 1920's, there have been services in the Greek Orthodox faith within the community. The growing population in the area resulted in the founding of St. Demetrios Greek Orthodox church in 1937, with Rev. George Stathis as the first established priest.

The many activities throughout the history of the church are a wonderful lesson in faith and culture. A Greek language school was held in Saginaw and Bay City for many years. Young men visited Greece, and returned to St. Demetrios with their brides. A Greek war relief fund was established, with the grade school children dressing in native Greek costumes to help solicit contributions to help families in Greece who were ravaged by World War II.

A wonderfully detailed history of the church reports of the many proud moments of its history, its growth, its concerns, and its challenges. The church was destroyed by fire and rebuilt in 1950. A new church was built in 1969. A classroom wing for Sunday school and Greek school was dedicated in 1982. The Hellenic center was built in 1991. And through each of these efforts, the most important component of St. Demetrios—its dedicated and supportive members—was the key to its continued success and endurance. The women of the church have seen their role elevated from individuals of support and devotion to that of leadership with three women becoming members of the parish council in 1995—Soula Economou, president; Mary Kookootsedes, secretary, and Elaine Rapanos, treasurer.

Mr. Speaker, as this place of holiness celebrates its 60th anniversary, I invite you and all of our colleagues to join me in wishing Rev. Mark Emroll, the pastor, and all members of St. Demetrios, a very happy anniversary, with best wishes for many more to come.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997

SPEECH OF

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1534) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other Government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when Government action is sufficiently final to ripen certain Federal claims arising under the Constitution:

Mr. POMBO. Mr. Chairman, I rise in support of H.R. 1534 and compliment my colleague, Mr. GALLEGLY, on bringing this long overdue legislation to the floor today. H.R. 1534 will greatly increase the ability of landowners in this country to protect their basic civil and constitutional rights. The fifth amendment of the U.S. Constitution guarantees that no private property shall be taken for a public use without the payment of just compensation. We have seen an increasing disregard by various levels of government for this fundamental civil right.

As chairman of the ESA Task Force of the Committee on Resources in the 104th Congress, I held hearings around the country on how the Endangered Species Act has impacted private property owners. The task force found that our Government often declares private property to be habitat for various species, with little if any concern about how that impacts the legal right of the landowners. We tried to address this problem by setting up a system of administrative appeals and arbitration to insure that landowners are promptly and fairly compensated when the needs of wildlife are placed above the needs of individual landowners. The response by the Government and environmental groups was that we should simply let the courts resolve these problems.

The Environmental Defense Fund, the National Audubon Society, the National Wildlife Federation, the Natural Resources Defense Council, the Sierra Club. These are the groups leading the opposition to H.R. 1534. Have any of these groups ever professed their faith in the abilities of local officials to make land use decisions? No. In fact, they have always taken the exact opposite position, that Federal environmental programs like the Endangered Species Act, the Clean Water Act, and Superfund have to be run in Washington. In their eyes, local officials are not capable of protecting the health and environment of the areas they represent.

Why the sudden change of heart? Why are these environmental groups and their supporters in Congress now posing as champions of States' rights and local decision-making? Because they don't want individual property owners to have fifth amendment rights protected.

The existing system of expensive and time-consuming delays serves their purpose—allowing them to control land use without having to consider the right of property owners.

The Natural Resources Defense Council opposes H.R. 1534 out of fear that it could lead to more Federal lawsuits, burdening the Federal courts. Since when have they been concerned about flooding the courts, except when it is their own right to flood the courts. Who has abused the Federal court process more than the environmental movement? Why should we listen to their pleas to stop property owners from asserting their constitutional rights in Federal court when they have spent the last 30 years trying to expand their own access to Federal courts?

The argument is intended to confuse and distract from the real issue at hand—that the constitutional rights of property owners across America are being eroded by expanding land use regulations imposed by all levels of government. H.R. 1534 doesn't attack local government—they are already required to follow the Constitution.

H.R. 1534 is a procedural bill—it simply helps people with Federal claims that are already in Federal court to get a hearing on the facts of their case without having to wait 10 years for the privilege. Opponents of H.R. 1534 like the obstacles and hurdles that keep people from having access to courts to defend their fifth amendment rights because they know if the delay is long enough, the small property owners cannot afford to fight them anymore. This is wrong. Vote for H.R. 1534 and support the rights of property owners. Everyone should be treated equally under the Constitution, even property owners.

ABOLISH THE IMF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. PAUL. Mr. Speaker, it has recently come to my attention that William E. Simon has publicly called for the Congress to reject the Clinton proposal to approve $3.5 billion in new funding for the International Monetary Fund (IMF). He points out that the IMF was established over 50 years ago as an institution to maintain the Bretton Woods system of stable exchange rates that the world rejected in the early 1970's. The IMF has a poor track record. ''All of the major currency and banking crises of the last five years have occurred under conditions of heightened surveillance by the IMF,'' according to Gregory Fossedal, a leading expert on the subject. George Schultz, the former Secretary of State and of the Treasury, has also called for the IMF's elimination. Wisely, the House of Representatives did not include any new appropriation for the IMF. It is hoped that the conference committee will act as prudently.

Mr. Simon, the former Secretary of the Treasury and the current president of the Olin Foundation, authored in today's issue of the Wall Street Journal an incisive article on the subject that I would like to include in the RECORD. This article clearly explains why the IMF ''may actually promote crises, because governments often resist sound economic and financial policies * * * because they know that the IMF will be there to bail them out in the event of a crisis.'' We should add that the IMF will be bailing them out with U.S. taxpayers' money if the conference committee fails to follow the sound judgment of the House and reject any additional IMF funding.

[From the Wall Street Journal, Oct. 23, 1997]

ABOLISH THE IMF

(By William E. Simon)

The Clinton administration is asking Congress to approve $3.5 billion in additional funding this year for the International Monetary Fund. Congress should not only reject this proposal, but also take the long overdue step of ending all future funding for the IMF. As a practical matter, the institution cannot continue to exist without the participation of the most powerful nation in the world. By withdrawing its funding, then, the U.S. can take a leadership role in putting this outdated organization out of business.

The IMF is ineffective, unnecessary and obsolete. It was established after World War II, together with the World Bank, to promote trade and development in an international economy that had been torn apart by two decades of depression and war. In the system of fixed exchange rates established by the Bretton Woods agreements, the IMF's purpose was to provide short-term loans to countries experiencing temporary problems with their balances of payments. This was an important function during the period following the war, and the IMF generally performed it quite well.

But this function became obsolete in the early 1970's when the world abandoned the Bretton Woods system in favor of the current system, in which currency values are set by the market. Instead of going out of business as that new system matured, the bureaucrats at the IMF invented a new function for themselves—namely, to provide so-called structural adjustment loans to countries that are, for various reasons, deeply in debt. These loans are granted on the condition that the recipient countries take steps to reduce their debt, often by increasing taxes and reducing government spending. This mission, of course, was never contemplated in the IMF's original charter; indeed, these structural adjustment loans look very much like the development loans that are supposedly under the purview of the World Bank.

Many critics of the IMF point out that these loans have been quite ineffective in preventing currency crises and in promoting stable economic growth in developing countries. Quite the contrary, as these critics say, the IMF may actually promote crises, because governments often resist sound economic and financial policies (which may be unpopular) because they know that the IMF will be there to bail them out in the event of a crisis. As Gregory Fossedal, a leading expert on the IMF, has pointed out, ''All of the major currency and banking crises of the last five years have occurred under conditions of heightened surveillance by the IMF.'' These include the crises in Mexico in 1994, in Africa in 1995 and in Thailand, Korea and Malaysia in 1997. The IMF, with the help of the U.S., has now bailed Mexico out four times since 1976, and it will no doubt do so again and again unless the IMF is put out of business once and for all.

Because the IMF has no legitimate function in our present system of floating exchange rates, we can eliminate it, and safely rely on private institutions, operating in the context of a free market, to provide liquidity and capital for developing nations, just as they do for the industrial nations.

As a former secretary of the Treasury, I do not lightly call for the elimination of a financial institution that has been in operation for more than 50 years, and that served a pivotal role in the international economy in the period following World War II. It is obvious, however, that the IMF no longer serves a constructive role in the world economy, and has not done so since the 1970s. We should therefore have the courage to close it down—and the most effective way to accomplish this goal would be to withdraw U.S. funding.

A few years ago, such a call to end the IMF would have been attacked on all sides as an extreme and highly controversial recommendation. But today a growing number of respected observers agree that the organization is no longer needed. George Shultz, the esteemed former secretary of state and of the Treasury, has recently called for the elimination of the IMF. In a 1995 lecture before members of the American Economic Association, Mr. Shultz observed that ''the IMF has more money than mission.'' As a consequence, he said, we should ''merge this outmoded institution with the World Bank, and create a charter for the new organization that encourages emphasis on private contributions to economic development.'' This would make a great deal of practical sense.

The House and Senate now have a golden opportunity to force the long overdue elimination of the IMF. There is no longer any reason to burden taxpayers with the expenses of this outdated institution.

INTRODUCING LEGISLATION FOR THE CONGRESSIONAL GOLD MEDAL FOR WILMA G. RUDOLPH

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Ms. KILPATRICK. Mr. Speaker, I rise today to proudly introduce a bill that will confer a Congressional Gold Medal to Wilma G. Rudolph. I was honored and proud to chair a hearing yesterday, organized by the Congressional Caucus for Women's Issues, on the 25th Anniversary of Title IX. Title IX provides for the equal funding of educational and athletic programs, and has provided for much of the breakthrough for women and girls in academics and athletics. I can think of no better person, male or female, who better embodies the spirit of Title IX than Wilma Rudolph. As a matter of fact, the date of Title IX's enactment into law—June 23—is Wilma Rudolph's date of birth. We explored where we were, where we are, and where we need to go regarding Title IX at yesterday's hearing of the Congressional Caucus of Women's issues. However, this conversation would be moot if not for the stellar achievements and contributions to academics, business, and athletics, of Wilma Rudolph.

Wilma G. Rudolph, born the 20th of 22 children, was initially never given a chance to walk or resume a ''normal'' life. Through the hard work of her parents, she overcame scarlet fever, polio and pneumonia to become an athletic pioneer and champion in her home State of Tennessee in basketball and track. As a high school athlete, Wilma Rudolph once scored 49 points in a single game for Burt High school in Clarksville, TN, a record that still stands for the most points scored in a single game in the State of Tennessee. In her first major track meet, the national Amateur

Athletic Union championships in 1956, Wilma placed first in the 300 yard dash, second in the 100 yard dash, and fourth in the 75 yard dash. Despite suffering from a severe ankle sprain, she was the first woman to win not one, but three gold medals in a single Olympiad. Her gold medals were in the 100 meter dash, the 200 meter dash, and the 400 meter relay at the 1960 Olympics.

Wilma Rudolph was not one, however, to rest upon the laurels that the celebrity of winning Olympic gold medals brought to her. Upon her return to Clarksville, TN, in 1960 Wilma Rudolph demanded, and received, the first integrated parade in the city of Clarksville. She continued her education, graduating from Tennessee State University. She became a successful businessperson, coach, teacher, and mother. The effort and example of Wilma Rudolph helped to blaze the trail that resulted in Title IX today. The opportunities of Title IX has allowed for lucrative careers in business for women, and the opportunity for women to enjoy, like men, to be able to afford the life as a professional athlete. Although Wilma Rudolph passed away on November 12, 1994, her legacy continues to inspire men and women, able-bodied and physically challenged, to overcome odds. Her life truly embodies the American values of hard work, determination, and love of humanity. I am honored that so many of my colleagues, through their co-sponsorship of this bill, recognize the broad talents and contributions of my heroine and friend, Wilma G. Rudolph.

Original co-sponsors of the bill are Representatives ROD BLAGOJEVICH, EARL BLUMENAUER, Minority Whip DAVID BONIOR, WALTER H. CAPPS, JULIA CARSON, DONNA CHRISTIAN-GREEN, BOB CLEMENT, JAMES E. CLYBURN, JOHN CONYERS, Jr., DANNY K. DAVIS, ROSA DELAURO, RONALD V. DELLUMS, ENI F.H. FALEOMAVAEGA, BOB FILNER, HAROLD E. FORD, Jr., BARNEY FRANK, MARTIN FROST, BART GORDON, EARL F. HILLIARD, JESSE L. JACKSON, Jr., SHEILA JACKSON-LEE, ZOE LOFGREN, WILLIAM L. JENKINS, EDDIE BERNICE JOHNSON, TOM LANTOS, CYNTHIA MCKINNEY, CARRIE MEEK, ROBERT MENENDEZ, JUANITA MILLENDER-MCDONALD, PATSY T. MINK, JAMES L. OBERSTAR, GLENN POSHARD, LYNN RIVERS, BOBBY RUSH, MAX SANDLIN, DEBBIE STABENOW, FORTNEY PETE STARK, BENNIE G. THOMPSON, MAXINE WATERS, J.C. WATTS, LYNN C. WOOLSEY, and ALBERT R. WYNN.

RED RIBBON DRUG AWARENESS WEEK, OCTOBER 23–30, 1997

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. GILMAN. Mr. Speaker, today marks the beginning of Red Ribbon Week, an important drug awareness effort in our Nation to ensure that we do not lose generation after generation to the scourge of illicit drugs.

To those of us long familiar with the struggle against illicit drugs, Red Ribbon Week has a special meaning. It grew out of the gruesome murder of a courageous and dedicated DEA agent killed in the line of duty in 1985 fighting drugs in Mexico. The first red ribbon was worn in his memory back then, and the tradition has continued in an important drug awareness effort in our Nation.

I ask that a letter from our outstanding DEA Administrator Tom Constantine to me on the historical background and importance of Red Ribbon Week be included in the RECORD. I am also providing to both cloakrooms red ribbon lapel pins that Members can wear in the days ahead to help promote this worthy effort to prevent the spread of drugs, especially among our youth.

U.S. DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
Washington, DC, October 22, 1997.

Hon. BENJAMIN A. GILMAN,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GILMAN: October 23, 1997, marks the beginning of Red Ribbon Week. As you know, the red ribbon became a symbol of the fight against drugs after Drug Enforcement Administration (DEA) Special Agent Enrique ''Kiki'' Camarena was kidnapped, tortured and murdered in Mexico in 1985. The ribbon was first worn in memory of Special Agent Camarena, and later evolved into a nationwide drug awareness campaign.

DEA Headquarters was honored to have Andrea Mazzenga, a student at Clarkstown South High School in Nanuet, New York, perform at our Red Ribbon Kick-Off Rally. Andrea sang ''Hands Across the Universe,'' a song composed by another Nanuet resident, Jordan Spivak. The song extolled the virtues of being drug-free.

The DEA would greatly appreciate it, Congressman Gilman, if you would submit a statement into the Congressional Record about the fact that October 23 to 30, 1997, is National Red Ribbon Week. The DEA urges everyone to wear a red ribbon in support of a drug-free nation. In 1986, 80 million children in all 50 states celebrated Red Ribbon Week and made the choice to be drug-free.

We have enclosed approximately 450 red ribbon lapel pins for you to distribute on the House floor. The people of the United States look up to their Congressional leaders. We believe that if members of Congress were to wear red ribbons, it would inspire the nation to reflect on the sacrifices that agents such as Kiki Camarena have made and also to concentrate on making the positive choice to be drug-free.

The DEA appreciates all the support you have given our agency and the drug effort throughout your career. We hope we can count on you to introduce Red Ribbon Week into the Congressional Record. If you need more information about Red Ribbon Week, feel free to call Robert D. Dey, Chief of DEA's Demand Reduction Section, at 202–307–7936.

Thank you again for all your support throughout the years.

Sincerely,

THOMAS A. CONSTANTINE,
Administrator.

COMMENDING PASTOR JAMES ANDERSON ON HIS RETIREMENT AND 39TH ANNIVERSARY AS A PASTOR

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to commend Pastor James Alexander Anderson on the momentous occasion of his retirement and 39th anniversary as a pastor. A week-long retirement and anniversary celebration for Pastor Anderson, given by the Washington Street Church of God parishioners, will take place form October 26, 1997 to November 2, 1997. The celebration will include a program of revival ministers throughout the week, who will offer remarks on Pastor Anderson's distinguished career. The festivities will conclude with a banquet at Marquette Park Pavilion in Gary, IN, on Sunday, November 2, 1997.

Pastor Anderson received his calling in 1947, upon returning to Gary, IN, from his service with the U.S. Army. During a revival meeting, without hesitation, he accepted his summons with a resolute commitment to fulfill and carry out his mission to preach. Although Pastor Anderson had initially planned to attend college and pursue a medical career, he fully embraced his new challenges as a spiritual healer and guide. His first pastorship was in Muncie, IN, where he remained for over a year. In 1957, Pastor Anderson was selected as pastor of the Washington Street Church of God, where he has faithfully served in this capacity since then. Throughout his career, Pastor Anderson has demonstrated his commitment to being an effective and instrumental leader through his diligent pursuit of a greater understanding of scripture and the ministry. Over the years, Pastor Anderson attended such institutions as Anderson College and Anderson College Seminary in Anderson, IN, and the Moody Bible Institute in Chicago, IL.

Over the years, Pastor Anderson has made numerous contributions to his congregation, as well as to the surrounding community. Perhaps his most noteworthy accomplishment was his founding of a homeless shelter in 1984. Pastor Anderson led the Washington Street Church of God congregation in undertaking the challenging task of renovating a church-owned building into the Brother's Keeper Homeless Shelter. Had it not been for Pastor Anderson's leadership and ambition, many individuals in the city of Gary would be left without lodging over an extended period of time. Pastor Anderson has also devoted much of his time to assisting various church-affiliated organizations. For 13 years, he served as a member of the missionary board of the Church of God in Anderson, IN. He was also a member of the Interfaith Clergy Council of Gary and vicinity, and the credentials and ordination committee in Indianapolis, IN. Pastor Anderson is also the former dean of the Sunday School Superintendents and Teachers Council of Gary, and for 10 years, he was treasurer of the General Ministerial Assembly of the National Association of the Church of God in West Middlesex, PA.

Pastor Anderson's retirement and anniversary is of special importance to the Washington Street Church of God family, as the occasion serves as a unique opportunity to celebrate the valiant leadership, commitment, and selflessness that have characterized his service to the congregation and to the community at-large. During this special time, the congregation will remember Pastor Anderson's steadfast will and determination to complete his mission, which motivated him to successfully recover from a severe stroke in 1988. Above all, Pastor Anderson will be remembered for doing many good things for a wide variety of people, without seeking credit for his accomplishments.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating James Alexander Anderson on the event

of his retirement and 39th anniversary as a pastor. His wife, Hardina Anderson, can be proud of her husband's ministry, as his dedication to his church and to his community serves as an inspiration to us all.

CONGRATULATIONS TO ROLAND ROEBUCK

HON. DONNA M. CHRISTIAN-GREEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today to offer congratulations to Mr. Roland Roebuck, who was recently recognized by the District of Columbia's Superior Court and Court of Appeals, for his work in the D.C. Hispanic community. The Community, Outreach, Recognition and Opportunity Award or CORO, which was presented during Hispanic Heritage Month, goes to an individual who has made an impact on the lives of members of the Latino population.

Roland, who hails from the Island of St. Croix, served in the military during the Vietnam era. After his honorable discharge, he moved to the Washington Metropolitan Area, and has been the Hispanic program coordinator for the Government of the District of Columbia for more than 20 years.

Roland is privileged to be of dual heritage, Puerto Rico and the Virgin Islands, and has used this position to continue to foster the two cultures in his homeland, on the Continental United States and internationally, His intelligence, charm, wit and sense of humor have opened doors all over the world, allowing others to get a taste of who we are.

I am proud to call Roland Roebuck my friend, and I join the members of the Hispanic Heritage Committee, my Virgin Islands and Puerto Rican communities and the Hispanic population at large, in paying tribute to this true American.

TRIBUTE TO SEAN F. DALTON

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. ANDREWS. Mr. Speaker, I rise to bring to the attention of my colleagues an outstanding public servant and one of New Jersey's finest individuals, Sean F. Dalton. Sean Dalton comes from a long line of distinguished public servants, from his father, Bill Dalton, the former mayor of Glassboro and chairman of the South Jersey Transportation Authority; to his brother, Daniel Dalton, who served with distinction as a State assemblyman and senator and as New Jersey's secretary of state.

Sean is an outstanding member of the New Jersey General Assembly. But my reason for praising him today has more to do with his heart than his work as a public servant. Specifically, Sean has dedicated much of his time to helping New Jersey's veterans population. As you may know, Mr. Speaker, New Jersey has among the largest veterans populations in the Nation. The willingness of these veterans to jeopardize their lives for our future goes well beyond bravery, and the least that we as a society can do to repay them is to ensure that their accomplishments are recognized and their civilian years are as enjoyable as possible. Sean Dalton has tirelessly led this effort.

He has sponsored legislation to have the State of New Jersey issue a special medal to those citizens who were on active duty during the Vietnam conflict. He has worked with other veterans to ensure that all deserving individuals received their long-overdue medals and other military awards from America's other wars.

Of course, Sean Dalton's accomplishments don't begin and end with our veterans community. He has been a tireless advocate for our seniors, for workers, for local homeowners and taxpayers, and for our youngest citizens. In recognition of his remarkable efforts, the Chapel of the Four Chaplains will be awarding Sean Dalton with its Legion of Honor Award on Monday, October 27 at St. John Episcopal Church in Chew's Landing, NJ.

This remarkable honor has been given to some of our Nation's most distinguished citizens, from Presidents Truman and Eisenhower to John Cardinal Wright of Pittsburgh and John Cardinal Krol of Philadelphia to Gen. Colin Powell and Gen. Norman Schwarzkopf. The Legion of Honor membership is given in recognition of loving service rendered by the recipient to persons regardless of their race or religious faith. No one is more deserving of this outstanding award than Sean Dalton. His family and friends, along with his many admirers, should be extremely proud of his many achievements, and I ask my colleagues to join me in commending and congratulating Sean Dalton on his receipt of the Legion of Honor Award.

HONORING THE NEW CAPITAL AREA TRANSPORTATION CENTER ON THE 25TH ANNIVERSARY OF THE CAPITAL AREA TRANSPORTATION AUTHORITY

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Ms. STABENOW. Mr. Speaker, I wish to recognize the Capital Area Transportation Authority, which has provided more than 70 million rides to the citizens of Ingham County in its 25-year history.

CATA has grown from 55 employees in 1972, serving 700,000 annual customers, to 175 employees today, providing more than four million customers each year with the most reliable form of transportation in the area.

The communities of Lansing, East Lansing, Meridian Township, Delhi Township, Lansing Township, and rural Ingham Country have come to rely on the service, efficiency, and accessibility of our local transit system. This high quality can be credited to the dedication and strong work ethic the men and women of CATA bring to their jobs each day.

On October 24, CATA will celebrate their silver anniversary by dedicating a new state-of-the-art transit center in downtown Lansing. The new transit center demonstrates that our State and Federal Governments can work together to provide the strongest possible transportation system available. With the new facility, CATA will continue to provide safe, reliable, and high quality transit service well into the 21st century.

I am very proud of our public transportation system in Ingham County and am pleased that we can celebrate 25 years of service with a new facility.

ANTE PERKOV: RECIPIENT OF THE BOYS & GIRLS CLUB OF SAN PEDRO 1997 KEYSTONE AWARD

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Ms. HARMAN. Mr. Speaker, I rise today to congratulate Ante Perkov, who will be honored tonight at the 70th annual Keystone Awards dinner held by the Boys & Girls Club of San Pedro.

In San Pedro, when you hear the phrase ''it's better to give than to receive,'' one immediately thinks of Ante Perkov. Known to the community as the kind, warm-hearted man with a carnation behind his ear, Ante has contributed significantly to all types of community activities since his arrival to San Pedro.

He has spent his life building his restaurant, Ante's, into one of the finest ethnic restaurants in the South Bay, while never saying ''no'' to any charity or person in need. Ante has given his time and his talents whenever called upon because of his concern and love for people.

Ante has cooked for and helped raise funds for the Mary Star of the Sea Parish, the Holy Trinity Parish, the Salvation Army, Homer Toberman Settlement House, the Boys & Girls Club of San Pedro, the San Pedro Peninsula YMCA, the Boy Scouts, and the San Pedro Lions Club. Ante also serves on the board of directors for the Salvation Army and the Boys & Girls Club of San Pedro.

His personal recognitions include a doctor of philanthropy degree from Pepperdine University, Honorary Mayor of San Pedro, Citizen of the Year from the Boy Scouts of America, Man of the Year from the Lions Club, and the Steering Wheel Award from the San Pedro High School Lady Pirate Boosters, in addition to being a lifetime member of the San Pedro Elks and the San Pedro Lions Club.

With his gentleness, kindness, and giving heart, Ante has touched the lives of the Harbor area community with his generous and unheralded gift of caring. I am proud to join the Boys & Girls Club of San Pedro in extending my sincere administration and appreciation to Ante Perkov.

Congratulations Ante.

TRIBUTE TO WOMEN'S ARMY CORPS OF NEW JERSEY

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. PAPPAS. Mr. Speaker, I rise to day to acknowledge the efforts of veterans from the Women's Army Corps in raising money to refurbish Flemington County's veterans memorial.

On the weekend of July 19, 10 members of the Women's Army raised $1,250 to contribute

to the $80,000 needed. Organizer Anna Hoffman sat outside a local ShopRite with Janet Thatcher, Ruth Lincoln, Estelle Lokowsky, Josephine Knoblock, Linda Trimbath, Mabel Kauffman, and Grace Meyer, taking turns sitting at a table, collecting money.

Mr. Speaker, there are many women veterans who served valiantly and without regard for their own lives in both World Wars, Korea, Vietnam and the gulf war. Their efforts need to be acknowledged and honored.

The refurbished memorial was dedicated on September 14, 1997, to all Hunterdon County veterans. I thank each and everyone of these men and women who served our great Nation.

INTRODUCING THE DAVIS-BACON REPEAL ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. PAUL. Mr. Speaker, I rise today to introduce the Davis-Bacon Repeal Act of 1997. The Davis-Bacon Act of 1931 forces contractors on all federally-funded construction projects to pay the local prevailing wage, defined as ''the wage paid to the majority of the laborers or mechanics in the classification on similar projects in the area.'' In practice, this usually means the wages paid by unionized contractors. For more than 60 years, this congressionally-created monstrosity has penalized taxpayers and the most efficient companies while crushing the dreams of the most willing workers. Mr. Speaker, Congress must act now to repeal this 61-year-old relic of the era during which people actually believed Congress could legislate prosperity. Americans pay a huge price is lost jobs, lost opporuntities and tax-boosting cost overruns on Federal construction projects every day Congress allows Davis-Bacon to remain on the books.

Davis-Bacon artificially inflates construction costs through a series of costly work rules and requirements. For instances, under Davis-Bacon, workers who perform a variety of tasks must be paid at the highest applicable skilled journeyman rate. Thus, a general laborer who hammers a nail must now be classified as a carpenter, and paid as much as three times the company's regular rate. As a result of this, unskilled workers can be employed only if the company can afford to pay the Government-determined prevailing wages and training can be provided only through a highly regulated apprenticeship program. Some experts have estimated the costs of complying with Davis-Bacon regulations at nearly $200 million a year. Of course, this doesn't measure the costs in lost jobs opportunities because firms could not afford to hire an inexperienced worker.

Most small construction firms cannot afford to operate under Davis-Bacon's rigid job classifications or hire the staff of lawyers and accountants needed to fill out the extensive paperwork required to bid on a Federal contract. Therefore, Davis-Bacon prevents small firms from bidding on Federal construction projects, which, unfortunately, constitute 20 percent of all construction projects in the United States.

Because most minority-owned construction firms are small companies, Davis-Bacon keeps minority-owned firms from competing for Federal construction contracts. The resulting disparities in employment create a demand for affirmative action, another ill-suited and ill-advised Big Government program.

The racist effects of Davis-Bacon are no mere coincidence. In fact, many original supporters of Davis-Bacon, such as Representative Clayton Allgood, bragged about supporting Davis-Bacon as a means of keeping cheap colored labor out of the construction industry.

In addition to opening up new opportunities in the construction industry for small construction firms and their employees, repeal of Davis-Bacon would also return common sense and sound budgeting to Federal contracting, which is now rife with political favoritism and cronyism. An audit conducted earlier this year by the Labor Department's Office of the Inspector General found that an inaccurate data were frequently used in Davis-Bacon wage determination. Although the inspector general's report found no evidence of deliberate fraud, it did uncover material errors in five States' wage determinations, causing wages or fringe benefits for certain crafts to be overstated by as much as $1.08 per hour.

The most compelling reason to repeal Davis-Bacon is to benefit the American taxpayer. the Davis-Bacon Act drives up the cost of Federal construction costs by as much as 50 percent. In fact, the Congressional Budget Office has reported that repealing Davis-Bacon would save the American taxpayer almost $3 billion in 4 years.

Mr. Speaker, it is time to finally end this patently unfair, wildly inefficient and grossly discriminatory system of bidding on Federal construction contracts. Repealing the Davis-Bacon Act will save taxpayers billions of dollars on Federal construction costs, return common sense and sound budgeting to Federal contracting, and open up opportunities in the construction industry to those independent contractors, and their employees, who currently cannot bid on Federal projects because they cannot afford the paperwork requirements imposed by this Act. I therefore urge all my colleagues to join me in supporting the Davis-Bacon Repeal Act of 1997.

FOREIGN SPENDING

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to address the topic of foreign spending. While it is to our benefit to assist less fortunate countries, it is also important to ensure that taxpayer resources are well spent. I would like to share one opinion as written by Mr. Cory Flohr from Colorado.

''America must change the way it does business with regard to foreign assistance spending. For too long, our government has taken billions of dollars out of the pockets of the hardworking taxpayers of this country, only to squander it in far-off lands in an attempt to settle our national conscience. At best, the recipients have benefitted very little from our handouts. At worst, these people, who truly are in need of real assistance, have been left in a worse predicament than that in which they were found.

''As a nation of immigrants, America has a distinct interest in, and direct responsibility to, the world outside of our borders. Not only do our ancestral ties often bind us emotionally to the well-being of our familial homelands, but our nation's economic, political, and military interests rely directly on the prosperity, stability, and security of the rest of the world. Furthermore, Americans are simply, and arguably, the most generous, compassionate, and ''charitable people on Earth. It is just our nature to assist those in need.

''For these reasons, it is not surprising that the issue of foreign assistance can evoke strong feelings from a large portion of our population. Unfortunately, our prosperous nation learned long ago that we can quickly engage, if not solve, the world's problems by throwing money in the general direction of the source. The problem is that very few substantial and complicated problems can be effectively solved with cash alone. This is especially true of the afflictions most developing countries face which are driven by flawed national policies and which cannot be cured until meaningful policy changes are enacted from within.

''The unfortunate fact is, that although our country has dumped hundreds of billions of dollars overseas, the great majority of the recipient countries are no better off today, and in many cases worse off, than they were before. For example, of the 64 countries that have received U.S. foreign aid for 35 years or more, 41 have economies that have remained virtually the same or have deteriorated over the past three decades. Of those 41 countries, 21 of them are poorer today than they were thirty years ago.

''Now many people argue that while the economies of recipient countries may not have improved, their plight can be blamed on factors beyond their control—natural disasters, lack of natural resources, civil unrest, or colonial exploitation. These explanations would be enlightening if not for very significant contradictory examples from the past. Many of the world's richest countries, Japan for one, have virtually no natural resources. America, a former British colony, was torn apart by a devastating Civil War in the 1800's, yet managed to ''generate massive economic growth both during, and after the war.

''The one thing, however, that all economic powerhouses have in common, and that all poor countries lack, is a policy of economic freedom. This concept is characterized by the ability of individuals to pursue their own economic desires with minimal governmental intervention and control, low barriers to trade, lowered taxes, limited regulatory burdens, high foreign investment, freedom of private property ownership, and access to competitive banking.

''No amount of government-to-government charity will ever create wealth, nor can it counteract the detrimental effects of repressive economic policies that do nothing but stifle productive output and discourage the creation of wealth. This is why, rather than continuing to send our bundles of cash overseas year after year, we should instead demand, demonstrate, and encourage those countries to begin implementing long-lasting, and self-sustaining economic reform. Unless, of course, our true goal is to play the role of global welfare provider, keeping recipient countries in a subservient role and dependent upon America's handouts.

''Many try to justify America's high level of foreign spending by arguing that, compared to the mammoth size of our overall federal budget, the expense is negligible. No amount of money taken out of the American taxpayer's pocket should ever be considered negligible, particularly when we are talking about $12 to $13 billion per year. There are simply too many hardworking families living paycheck to paycheck in this country for

that argument to work. No, instead of blindly throwing money at the world's problems, hoping they will disappear long ''enough to ease our conscience, it's time to pull in the reins, make some tough decisions, and provide some real foreign assistance.''

Mr. Speaker, we can all learn a valuable lesson here. Our government has an opportunity to optimally utilize our resources in a responsible and beneficial fashion so as not to waste resources but to accomplish the most good for the global community.

AMTRAK REFORM AND PRIVATIZATION ACT

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 2247), to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes:

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 2247 and in support of continued long-distance Amtrak service.

During the 104th Congress this Member voted against a similar bill due to concerns about its possible adverse impact on long-distance routes through States such as Nebraska. In a statement which appeared in the November 30, 1995, CONGRESSIONAL RECORD, this Member expressed the view that passenger train service should not be confined only to high-density corridors. If Federal subsidies are provided to Amtrak then it should continue to serve as a truly national system. Federal subsidies from taxpayers from throughout the Nation for a limited, regional system would not be justified.

While these concerns remain, this Member also recognizes that H.R. 2247 contains necessary and appropriate labor reforms and other restructuring provisions designed to provide relief for the ailing railroad. In addition, most important, passage of this reform legislation is necessary to allow Amtrak access to the $2.3 billion for capital improvements included in the recently enacted Taxpayer Relief Act.

Therefore, this Member supports H.R. 2247 and expresses his hope that Amtrak will continue to provide at least the current important long-distance transportation alternative routes for and across the sparsely settled States such as Nebraska and others in the Northern Great Plains and Rocky Mountain West. Amtrak clearly should continue to have an important role in the Nation's overall transportation.

A TRIBUTE TO AMBASSADOR SHYAMALA B. COWSIK

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize Ambassador Shyamala B. Cowsik, the Deputy Chief Minister at the Indian Embassy in Washington, who will leave at the end of this month to become India's Ambassador to Cyprus. Her departure comes at the end of 2 years of service in Washington and at a time when relations between Washington and New Delhi are very positive.

Mr. Speaker, I have enjoyed the opportunity to come to know Ambassador Cowsik in her current capacity. She has been an excellent source of information and assistance and has played an integral role in helping to enhance relations between the world's largest democracy and the modern world's oldest democracy. I know my colleagues join me in congratulating Ambassador Cowsik on her work in Washington on behalf of the Indian Government and wish her every success in her new position in Cyprus. I look forward to continuing to work with her on efforts to build peace in Cyprus.

SALUTE TO MARTHA DOMINICK

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. SPRATT. Mr. Speaker, I rise today to salute Mrs. Martha Dominick, of Gaffney, SC for her years of distinguished service to the people of my State.

Martha Dominick was a school teacher and guidance counsel for 44 years, and inspiration for hundreds of students.

As a member of the Gaffney Business and Professional Women's Club, she worked tirelessly to raise the status of women in our society. She campaigned for the equal rights amendment, helped women compete for political office, taught study courses for women in the Methodist and Lutheran churches, and became the only woman to serve on Gaffney's Zoning Board of Adjustment and Appeals.

Martha Dominick's fight for women's rights has not gone unnoticed. The South Carolina Conference on the Status of Women presented her with their Distinguished Service Award. She won recognition as the Outstanding Business Woman and Leader in South Carolina. This week, she will receive South Carolina's most prestigious award, the Order of the Palmetto. And this December, the Gaffney Business and Professional Women's Club will break ground on the Martha Dominick Women's Center, which will provide skills and training for women entering the job market for the first time.

Martha Dominick has reached out not only to women and young people, but to her entire community, volunteering for the American Heart Association, March of Dimes, Community Chest, and 4–H Club, and helping families in need. Her love and compassion, her intelligence and wit, and her style and grace inspired all whom she touched.

Mr. Speaker, I am proud that Martha Dominick is one of my constituents, and I am pleased to recognize her today on the floor of the U.S. House of Representatives.

CONGRATULATION'S TO THE GARY COMMUNITY HEALTH CENTER, INC. ON IT'S FALL FUNDRAISER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. VISCLOSKY. Mr. Speaker, I would like to take this opportunity to congratulate the Gary Community Mental Health Center, Inc. [GCMHC] on its Fall Fantasy Fundraiser. In particular, I would like to commend Danita Johnson Hughes, GCMHC's chief executive officer, on this special occasion. The fundraiser will be held at the Center for Visual and Performing Arts in Munster, IN, on Sunday, October 26, 1997. All proceeds from the Fall Fantasy Fundraiser will be used to benefit the organization's new children's emergency shelter, the ALPHA Center, which has been in operation since September 3, 1997.

The GCMHC has continued to extend its commitment to serving the northwest Indiana community with the establishment of the ALPHA Center, which is an acronym for ''All of Life's Problems Have Answers.'' The center operates as an emergency shelter for children between the ages of 6 and 17, who have been removed from their homes due to neglect and/or physical and emotional abuse. Referrals to the program come from the courts and the Department of Family and Children Services, which determine how to best continue the care these children need and deserve. The ALPHA Center provides transitional and reintegration programs, such as individual and family therapy, tutoring, substance abuse counseling, therapeutic recreation, and after care services. Prominent in all facts of the center's operations is genuine compassion and concern for the children it serves.

The GCMHC was founded in 1974 as a nonprofit organization with the goal and vision of providing effective lifestyle intervention and treatment programs for individuals, couples, families, and children. The organization seeks to serve the community by offering quality behavioral health care services, administered by an experienced staff of physicians, psychiatrists, therapists, case managers, and office support personnel. Several GCMHC programs are specially designed to address the needs of young people in the community. The center's Placement Diversion Program, for instance, works to prevent unnecessary placement of children into residential psychiatric programs, while working to strengthen the relationship between family members. In conjunction with the Gary school system, the center also strives to address the needs of school-age children with behavioral difficulties through its Act Program. The GCMHC also offers substance abuse counseling to both adolescents and adults.

Mr. Speaker, I ask you and my other colleagues to join me in congratulating the Gary Community Mental Health Center on the occasion of its Fall Fantasy Fundraiser and the recent establishment of the ALPHA Center. I wish the GCMHC continued success in all of its endeavors, as the services this distinguished organization has provided over the years have been invaluable to the residents of Indiana's First Congressional District.

CONGRESSMAN KILDEE HONORS CATHOLIC SOCIAL SERVICES OF OAKLAND COUNTY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. KILDEE. Mr. Speaker, I rise before you today to recognize Catholic Social Services of Oakland County for 50 years of dedicated service to our community. As a Member of Congress I consider it my duty and my privilege to work on behalf of the American family. It is in this spirit that I urge my colleagues to join me in supporting an organization that is on the frontlines everyday working to protect and preserve families.

In 1947, the Archdiocese of Detroit gave Catholic Social Services of Oakland County space above a downtown Pontiac drug store. During the 1950's a new office was established in Pontiac's historical district, with subsequent openings in Farmington, Royal Oak, Southfield, and Waterford. With its 6 offices operating throughout the county and a staff of 140, over 8,000 people every year have benefited from Catholic Social Services' programs, resources, and activities. Many of the group's accomplishments were the result of the selfless dedication of the late Leonard Jagels. Mr. Jagels had been a mainstay since 1949 and served as executive director for many years. His work has left a lasting impression on the organization.

Catholic Social Services has maintained a tradition of providing prompt and effective service to individuals through community outreach, outpatient treatment and in-home programs, and child placement programs. The Families and Schools Together Program, the Foster Grandparent Program, the Retired Senior Volunteer Program, and the Older Adult Day Care Program are just a few of the programs administered by Catholic Social Services. In addition to their services for at-risk children, the group's outpatient and in-home programs are a valuable resource, always on hand for clinical, family, mental health, and substance abuse counseling. Finally, the organization participates in child placement programs, acting as an advocate in matters of special needs adoption, post adoption services, and foster care.

Catholic Social Services is more than just one organization, but rather an integral part of a tremendous service network, one that includes United Way of Oakland County, United Way Community Services, Catholic Charities USA, and the Michigan Federation of Private Child and Family Agencies. Working together to achieve common goals these organizations serve as an inspiration to us all. The dedicated individuals who work with these organizations deserve our gratitude for in my eyes they are true heroes.

Mr. Speaker, without a doubt, our community is a much better place in which to live because of the 50 years of service, love and support from Catholic Social Services of Oakland County. I urge my colleagues in the House of Representatives to join me in congratulating Catholic Social Services on a fulfilling 50 years, and in wishing them even greater success in the years ahead.

INTRODUCTION OF THE SANCTIONS REFORM ACT, H.R. 2708

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. HAMILTON. Mr. Speaker, today Congressman PHILIP CRANE and I introduced H.R. 2708, the Enhancement of Trade, Security, and Human Rights through Sanctions Reform Act. This bill would reform the process by which both the Congress and the executive branch consider unilateral sanctions proposals. I would like to share with my colleagues the rationale for this bill and describe its key provisions.

The United States needs economic sanctions in its foreign policy toolkit. We need to respond to many international problems. Economic sanctions can be an attractive policy option when military action is not warranted, and diplomacy seems to have failed. In some circumstances, the conduct of a particular country may be sufficiently abhorrent or dangerous that we will feel compelled to respond, regardless of whether other countries join us.

Prior to 1980, several major laws authorized the imposition of economic sanctions for foreign policy purposes. Those laws tended to give the President considerable flexibility to decide when and how to impose sanctions. They also tended to target foreign conduct, rather than specific countries.

During the past two decades, however, and especially since 1990, U.S. sanctions policies have evolved substantially.

First, we impose unilateral sanctions more frequently. In a report prepared earlier this year, the President's Export Council noted that more than 75 countries are now subject to, or threatened by, one of more unilateral U.S. sanctions.

Second, we use a wider variety of unilateral measures to target a wider range of foreign conduct. The Export Council counted 21 specific sanctions covering 27 different target behaviors. We have also given the President less latitude in implementing sanctions.

Third, during the past 2 years we have adopted unilateral sanctions that are extraterritorial in scope. In 1996, we departed from our longstanding policy of opposing secondary boycotts by enacting two laws that penalize foreign firms for activities for activities in Cuba, Iran, and Libya. Meanwhile, roughly 20 States and localities have adopted laws prohibiting government commercial dealings with United States or foreign companies that do business with countries that have poor human rights records.

Fourth, over the past year, several of our colleagues have introduced measures that seek to narrow the presidential waiver or lower the decision threshold in existing sanction statutes. None of these measures has made it to the President's desk. If any do, however, they will raise difficult questions about the roles of Congress and the President in the conduct of foreign policy.

CONCERNS ON UNILATERAL SANCTIONS

I have several concerns about the increasing frequency and scope of unilateral sanctions.

First, unilateral measures often cost U.S. exports. The private Institute for International Economics estimated earlier this year that restrictions imposed for foreign policy purposes are costing $15–19 billion in export sales annually.

An extraordinary example of the cost of unilateral sanctions recently came to my attention. According to the U.S. Department of Agriculture, the five countries currently under total U.S. trade embargoes—Iran, Iraq, Libya, Cuba, and North Korea—will together account for roughly 11 percent of the world's wheat export market this year. This means that 11 percent of the world wheat market is off-limits to U.S. farmers. But it doesn't mean those countries can't get wheat. If they have the cash, there are plenty of other countires willing to do business with them.

My second concern is that our reputation for unilateral sanctions is costing potential export sales and foreign investment opportunities. Many executives I have spoken with over the past couple of years have told me that foreign firms and governments are increasingly steering clear of U.S. companies when making procurement decisions. They are concerned that deals with U.S. firms could be jeopardized by subsequent sanctions. I also understand that some European companies have begun to tell prospective customers that U.S. competitors can't be counted on because of U.S. sanctions policies.

Third, exports lost to unilateral sanctions mean lost jobs. Fifteen to twenty billion dollars in export sales would support tens of thousands of American jobs.

Fourth, third-party unilateral sanction measures like the Helms-Burton and Iran-Libya statutes put us at odds with many of our closest friends. That can undermine both our trade leadership and the effectiveness of our foreign policy.

Fifth, in addition to antagonizing foreign governments, some of our State and local sanctions raise difficult questions concerning the constitutional authority to conduct U.S. trade and foreign policy.

INEFFECTIVENESS OF UNILATERAL SANCTIONS

Unilateral sanctions might be worth their price in exports, jobs, and foreign policy interests if they succeeded in achieving their aims. They rarely do. In fact, they are sometimes counterproductive and harmful to the very people we are trying to help.

A number of studies have concluded that sanctions, both unilateral and multilateral, have worked less than half the time since the early 1970's. One of the most thorough and credible of these studies, from the Institute for International Economics, found that unilateral and multilateral sanctions together have succeeded less than 20 percent of the time since 1990. Unilateral sanctions rarely work because the world economy has become too interdependent. When we deny a country access to our products or our markets, it has plenty of alternatives.

WEAK INFORMATION BASE

One of the most alarming aspects of U.S. sanctions policy, in my view, is the weak information base upon which most unilateral sanction decisions are typically made.

Congress does not usually have before it a detailed assessment of new sanctions bills when it takes them up. We hold hearings and we debate proposals in mark-ups. But our review of sanctions is rarely systematic or comprehensive.

We need to improve our decisionmaking on sanctions. Before they act, Congress and the

President should both have in hand better information on the potential costs and benefits of unilateral sanctions proposals. And they should both proceed in a more deliberative and disciplined manner.

SANCTIONS REFORM ACT

The bill Congressman CRANE and I will introduce is a bill that seeks to accomplish these objectives. H.R. 2708 would reform the process by which both Congress and the executive branch consider unilateral sanctions proposals.

The bill defines a unilateral sanction as any restriction or condition on foreign economic activity that is imposed solely by the United States for reasons of foreign policy or national security.

For both Congress and the executive branch, the bill sets out guidelines for future sanctions proposals and procedures for their consideration and implementation.

The guidelines would be largely similar for both branches. We propose that sanctions bills approved by Congress and sanctions measures imposed by the President:

Contain a 2-year sunset;

Provide waiver authority for the President;

Protect the sanctity of existing contracts;

Be targeted as narrowly as possible on those responsible for sanctionable conduct;

Minimize any interference with humanitarian work performed by nongovernmental organizations; and

Include measures to address any costs incurred by U.S. agricultural interests, which are especially vulnerable to foreign retaliation.

With the exception of this agriculture provision, all of the guidelines would be mandatory for the executive branch. But the President could waive several of them in the event of a national emergency.

The bill's procedural reforms for Congress would require a committee of primary jurisdiction to include in its report on a sanctions bill an analysis by the President of the bill's likely impact on a range of U.S. foreign policy, economic, and humanitarian interests. The committee would also need to explain in its report why it did not adhere to any of the sanctions guidelines.

By invoking the Unfunded Federal Mandates Act of 1995, the bill would also require a report by the Congressional Budget Office on a sanctions bill's likely economic impact on the U.S. private sector. Under the terms of the Unfunded Mandates Act, the bill could not be considered on the House or Senate floor until the CBO analysis was completed and made public.

With respect to the Executive Branch, the bill would require the President to report to Congress prior to implementation on the likely impact of a proposed measure on U.S. foreign policy, economic, and humanitarian interests. The President would also be required to consult with Congress and to provide opportunities for public comment. To provide time for this consultation, public comment, and reporting, a sanction could not be imposed—except in the event of a national emergency—until 60 days after the President has announced his intention to do so.

It is also important to understand what our bill would not do:

The bill would not prevent Congress or the President from imposing unilateral sanctions.

The bill would not impact any sanctions currently in effect. The bill's executive branch guidelines and procedural requirements would apply, however, to future sanctions imposed by the President pursuant to existing laws.

The bill would impose no limitations on the foreign countries or conduct that could be targeted by sanctions.

The bill would have no impact on any of the following kinds of measures—now or in the future:

Sanctions imposed under any multilateral agreement to address a foreign policy or national security matter—including proliferation, human rights, and terrorism.

Restrictions or controls on the export of munitions.

Resolutions disapproving a Presidential decision to maintain MFN trade privileges for China or any other country.

Measures imposed under U.S. laws and regulations implementing trade agreements, combating unfair foreign trade practices, and safeguarding the domestic market.

Import restrictions designed to protect food safety or to prevent disruption of domestic agricultural markets.

Measures to implement international environmental agreements.

Import restrictions designed to protect public health and safety.

This bill is not a red light for sanctions. It is a flashing yellow light. Its message is to take a careful look around and proceed with caution.

I hope that Members who have supported sanctions in the past—as I have—would be able to support this bill. To oppose a measure like this is to say that Congress and the President can't use and shouldn't have better information about sanctions. That is a position neither we nor the President should take. We need not fear information.

This bill would require those who propose sanctions to work harder to justify their proposals. It would ensure that elected officials and the public are better informed about the potential consequences of a proposed measure. Sanctions that receive the kind of careful scrutiny this bill will require are bound to be more effective in achieving their aims and to cause less collateral damage to humanitarian and economic interests. Better-designed sanctions will also be more likely to retain public support.

ANN'S CAMPAIGN FOR A SAFER AMERICA

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. DICKS. Mr. Speaker, perhaps one of the greatest nightmares that any family could experience is receiving a call in the middle of the night informing you that your daughter has been killed. Even worse to learn that she has been murdered by a random shooting clear across the country. That is the nightmare faced by Coleman and Jean Harris of Mount Vernon, VA, last spring when their daughter, Ann was murdered while visiting friends in Tacoma, WA. This bright and energetic honor student had a most promising future, having just gained early admission into Purdue University. While riding in a car on March 27, she was struck and killed by a bullet fired senselessly into the car by a joyriding group of young men. All too often these incidents of random violence are happening across America, representative of a society that is becoming more and more numb to the violence occurring on our streets. All of us know that something must be done to develop in our young kids a better sense of values and a more fundamental respect for human life. Getting guns out of the schools is critically important, but we must go further to address the value structure that results in such a cavalier attitude about life among many young people today.

I am proud, Mr. Speaker, of the campaign that has been launched by the Harris family—Ann's Campaign for a Safer America. This effort represents a wonderful attempt by a grieving family to use the tragedy of Ann's death as the impetus for action to stop youth violence. The Harris family is speaking out in schools and in many communities to bring this message of understanding and respect for others to young kids. This is an incremental effort, Mr. Speaker, reaching out in small ways to kids who need this message. If it reaches 50, 100 or 1,000 young people and helps them to care more for their fellow students, it will represent a very significant and meaningful accomplishment. If even one more tragedy such as Ann's senseless murder can be averted through the work of this campaign, it will be a remarkable success and a very important memorial to this very talented and inspiring young woman. Mr. Speaker, I want to commend Coleman and Jean Harris and express my appreciation for their desire to turn Ann's tragedy into a positive and constructive educational effort.

DISTRICT OF COLUMBIA APPROPRIATIONS, MEDICAL LIABILITY REFORM, AND EDUCATION REFORM ACT OF 1998

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes:

Mr. STOKES. Mr. Chairman, I rise in support of the Moran substitute to H.R. 2607, the Fiscal Year 1998 District of Columbia appropriations bill. Unamended, H.R. 2607 will provide $7 million for a school voucher program that will enable only 2,000 of the Districts 78,000 students to attend private schools or schools in the suburbs at the cost of $3,200 each.

Vouchers will drain critical financial resources from the D.C. public schools. These schools—as are many schools across the Nation—are already over burdened with financial problems. We need to do all that we can to strengthen the D.C. Public School System, not weaken it. Over 5 years, the proposed voucher program will siphon $45 million away from D.C. public schools while helping only 3 percent of the school population.

Mr. Chairman, supporters of school vouchers say that vouchers provide an opportunity to save 2,000 of the District's poor students. But, I ask, ''What will happen to the District's other 76,000 students?'' Supporters also believe that vouchers will be a shot in the arm for the D.C. Public School System, creating competition that will force them to improve the quality of education offered by the D.C. public schools. I do not believe that will be the case. The school voucher plan in this bill reaches a limited number of students seeking to opt out of the D.C. Public School System. In fact, it is not powerful enough to impact the school system in the way school voucher supporters would like to believe.

Residents of the District of Columbia do not support school vouchers. In fact, 89 percent said so in a referendum on school vouchers. The parents in the District want to rebuild and reform their Public School System. We have no business imposing a voucher program on the District, against its will. Rather, we are morally obligated to ensure that all students in the District of Columbia—and across the Nation—have equal access to quality education. We must not abandon the D.C. public schools. Instead, we must strengthen our commitment to improving them.

Mr. Chairman, I strongly support—and urge my colleagues to join me in supporting—the Moran substitute to H.R. 2607. This substitute is clean and replaces the House provisions with the Senate bill—as reported by the Appropriations Committee. This version has no veto threats and does not include any controversial riders or funding for school vouchers. It also has bipartisan support. I urge my colleagues to vote ''yes'' on the Moran substitute.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. KIND. Mr. Speaker, another day has gone by and still no campaign finance reform. As we approach the end of one more week we are inching closer and closer to the end of the 1997 legislative session. If we do not take action before we adjourn, now expected to be November 7, we will not have the chance to fix the campaign finance system before the 1998 election. Next year will be an election year and any chance to change the system during a campaign year is very unlikely.

Today we spent over an hour debating a contested election for Congress. That debate is important, and must take place. However, if this House can find the time to consider the outcome of one election, why can't we take the time to consider legislation that will impact every Congressional election from this day forward. The answer is clear. The leadership of this House has no desire to consider campaign finance reform.

The sad fact is, because of the reluctance of the House leadership to allow a vote, Members are going to be forced to take action on their own. That will happen tomorrow.

Before that happens, I hope the Speaker will reconsider his opposition to allowing a vote on campaign finance reform. I hope the Speaker will give the majority of the public what they want. They want Congress to get serious about cleaning up our house by passing campaign finance reform.

TRIBUTE TO MID BRONX DESPERADOES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mid Bronx Desperadoes for 22 years of service to our Bronx community.

Mr. Speaker, the Mid Bronx Desperadoes [MBD] was founded in 1974 as a group of volunteers who understood the need to revitalize the Crotona Park East section of Bronx Community District 3 that was devastated by arson, disinvestment, abandonment, and population loss.

First in cooperation with the local police and fire departments, and later with government officials and Community Board 3, the volunteer coalition was able to establish Mid Bronx Desperadoes Community Housing Corporation [MBDCHC] which created over 2,100 housing units with development costs of approximately $213.5 million within Community District 3. MBD has also helped residents of the South Bronx become homeowners, serving as community sponsor, marketing and sales agents for 328 new homes, including the widely acclaimed Charlotte Street development of 89 single family homes. MBDCHC is a part of the Comprehensive Community Revitalization Program [CCRP].

Throughout its 22 years of service, MBD has been a model of excellence in providing our community with exemplary services through housing development and property management, economic development, and delivery of human services.

With the collaboration of a qualified staff, MBD has expanded its network to include additional services in conjunction with other local organizations and medical centers. Among these are: affordable housing development, marketing and management, Mid Bronx Community Development Federal Credit Union, Family Practice Health Center, Head Start Day Care, Community Crime Prevention, Comprehensive Case Management, Job Training and Placement, and Community Organizing.

The achievements of the Mid Bronx Desperadoes are measured by the people they have served. Thousands of Bronx residents have been employed and benefited from the center's education and training programs. And hundreds of thousands of people, from children to senior citizens, have received quality health care.

Mr. Speaker, it is a privilege for me to honor the family and friends of the Mid Bronx Desperadoes. I ask my colleagues to join in celebrating this milestone and acknowledge this outstanding agency for 22 years of accomplishment and service for the South Bronx community.

SENSE-OF-CONGRESS RESOLUTION

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. HUTCHINSON. Mr. Speaker, for more than 200 years, our Nation has prospered as a democracy because we have enjoyed certain freedoms, including freedom of speech, freedom of the press, freedom of association, and freedom of religion. And, as other nations have moved away from more restrictive forms of government toward democracy, those that have made successful transitions have guaranteed their citizens the same.

Mr. Speaker, although the emerging democracy of Russia has made significant strides since the fall of the Soviet Union, it appears that she has taken a step backward in recent days. On September 25, 1997, President Yeltsin signed into law the On Freedom of Conscience and Religious Association Act. This measure, which he vetoed once before, denies legal status to all religious groups except those which were officially registered with the Soviet Government at least 15 years ago. Such denial of legal status would automatically strip a number of religious minorities of fundamental rights, such as the right to rent or own property, employ religious workers, produce or possess religious literature, maintain bank accounts, or conduct organized charitable or educational activities.

This new law violates not only the Russian Constitution but also the U.N. Universal Declaration of Human Rights and the 1989 Concluding Document of the Conference on Security and Cooperation in Europe. On a more basic level, the intent of the law runs contrary to the very principles that form the foundations of a democratic society. For, if the Russian Federation Government sees fit to discriminate against individuals and organizations according to their religious beliefs, what will prevent those in power from discriminating against those with different political or philosophic affiliations? What is to prevent government officials in outlying provinces, who have historically been oppressors of those of differing political or religious affiliation, from cracking down on religious and political minorities? What recourse is open to an individual who has been denied basic civil rights or who has been substantively injured by a local government official if the government of the nation essentially condones oppressive action?

These questions have already proven to be valid. The new law clearly states that religious organizations have until the end of 1999 to register with the Russian Federation under the new law. And officials from Russia's Ministry of Justice have assured religious organizations and officials in the United States that implementation of this new law will not result in discrimination or oppression of religious organizations in that nation. However, cases have already been reported of churches that have been prohibited from meeting in rented or public facilities as a direct result of this law. This leads me to question how effective the Federation will be in ensuring that the rights and freedoms of religious minorities are protected.

As such, I feel it necessary that we express our concern over the enactment of this law to the Russian Federation, and that we encourage the Federation to embrace all of the

foundational principles of a free and open society. To that end, I am introducing today a resolution that affirms the role of freedom of religion in a democracy and expresses the Sense of Congress that enactment of the On Freedom of Conscience and On Religious Association law violates internationally accepted standards of human rights. In addition, this resolution affirms the action of the House and Senate conferees on the Foreign operations appropriations bill in including language to prohibit the Federation from receiving funding assistance unless the Federation certifies that the new law is not implemented.

Mr. Speaker, Russia has come a long way from its authoritarian Czarist and Soviet roots. Let us encourage her officials and her people to continue on the path toward a free and open society by passing this resolution and condemning a return to regulation of thought and belief that hindered the country's progress for so may centuries.

TRIBUTE TO DR. GEORGE KING

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to George King for being the U.S. Tennis Association national champion and for his support of California's children. Dr. King exemplifies a champion athletically, socially and professionally.

George King has participated in U.S. Tennis Association events since 1985. Currently, King is a competitor in the 30 and over division and held their the No. 1 ranking in 1992 and 1993. It was during these years that King won his back to back national championships.

Dr. King's accomplishments are not limited to the court. He is committed to his family and to the children of California. Specifically, Dr. King competes annually in the Northern California Pro Am, of which the proceeds benefit junior tennis programs. He also assists with the instruction and teaching of juniors at the Fig Garden Swim and Racquet Club, his home court. Finally, Dr. King is a member of Rotary International and supports their college scholarship and youth exchange programs. Professionally, Dr. King maintains two dentistry practices that serve the communities of Fresno and Livingston. These two offices offer a full range of dental services.

Mr. Speaker, it is with great honor that I pay tribute to Dr. George King for his tennis accomplishments and his support of California's children. I ask my colleagues to join me in wishing Dr. King many more years of success.

IN HONOR OF THE 25 ANNIVERSARY OF THE SPANISH SPEAKING PROGRAM OF KEAN UNIVERSITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an outstanding educational program, the Spanish speaking program of Kean University—which has served the needs of the growing population of adults in the community. On October 25, 1997, the Spanish speaking program of Kean University will celebrate its 25th anniversary with a dinner-dance celebration at Kean University, college center cafeteria in New Jersey.

The Spanish speaking program was founded in 1972 to respond to the needs of Hispanic students who needed to achieve greater proficiency in English to pursue a college education. The program has played a very important role in the academic and personal development of the Hispanic student population and the Hispanic community itself. The Spanish speaking program has provided a clear pathway for students to progress into the regular curriculum.

The Spanish speaking program is administered by a dedicated group of professionals under the guidance of Dr. Ronald L. Applbaum, president, and Dr. Orlando Edreira, director. For two decades, this program has been meeting the needs of limited English proficient Hispanics. This program was the first of its kind in U.S. higher education, and it has provided opportunity and access to more than 5,000 students in its 25-year history. The program provides an environment for the fostering of pride and reward for personal dedication and accomplishment.

It is an honor and a pleasure to be part of this celebration and also be able to recognize the dedication and commitment of the Spanish speaking program. Communication is now more important than ever. Being able to know more than one language is no longer a privilege, but a necessity. I am certain that my colleagues will join me in paying tribute to this remarkable program.

RECOGNIZING THE 300TH ANNIVERSARY OF LAWRENCE TOWNSHIP

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to recognize a major activity that will occur in a few weeks in the Township of Lawrence, NJ as part of the Township's tricentennial celebration.

Over the past 300 years Lawrence Township has been and continues to be a patriotic town, dedicated to recognizing the events and people of its Township that have made the United States a free country. Some of the community's ancestors are signers of the Declaration of Independence. Other former and present residents have fought in the Revolutionary War, the Civil War, and the World Wars, Korea, Vietnam, and the gulf. The men and women of Lawrence have often given their lives in the service of our Nation.

On November 8 the Lawrence Township Veterans Memorial Committee will join the Township of Lawrence to honor those who served this country. I would like to take this opportunity to commend and thank the citizens of Lawrence for their efforts to help keep this country free. I would also like to congratulate the Township on its 300th anniversary, a milestone deserving of our recognition.

TRIBUTE TO PATRIARCH BARTHOLOMEW OF CONSTANTINOPLE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to His All Holiness Patriarch Bartholomew of Constantinople who began his visit to the United States in Washington, DC this week. I welcome Patriarch Bartholomew to the United States on behalf of the Greek Orthodox community in the San Fernando and Conejo Valleys and look forward to his visit to Los Angeles in November.

Patriarch Bartholomew, the 27th successor of the Apostle St. Andrew and the spiritual leader of 300 million Orthodox Christians, is a man of extraordinary abilities and achievements who speaks seven languages. My colleagues and I honored His All Holiness with the award of the Congressional Gold Medal in recognition of his contributions to world peace, ecumenism, and the protection of the global environment. Patriarch Bartholomew has met with government and religious leaders in the Balkans, the Eastern Mediterranean and the Middle East in efforts to promote peace and an interfaith dialog. His All Holiness is a champion of religious freedom who has fought against all forms of persecution.

Patriarch Bartholomew is equally committed to the protection and preservation of the Earth's environment for future generations. He has sponsored several international conferences on the environment, including an upcoming summit in Santa Barbara, and has led conservation efforts in the Black Sea. These efforts have earned him the title, ''the Green Patriarch.''

Mr. Speaker, it is truly an honor to have His All Holiness Patriarch Bartholomew visit the United States and to have the President bestow upon him the Congressional Gold Medal. He joins only five other religious leaders, including the late Mother Theresa, who have been awarded the Congressional Gold Medal, the highest honor of the U.S. Congress.

IN PRAISE OF SANTA MARIA

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. CAPPS. Mr. Speaker, the vitality of our Nation depends upon the vitality of the towns and cities of which it is made up. One such vital city is Santa Maria, CA, in the district I represent.

Thirty of the citizen leaders of Santa Maria were in the Capital this week. This group represented an extraordinary cross section of entrepreneurs, farmers, government officials, social service providers, educators, and civic activists. As a result of this visit, these Santa Marians know Washington better than before and, perhaps more importantly, Washington has a better understanding of Santa Maria.

Mr. Speaker, we face many challenges in this country while at the same time we are surrounded by immense opportunities. This is the case in Santa Maria. I'm proud that this

delegation held fruitful and mutually informative discussions with congressional leaders, top White House officials, and senior representatives from the Department of Justice, Commerce, Agriculture, the Small Business Administration, and the U.S. Trade Representative's office. The citizens of Santa Maria are facing their challenges creatively and are seizing opportunities boldly.

Mr. Speaker, last evening, the unforgettable aroma of Santa Maria Barbeque danced in the crisp Washington air. The culmination of this extraordinary visit was a dinner that attracted Members of Congress from all over the country. For one night, a corner of Capitol Hill was transformed into Santa Maria. As I celebrated with my constituents and my colleagues, I couldn't help but feel enormous pride to be the Representative of Santa Maria in the U.S. Congress.

CONGRATULATIONS TO PHILTEX

HON. WILLIAM M. "MAC" THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. THORNBERRY. Mr. Speaker, I rise today to pay special recognition to the Philtex plant, a division of the Phillips Petroleum Co., that is located in Borger, TX. Just last seek Philtex, received the first Award for Workforce Excellence from the National Association of Manufacturers.

The award is a direct reflection of the commitment to safety by the employees of Philtex. As a result of a program called [POWER], People Observing Work Eliminating Risk, Philtex has achieved a 65-percent reduction in recorded injuries and most importantly the plant's employees have remained injury-free for over 6 months.

Mr. Speaker, Phillips Petroleum is an important industry for my congressional district and for the entire Texas Panhandle. The employees of this company should be proud of their achievement and Phillips Petroleum should be commended for their efforts to provide a safe work environment and for the commitment to their employees safety.

TRIBUTE TO GOTTLIEB (GEORGE) BORGARDT

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to George Borgardt on the occasion of his 100th birthday. The event will be celebrated on December 15th, 1997.

George Borgardt was born in Leninskoye, Russia, to Gottfried and Maria Neiderquel in 1887. As one of six children, George grew up in a large German family that worked and played on the banks of the mighty Volga river. When George turned 26, he came to Chicago to tour the United States and to visit family. However, the start of World War I kept the Borgardt's from returning to his home.

In 1923 George moved to Fresno to find employment in California's rich fields and booming industries. It was there that George fell in love with and married a German girl named Amelia Schneider. America's preparation for entrance into World War II placed George's maintenance skills in high demand. Because of this, the two moved to Los Angeles where they were blessed with their son, Gilbert. After the war, George had a successful career with both the Lyons and McDonalds corporations as a food service equipment installer.

After 54 years of marriage, Amelia sadly passed away in 1978. This event brought George back to Fresno where he became very active in the American Historical Society of Germans from Russia. George's retirement and activeness with the society introduced him to a second wife, Yvonne Gates Curran. The two of them have been happily together since 1983.

Mr. Speaker, it is with great honor that I pay tribute to the 100th birthday of George Borgardt. Mr. Borgardt's longevity and hard work serve as a model for all Americans. I ask my colleagues to join me in wishing George my best wishes for the future.

IN HONOR OF THE SICILIAN CITIZENS CLUB OF BAYONNE'S HONOREE OF THE YEAR FOR 1997: FRANK CARINE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an honored citizen, Mr. Frank Carine, who has served the community of Bayonne and Hudson County for many years. The Sicilian Citizens Club will honor Mr. Carine on October 25, 1997, at the organization's 70th Anniversary Dinner-Dance at Villa Nova in Bayonne, NJ.

Mr. Frank Carine was born in Bayonne where he has lived all his life. He graduated from local schools and attended Mount Saint Mary's College in Emmitsburg, MD, Seton Hall University and St. Peter's College. He also received certification from the University of Wisconsin School of Industrial and Labor Relations. Mr. Carine is a life long parishioner of Our Lady of Assumption Church. He is an Army veteran of the Korean era and resides in Bayonne with his wife, Margaret. He is the son of Lillian and the late Nicholas Carine, and has three children, Frank Jr., Beth Ann Taraba, and Jill Ripp and five grandchildren.

Mr. Carine's professional career included service at the Western Electric in Kearny, where he is an honorary member of Local 1470 IBEW AFL–CIO. He has extensive experience in organized labor, negotiations, and contracts. He is an active member of many local clubs and organizations. Mr. Carine is present leader and past president of the Sicilian Citizens Club of Bayonne, president of the Sons of Italy Del Monte Lodge, a member of the Catholic War Veterans Post 1612, Korean War Veterans, Telephone Pioneers of America, and the Bayonne Columbus Committee. He is currently employed as a special deputy in the office of the Hudson County Register.

It is an honor and a pleasure to be able to recognize the dedicated service of Mr. Frank Carine to his community. Once again, I offer my congratulations to Mr. Carine for being named Sicilian Citizens Club of Bayonne's ''Honoree of the Year'' and for offering his time and kindness to those in the community. I am certain that my colleagues will join me in paying tribute to this remarkable gentleman.

TRIBUTE TO RUDOLPH BOLES WELLNITZ

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to honor an outstanding native of New Jersey whose years of commitment and service to the agricultural industry in my State have helped New Jersey truly fulfill its claim as the Garden State.

Rudolph Wellnitz was born in 1929 and grew up around agriculture. After assuming ownership of the family business when his father retired, Mr. Willnitz formed Jeffwell Farms in partnership with Walker Gordon. Due to hard work and perseverance, Jeffwell Farms has been a New Jersey State winner of the National Corn Growers Irrigated Corn Yield Contest as well as the New Jersey Soybean Growers Yield Contest. In 1995, Mr. Wellnitz retired as a successful farmer and a great example of what diligence and commitment can accomplish.

Recently, the Middlesex County Fair Association honored Mr. Willnitz as the ''Middlesex County Farmer of the Year'' an honor well deserved.

Mr. Speaker, our Nation needs to depend on a strong agricultural industry in order to support the needs of the people. Moreover, every nation needs people like Mr. Wellnitz, who go above and beyond the call of duty to serve his country and support growth into the next millennium. Much of the food that each of us sits down to eat every day can be traced back to family-owned farms.

I rise today to congratulate Rudy Wellnitz and his years of hard work to make New Jersey and our Nation a better place.

A TRIBUTE TO BETTY PFAFF

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. HULSHOF. Mr. Speaker, today I step on to the House floor to express gratitude to a true public servant for Missouri's Ninth Congressional District—Betty Pfaff. Betty has been working for the people of the Ninth District for the last 20 years. Her last official day was October 2, leaving behind a record of hard work, dedication, and service to others.

Betty began her tenure during former Congressman Harold Volkmer's first campaign for office. After Mr. Volkmer won the seat in 1976, he invited Betty to join his staff. Betty stayed on through the duration of Mr. Volkmer's public service for 19 years and 3 months. Her responsibilities included casework and constituent services. What speaks volumes about Betty's character was her ability to continue to serve the people of Missouri's Ninth District for a newly elected Representative of a different

political party. Her willingness to do so demonstrates her professionalism and stands as a testament that Betty Pfaff was not a servant of politics, but a servant of the people.

Betty possesses a unique knowledge of the District. She is on a first-name basis with many of the constituents in northeast Missouri. She has been a valuable asset to the office of a new Member of Congress. I would not have been able to make the transition as smoothly without her.

Mr. Speaker, you'll be happy to know that now that Betty is retired, she spends her free time as a grandmother to her three grandchildren, John Pfaff and Emily and Andrew Richards. In addition to her important role as grandmother, Betty intends to help her husband, Dwaine, with his business, Hannibal Glass. She also plans to continue her service in the community where she has made her home since 1964 as a volunteer.

The people of Missouri's Ninth District are losing a humble, honorable servant. Betty, on behalf of all of whose lives you have touched, we thank you and wish you a long and happy retirement.

TRIBUTE TO SAMI AND ANNIE TOTAH

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Sami and Annie Totah for their effective leadership and untiring commitment on behalf of many important political, cultural, and religious causes. Their achievements have reverberated throughout the community and have been felt on a local, national and international level.

Sami and Annie are deeply devoted to promoting Jewish heritage, human dignity and a democratic lifestyle throughout the United States, Israel, and Armenia. They have given generously of their time, energy, and knowledge to affect change and progress to better serve human kind.

Annie has dedicated countless hours to promoting ethnic diversity through her work with the United Jewish Appeal Federation, the Armenian General Benevolent Union, the American Sephardic Federation, and other organizations. She has supported the Armenian Assembly of America where she serves as the first female chairperson in its history. She has also received the United Nations Association's certificate of appreciation for outstanding contributions to human rights. Most notable is her role in the Maryland community where she has raised funds, cultural awareness, and political consciousness about issues affecting all people.

Sami has also demonstrated a strong commitment to promoting human rights here and abroad. He has worked as the vice chairman of the Young Leadership Campaign of the United Jewish Appeal Federation. He is responsible for the construction of the first and only Sephardic Synagogue here in our Nation's capital. His presence in the community is a blessing to us all.

Sami and Annie's benevolence and warmth have touched many lives. They have made outstanding efforts on behalf of many philanthropic and civic organizations. Mr. Speaker, distinguished colleagues, please join me in honoring Sami and Annie Totah.

CHAN FAMILY HONORED AS EARLY PIONEERS OF THE VALLEY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Ms. LOFGREN. Mr. Speaker, I rise today to salute Gordon and Anita Chan, and their family, selected as ''Early Pioneers of the Valley'' by the Chinese Historical and Cultural Project in San Jose, CA.

I know the Chans well as I have had the pleasure of working with them over the years on matters important to the district I represent in the 105th Congress. Among many other things, the Chan family is being honored for their valuable contribution in the opening of the Museum of Chinese American History in San Jose in 1991, and their continued efforts to establish a traveling exhibit of Chinese American history.

Gordon Chan's grandfather, Chien Lung, came to America in 1880, and became a very successful farmer in the Sacramento Delta area. History books refer to him as the ''Chinese Potato King,'' a prosperous farmer until he was forced to sell his land because of Alien Land Laws in the 1920's. Gordon's father, Ted Chan, started a successful flower-growing business, and served as president of the Chinese Wholesale Flower Market in San Francisco.

Gordon and Anita, who met while attending college, continued working in the flower business, and have expanded into real estate development and restaurant operations.

The Chans have shared their success with others in our community through their many generous contributions to local groups and organizations, and most importantly, they have been an encouragement to others to actively participate in civic affairs. Gordon Chan is legendary in San Jose for his community work, having served on many boards and commissions in our county.

Mr. Speaker, on October 25, 1997, the Chinese Historical and Cultural Project will honor the Chan family as ''Early Pioneers of the Valley,'' at its 10th Anniversary Gala Celebration, the Dragon Ball. I would like to invite my colleagues in the United States House of Representatives to join me in saluting the Chan family as they receive this very distinguished honor.

CONGRATULATIONS TO MS. ODILE HOWELL

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Ms. Odile Howell on the occasion of her 104th birthday. The event was celebrated on September 18, 1997.

Odile Howell was born in the Alsace region of France, in 1893. Leaving France's wine country in 1907, Howell came to Los Angeles to care for an ill uncle. It was at this time that she fell in love with the United States and decided to become a citizen. In 1922, Howell married her sweetheart, William Sylvester Gallet, a successful painter in southern California. Shortly thereafter, they were blessed with two children, a boy and a girl.

Above all else, Ms. Howell is proud to be an American. Her short time in France gave witness to food shortages and scarcities in other basic human needs that were not present in the United States. Not a day goes by that Howell fails to profess her admiration and reverence for our country.

Although Ms. Howell is still very active, some special needs have moved her from Los Angeles to Mariposa, CA. Specifically, Mariposa places her closer to many of her 9 grandchildren and 19 great-grandchildren. Currently, Howell resides at John C. Freemont Hospital, where she still maintains a shining smile and wonderful sense of humor.

Mr. Speaker, it is with great honor that I pay tribute to the 104th birthday of Ms. Odile Howell. Her patriotism and longevity serve as a model for all men and women and should be held in the highest respect. I ask my colleagues to join me in wishing Ms. Odile Howell our best wishes.

IN HONOR OF THE STATEWIDE HISPANIC CHAMBER OF COMMERCE OF NEW JERSEY'S 7TH ANNUAL CONVENTION AND EXPO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the Statewide Hispanic Chamber of Commerce of New Jersey's 7th annual convention and exhibition which is geared toward putting small businesses on the road to success. On October 24, 1997, the Statewide Hispanic Chamber of Commerce [SHCC] will host the Annual Expo Trade Show at the Sheraton Meadowlands Hotel in East Rutherford, NJ.

The seventh annual convention and exhibition will recognize the efforts and contributions of business owners, CEO's and other top management from both large and small Hispanic businesses throughout the State. This year's theme and challenge are ''Partnering for Success.'' Among the several innovations and workshops are commercial loan approvals, on-line networking and marketing, maximizing office efficiency through computer technology, business start-up, expansion, and exporting. The SHCC has been integral in New Jersey realizing an 87 percent growth of Hispanic business over the past 10 years. They have also helped generate 128,000 jobs and helped produce $1.5 million in business alone. It is reassuring to know that organizations like SHCC continue to foster growth and provide leadership to Hispanic businesses as we approach the 21st century.

The SHCC is a voluntary membership network of several Hispanic chambers of commerce and professional business associations across New Jersey and the Philadelphia area. The organization aims to identify and communicate the needs of the Hispanic business

community by increasing relations with the corporate sector, influencing legislation, policies and programs that have a positive impact on the business community, providing leadership and support for excellence in education for future business leaders, and providing technical assistance to Hispanic businesses, professional associations, and entrepreneurs through regional meetings, seminars, conferences and annual state conventions.

I asked my colleagues to join me in recognizing the outstanding annual event of the Statewide Hispanic Chamber of Commerce of New Jersey. I commend their accomplishments and all they have done for Hispanic businesses throughout my home State of New Jersey.

TRIBUTE TO GEORGE KARTIKIS

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to remember the life and service of George Kartikis who served as benefactor chairman of the AHEPA Fifth District Cancer Research Foundation. I think that almost everyone has known a friend or family member that has been effected by this devastating disease. This organization is responsible for fundraising and grant awarding to scientists and research medical institutions whose primary goal is to find a cure for cancer. Mr. Kartikis played a very important role in this organization, and on November 1 the foundation will honor him.

In 1996, under the direction of Mr. Kartikis, the foundation awarded grants to the Fox Chase Cancer Center, the Cancer Institute of New Jersey and Hackensack Medical Center in the amount of $170,000. This is no small donation and it was made possible because of the efforts of many generous individuals, including Mr. Kartikis. The entire cancer research community in this country will miss his energy and dedication to this most worthy cause.

George Kartikis set an example of giving. He lent a hand to help cure a disease that affects millions of Americans. Mr. Speaker, let us all learn by his example.

THE SUPERFUND RECYCLING EQUITY ACT INTRODUCED

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, today, Congressman BILLY TAUZIN introduced the Superfund Recycling Equity Act. I am an original cosponsor of this measure.

This legislation is similar to a proposal offered during the 104th Congress by then-Representative Blanche Lincoln. That bill had 238 cosponsors and enjoyed overwhelming support of industry, environmental groups, the Clinton administration. This year's bill has the same broad base of support.

Simply put, the Superfund Recycling Equity Act gives business in the recycling industry peace-of-mind that they will not be unduly drawn into the Superfund liability web as long as they do not knowingly contribute hazardous wastes and follow standard business practices. This legislation will encourage more recycling of paper, glass, textiles, metals, plastics and other materials greatly reducing the volume of the Nation's waste stream.

The House Commerce Committee is currently engaged in bipartisan negotiations to reform Superfund, which will speed cleanups and reduce needless litigation. I look forward to working with Congressman TAUZIN to include this proposal as part of this comprehensive Superfund reform effort.

20TH ANNIVERSARY OF THE BATTERED WOMEN'S ALTERNATIVE

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor the 20th Anniversary of Battered Women's Alternative, a non-profit agency in Contra Costa County, California, that serves battered women and their families. Founded in 1977, Battered Women's Alternative is a leader, providing technical assistance and resources to many other programs across the country.

As we are all too aware, domestic violence is the leading cause of injury to women between the ages 15 and 44 in the United States. More women are injured as a result of domestic violence than are injured in car accidents, muggings, and rapes combined. Women of all cultures, races, occupations, income levels, and ages are battered by husbands, boyfriends, and partners. Batterers are not restricted to low-income or unemployed men. Approximately one-third of the men who undergo counseling for battering are professional men who are well-respected in their jobs and their communities. These include doctors, psychologists, lawyers, ministers, and business executives. Domestic violence also affects children. Half the children who live in violent homes experience some form of physical abuse. Unfortunately, one-third of boys who grow up in violent homes become batterers themselves, simply perpetuating the cycle.

For 20 years, Battered Women's Alternative has provided a safe haven for those women who have taken the critical first step and escaped from their homes. Battered Women's Alternative serves more than 15,500 women annually through its 24-hour crisis line, emergency shelter, safe homes, traditional housing, legal advocacy, counseling, employment assistance and placement programs. Battered Women's Alternative also conducts extensive educational programs in the hopes of preventing future instances of domestic violence, many of which are targeted toward abusive men as well as younger children.

Battered Women's Alternative is the largest domestic violence agency in the Bay Area and is the only agency which serves my constituents in the 10th District. The cities and County of Contra Costa formerly recognized the outstanding community service provided by Battered Women's Alternative on October 16, 1997. I ask that you join me in honoring this organization for their outstanding work and dedication in rebuilding the tarnished lives of the many women and children who are victims of domestic violence.

UNITED NATIONS DAY IN NORTH CAROLINA

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. ETHERIDGE. Mr. Speaker, I rise to call the attention of the Congress to North Carolina Governor James B. Hunt, Jr.'s proclamation of October 24, 1997 as ''United Nations Day'' in North Carolina, and I join him in urging all citizens to participate in all activities related to this day. I commend the work of members of the United Nations Association in the Second Congressional District and across North Carolina. The proclamation reads:

UNITED NATIONS DAY 1997

(By the Governor of the State of North Carolina)

A PROCLAMATION

WHEREAS, the United Nations system was founded in 1945, and the anniversary of its founding is observed each year on October 24; and

WHEREAS, the United Nations system has a commendable record of achievement and faces extraordinary challenges in preventing and resolving conflict, protecting the earth's environment, elevating standards of living through sustainable economic development, and promoting humane and democratic values; and

WHEREAS, the United Nations is the only organization capable of dealing with the global implications of a post-Cold War, and the best vehicle for finding collective solutions to these challenges; and

WHEREAS, the work of the United Nations impacts all Americans, directly affecting their health, security, economic freedom and democratic values; and

WHEREAS, the United States was one of the founding members of the United Nations, representing the fervent desire of the United States and its World War II allies to ''save succeeding generations from the scourge of war''; and

WHEREAS, the United Nations deserves support from both the United States government and American citizens if it is to continue its important work in the 21st century; and

WHEREAS, Judge William A. Creech was appointed Chair of United Nations Day in North Carolina to work with a United Nations Day Committee composed of community leaders to organize events and activities to educate citizens about the continuing need for the United Nations, and United States leadership in a changing world;

NOW, THEREFORE, I, JAMES B. HUNT JR., Governor of the State of North Carolina, do hereby proclaim October 24, 1997, as ''United Nations Day'' in North Carolina, and urge all our citizens to participate in all activities related to this day.

JAMES B. HUNT JR.,
Governor of North Carolina.

TRIBUTE TO THE GOOD COMPANY PLAYERS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Good Company Players of Fresno. Good Company Players is an exceptionally talented theater production company where Fresnans can view the performing arts.

The Good Company Players opened its doors in 1973 in the ballroom of the Fresno Hilton. After three summers there and two summers at other Fresno auditoriums, Good Company Players moved to its current location at Roger Rocka's Music Hall. With its yearround performances, Good Company Players became the centerpiece in Fresno's Tower District, a cultural and entertainment hub in the central valley. Finally, 1982 marked the opening of Good Company's Second Space Theater which accommodates performances from school groups and junior programs.

Good Company is the premier production company throughout the Fresno area and has entertained 1,250,000 people. Over 1,683 performers have participated in a total of 7,500 shows. Currently, Good Company offers 12 performances a year and several acting workshops for both children and adults.

As Fresno's gateway to Broadway, Good Company boasts several acclaimed alumni. Specifically, Audra McDonald—who plays Eponine in Les Miserables—is a two-time Tony winner. Other Broadway veterans include Sarah Uriate, Duane Boutte, Sharon Leal and Tony nominee Bob Westenberg. Along with Broadway, Good Company has launched many of Fresno's residents into television, technical and choreographic careers.

Mr. Speaker, it is with great honor that I pay tribute to the Good Company Players of Fresno. I ask my colleagues to join me in wishing the Good Company Players many more years of success.

IN HONOR OF THERESE ROCCO, MOM'S HOUSE 1997 COURAGEOUS WOMAN

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. DOYLE. Mr. Speaker, the contributions made by Therese Rocco to our local communities and our Nation serve as a testament to the lasting impact that can be achieved by a single individual. It is with extreme pleasure that I congratulate Therese on being named Mom's House Courageous Woman of 1997.

Therese's accomplishments are as extensive as they are impressive. Her efforts have won praise from the Federal Bureau of Investigation, several mayors of Pittsburgh, the International Association of the Chiefs of Police, Allegheny County Commissioners, the Pennsylvania State Service Commission, and Newsweek magazine, to name a few. Therese has been rightly recognized not only for her skill and dedication, but for her foresight regarding emerging needs in the criminal justice system. Clearly, Therese is a woman of great courage who has demonstrated the vision and spirit that is necessary to raise awareness and bring about real change.

A female pioneer in police enforcement and public administration, Therese brought to light the need for community policing and greater representation of women officers, as well as the plight of underprivileged and abused children. That these issues are still of concern today illustrates that Therese was way ahead of the curve when she began examining them over 30 years ago. Without question, Therese is an excellent choice for this award, as her life has the power to inspire young women who may have doubts about the validity of their own worth and aspirations.

I, along with my distinguished colleagues form western Pennsylvania, salute your most recent award, Mom's House Courageous Woman of 1997. Please accept our most sincere congratulations and best wishes for continued success.

HONORING THE 68TH ANNIVERSARY OF THE ST. JOHN'S BAPTIST CHURCH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise to pay tribute to the founding family and faithful members of the St. John's Baptist Church of Jersey City, NJ. On October 25, 1997, at the Newark Airport Hilton in Elizabeth, NJ, the church will celebrate its 68th anniversary of service.

St. John's Baptist Church was inspired and founded by Rev. Franklin Saunders, Deacons B.J. Johnson and George Bedtison, and a handful of faithful members in 1929. That same year, the newly established church at 121 York Street in Jersey City, NJ was incorporated by the State of New Jersey. Before settling in to its current location at 525 Bramhall Avenue in 1948, the church relocated three times within Jersey City: The corner of Monmouth and Grand Streets, 291 Grand Street, and 70 Monticello Avenue. The latter purchase, during the Depression in 1936, required two men of substantial employment—Deacons Johnson and Bedtison as signatories on a note for $4008 to qualify for purchase of that property.

The church has not only survived for 68 years but also thrived, while enriching the community. The church's numerous humanitarian public service projects and the friendly nature of its members has helped make Jersey City and the surrounding area a better place to live. For 68 years, members and clergy have worked diligently to ensure the success of the church and the community.

Among the faithful St. John's members and contributors over the years are Reverend Sammie Hawkins, Jr., Reverend Brawner, Associate Ministers Reverend Richard Hare and Leroy Witcher and Reverend R.L. Williams. Reverend Hawkins, the church's new administrator, originally from East Dublin, GA arrived permanently on December 28, 1990 with his lovely wife, Sister Latichal Hawkins, and daughters, Ebony and Valerie.

It is an honor to have such an outstanding congregation in my district. I ask that my colleagues join me in recognizing the excellent work of the St. John's Baptist Church.

SUPPORT MORAN SUBSTITUTE TO D.C. APPROPRIATIONS

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes:

Mr. SANDLIN. Mr. Chairman, I rise in support of the Moran amendment to the D.C. appropriations bill. I find the arguments of the gentlelady from the District of Columbia, the members of the Congressional Black Caucus, and the minority members of the Appropriations Committee to be most persuasive. This bill breaks the rules of the House. Once again, the Republican majority is attempting to legislate on an appropriations bill. They have thrown everything but the kitchen sink into this bill. They cannot pass their social agenda on a national scale, so they are starting small with one city.

The Moran substitute eliminates some of the more egregious provisions of the bill. First, it deletes the provision that establishes a new program to provide educational scholarships to low-income students. In our country, every child is guaranteed the right to a free, public education. We have all heard the horror stories about the terrible state of disrepair of the DC schools. There is no doubt about the fact when we have statistics from reliable sources like the GAO telling us that in 1996, 49 percent of the schools in the District had at least one building in need of extensive repair and 68 percent had at least one unsatisfactory environmental condition.

Rather than aggravating the situation, we should be working to improve the DC public schools. Unfortunately, the misguided Republican Leadership has chosen to ''fix'' this problem by including a proposal to provide up to $3,200 per student so that 2,000 children from low-income families could attend private schools. This plan will drain $45 million in Federal funds away from the public schools already in dire straits and will do absolutely nothing for the 97 percent of students in the District who remain in the public schools.

Only two private schools in DC have tuition rates lower than the amount provided by the ''scholarships''. This plan does not provide any great ''choice'' for most families in the District. It simply adds two schools to the many public schools they can currently choose. Those two schools, however, still have the option of saying ''no'' to any student who does not meet their standards for admission. In fact, even if they did not decline admission to students based on their admission requirements, they would have to decline admission to the large majority of students simply due to inadequate space.

The public schools of the District will continue to fund facilities, staff, and administrative

support regardless of what Congress does. Instead of taking tax dollars out of the DC schools and placing those schools at risk of even greater disrepair, we must direct funds to fix the problems so all of the children in the District have an opportunity to learn in a safe, well-equipped public school. The $45 million in question would be much better spent on school renovation, basic repairs, and improvements in academic performance.

General Becton—who was appointed by the Control Board created by Congress only last year—is implementing a program to improve academic quality, corporate and community relationships, infrastructure and management in the District's schools. The five schools where the reforms are in place have shown dramatic improvement in only 6 months. The public schools in our Nation's capital should be a shining example for the rest of the country, but they will never be if we do not give the programs already in place a chance to work.

Second, the Moran substitute eliminates the provisions of the committee bill that allow for the waiver of the Davis-Bacon Act. The Republicans are once again using the unions as a straw man to gain support for their position. They are trying to say that the Democrats are bowing to the pressure of the union bosses. Well, Mr. Speaker, I don't even know what a union boss is. The union members I know are hardworking men and women working for a boss. I oppose this provision because it just doesn't make good economic sense.

Research has shown that construction costs in States with prevailing wage laws are lower than in States without such laws. In addition, Davis-Bacon ensures that we have a skilled workforce that produces a quality product that will last for many years. This year, the District's schools were 3 weeks late opening because of the crumbling schools. Why would we want the District schools to go through this ordeal again a few years down the road because their schools were rebuilt with shoddy construction?

Third, the Moran substitute eliminates the provision that sets limits on punitive damages in medical malpractice suits in the District. When people go to the doctor, they place their trust in that doctor. They expect and deserve to receive competent, ethical, professional treatment—and most receive it. Clearly, we have the finest medical professionals in the world. However, when citizens are maimed or killed due to medical malpractice, they or their survivors deserve a remedy.

The District ranks 45th nationwide in doctor discipline records—one of the worst in the country. Without an effective disciplinary board, punitive damages are the only means to punish physicians for egregious wrongs. By capping punitive damages, we dramatically reduce the ability of the District's civil justice system to deter wrongdoing by negligent doctors. The citizens of the District deserve better.

Mr. Chairman, today I stand with the members of the Black Caucus in opposition to this bill. We cannot continue to ignore the needs of the District. Now is not the time for this ill-conceived, irresponsible plan to advance the Republican legislative agenda to a simple appropriations bill. I urge my colleagues to support the Moran substitute and stop this social experimentation.

TRIBUTE TO BISHOP LARRY D. TROTTER

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RUSH. Mr. Speaker, on October 26, 1997, the Sweet Holy Spirit Full Gospel Baptist Church will come together to honor a great man. Their senior pastor, Bishop Larry D. Trotter, will celebrate 16 years of leadership within this august body and almost a lifetime of service to the community as well.

As a child, Bishop Trotter had an extraordinary desire to serve God. He attended Sunday school regularly and dedicated his life to Christ at the young age of 12. His unwavering dedication continued throughout high school and into adulthood.

It was not until 1981 that Bishop Trotter was called to minister at Sweet Holy Spirit Full Gospel Baptist Church. Once there he led the body from a membership of only 20 active parishioners to one with over 3,000 parishioners.

Bishop Trotter's work extends far beyond the church. His ministry has taken him around the world to countries such as Uganda, Kenya, Belgium, and Israel. Bishop Trotter developed a C.A.R.E.—Counseling, Activity Resource and Education—Center and organized several antidrug and anticrime marches throughout the city. Bishop Trotter has maintained these and other commitments while having time to reach out to thousands through his weekly radio and television broadcasts.

I am pleased to be here today in honor of Bishop Larry D. Trotter. I with the bishop and the Sweet Holy Spirit Full Gospel Baptist Church many continued years of growth and success.

TRIBUTE TO VA-HACU HEALTH CARE INTERN PARTNERSHIP

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RODRIGUEZ. Mr. Speaker, I rise today to commend the Veterans Administration and the Hispanic Association of Colleges and Universities [HACU] for undertaking a new partnership aimed at increasing Hispanic participation in health care professions. The program is being launched this morning at the Audie L. Murphy Memorial Veterans Hospital in San Antonio. VA Under Secretary for Health Dr. Kenneth Kizer and HACU President Dr. Antonio Flores will be present at the kick-off ceremony.

The program's goal is to place Hispanic interns in VA facilities across the country, providing them hands-on experience in a variety of VA health care settings. Students accepted into the summer internship program will work at medical centers, outpatient clinics, nursing homes and community-based clinics, thus providing a broad spectrum of experience opportunities.

The interns will complement over 100,000 health care professionals who are trained at VA facilities across the country. This experience is designed to educate interns who are pursuing careers in health care services, ranging from physical therapy to health care administration. I commend the VA for its commitment to develop a workforce which reflects the communities served by the VA health care system.

CONGRATULATIONS TO KEVIN McCARTHY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. PASCRELL. Mr. Speaker, I rise today to honor my good friend CAROLYN MCCARTHY, and her son Kevin who will be getting married very soon.

Each of us are familiar with the circumstances that inspired CAROLYN to seek election to this House. Since the day she arrived, her commitment to making our society safe and to improving the lives of those she represents has been an inspiration to us all.

I know that CAROLYN is immensely proud of her son, who has demonstrated remarkable strength in overcoming odds most of us would find insurmountable.

Kevin McCarthy is truly a ''profile in courage,'' and I am proud today to join those from our class in wishing he and his fiance Leslie Nolan all the love and happiness in the world on their wedding day.

One phrase that is too often thrown around these days is ''family values.'' If anyone really wants to know the meaning of that phrase, they need to look no further than to CAROLYN and Kevin McCarthy.

It is a privilege to serve in this body with CAROLYN, and to honor her son Kevin for the life he has led—and wish him all the best in his new life with Leslie:

BACKGROUND ON THE WEDDING OF KEVIN MCCARTHY AND LESLIE NOLAN

Kevin McCarthy and Leslie Nolan met last fall during his mother's successful 1996 Congressional campaign. Previous to her employment with NASA, Leslie had worked for 10 years on Capitol Hill. With the political season heating up, she got the itch to get back into the game and contacted a friend at EMILY's List, a campaign resource group for female candidates, where she was hooked up with the McCarthy campaign. She arranged to take 6 weeks of vacation and came to Long Island to volunteer for the campaign. She became the candidate's travel assistant.

Leslie returned home in November to her job as a Senior Policy Analyst at NASA Headquarters in Washington, D.C. The couple began a long distance relationship via the telephone, train and New York shuttles. They became engaged on April 26, 1997 at Longwood Gardens in Pennsylvania. Kevin got down on one knee and proposed with a diamond engagement ring and a card in front of Longwood's beautiful waterfall. Leslie received a dozen roses each day the week before the engagement!

Their wedding will be celebrated by Deacon John Reinhart at the Corpus Christi Catholic Church in Mineola. 225 guests are expected. The couple will celebrate their nuptials with a wedding ball at the historic Oheka Castle in Huntington. They will honeymoon in the Caribbean and are planning to make their home on Long Island.

Kevin McCarthy is the only child of Congresswoman Carolyn McCarthy and the late Dennis McCarthy. Kevin is a Mutual Funds Clerk with Prudential Securities in New

York City. He is a graduate of the New York Institute of Technology and is presently pursuing a Masters in Business Administration in International Business at the same school.

Leslie Nolan is the oldest child of Mary and Nicholas Nolan, Sr. of Upper Marlboro, Maryland. Until recently she resided in Bowie, Maryland. Leslie is employed by NASA's Goddard Institute for Space Studies as Assistant Chief for Outreach in New York City. She has 2 sisters & 1 brother, as well as 3 nieces and 1 nephew. Leslie is a graduate of the University of Maryland. Her paternal grandparents, John and Mary Nolan of Venice, Florida, recently celebrated their 60th wedding anniversary. Her maternal grandparents, Jules & Iola Jorgenson, reside in Fremont, Nebraska.

TRIBUTE TO GOLDA GILCREASE HENGST

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Golda Gilcrease Hengst on the occasion of her 100th birthday. The event will be celebrated on October 26, 1997.

Ms. Hengst was born on October 28, 1897 in Lemoore, CA. She had a romantic childhood playing in the orchards and vineyards of the rich California countryside before attending Lemoore Union High School. After studying at the University of California at Berkeley, she returned home and fell in love with William E. Hengst, a very successful car dealer. In those days, Mr. Hengst served double duty as a driving instructor, as most buyers of new automobiles had never even driven before.

William's skills were in great demand during World War I, so he answered our Nation's call by serving as an airplane mechanic in France. After the War, William and Golda were reunited and moved to Exeter, CA. Exeter brought the Hengst's more good fortune as they tried their hand at the plum farming business. The Hengst's plums soon became known for being of such high quality that they decided to patent two of their varieties. Today, their Golden Nectar and October Gem varieties remain industry leaders in taste, size, and pulp.

Along with ranching, Golda performed bookkeeping, served on the local school board and was a member of the Exeter Women's Club. She has been blessed with 5 daughters, 10 grandchildren, 20 great grandchildren and 12 great-great grandchildren. Currently, Golda remains fairly active and enjoys spending time with all members of her family.

Mr. Speaker, it is with great honor that I pay tribute to the 100th birthday of Golda Hengst. Ms. Hengst's entrepreneurship serves as a model for all Americans. I ask my colleagues to join me in wishing Golda Hengst all the best.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997

SPEECH OF

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill, (H.R. 1534) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other Government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when Government action is sufficiently final to ripen certain Federal claims arising under the Constitution:

Ms. HARMAN. Mr. Chairman, earlier this week, I voted in support of H.R. 1534, the Private Property Rights Implementation Act.

As with most measure this body considers, the bill is a first broad stroke at a very important problem—helping property owners resolve as quickly as possible issues related to land use. The bill is intended to afford property owners access to Federal courts when constitutionally protected rights have been taken or affected by government actions.

To be sure, the bill needs some tailoring of its provisions and, as it moves forward, I believe that in working with landowners, environmentalists, and local officials such tailoring will occur. But to vote down the bill is a mistake. It is a mistake. It is a mistake because reforms need to be made in this area of our law and we need to begin the process by which these reforms can be made. H.R. 1534 is that beginning.

I very much appreciate the concerns raised by local elected officials. Dee Hardison, the mayor of Torrance, the largest city in my district, outlined in a letter to me the effect city officials believe H.R. 1534 might have. But let me point out that local governments will have no new limits imposed on their ability to zone or regulate land use. Local agencies will still have at least two and up to three opportunities, including one involving elected officials, to resolve land use controversies before their decision will be defined as final.

At that point, under the bill, landowners will be afforded recourse to file private property takings cases in Federal court. Takings cases, or claims that a State or local government action reduced the value of property, take on average over 9 years of litigation before conclusion, yet it is important to point out that the legal basis for takings cases is the fifth amendment prohibition against taking private property without just compensation.

Because some landowners do not have the resources to defend their cases for so long and that the current situation causes unreasonable delay in resolving takings cases, the bill allows property owners to take their cases directly to Federal courts, thereby circumventing the more lengthy and often disadvantageous State courts or local resolution processes. Under current law, the cases cannot go to Federal court until it is ripe, or local resolution processes and State court appeals have been exhausted. This bill shortens the period after which ripeness occurs.

Property use decisions are appropriately the provence of local communities and States. H.R. 1534 is intended to affect a streamlining of a time-consuming process where landowners are denied a requested use but where the ultimate question is a constitutional one—has there been a taking. In my view, the opportunity to answer that question is appropriately accelerated under the bill and appropriately raised before the Federal courts.

I support H.R. 1534 and look forward to making such changes as necessary to ensure it protects property rights consistent with the Constitution.

THE LOWER RIO GRANDE VALLEY NATIONAL WILDLIFE CORRIDOR

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. HINOJOSA. Mr. Speaker, to say I am disappointed with the outcome of the Interior Appropriations Conference Report as it pertains to the Lower Rio Grande Valley National Wildlife Corridor would be an understatement. The level of funding agreed to by the conferees does not in any way reflect the priority this is to the administration, to the House, and most importantly to the Nation.

The administration requested $2.8 million for the wildlife corridor, which is truly a national treasure. I wholeheartedly supported this $2.8 million request, and was successful here in the House in securing this amount. To see this amount reduced by $1.9 million in conference reflects a true lack of vision not to mention a lack of commitment to preserving one of America's most priceless legacies.

By providing only $900,000 for land acquisition, the conferees have ignored the importance of acting now to purchase lands from individuals willing to sell valuable wildlife habitat to the refuge. And let me point out that this is not a parochial issue. For years the Lower Rio Grande Valley NWR has ranked first among the Nation's wildlife refuges. It is famous for its wealth of birds. Half of all bird species in the United States are found here.

The unparalleled wildlife richness is in danger. Twenty-one species in the Valley are federally listed as endangered or threatened, and another 3 species are considered imperilled in Texas. More than 100 of the 465 bird species found in the Valley are considered by the Texas Partners in Flight program to be ''species of special interest.''

Funding for the conservation land acquisitions through the Land and Water Conservation Fund (LWCF) has fallen short of the existing need for years. This year, the President and the Congress agreed in the Balanced Budget Agreement to provide an additional $700 million for the LWCF. This was to be in addition to the $166 million included in the President's request for fiscal year 1998. While the conferees have retained the total request, restrictions have been imposed that directly undercut funding for high-priority land acquisitions such as the Lower Rio Grande Valley National Wildlife Refuge. Diverting these already scarce funds to other uses, including

construction of a road and maintenance of buildings and other structures in refuges and parks, undercuts the entire purpose of the Land and Water Conservation Fund and reduces America's ability to conserve its vulnerable wildlife.

This initiative ranks among my highest priorities here in Congress. As I have this year, I will in the next session continue to do all I can to see that this refuge receives the attention and the funding it deserves. I hope my House colleagues will join with me in this deserving effort.

IN MEMORY OF DR. LUIS FERNANDEZ-CAUBI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to remember a great friend, outstanding lawyer, loving father, and a true patriot, Dr. Luis Fernandez-Caubi, who was born in Sagua la Grande, the son of a schoolteacher and a businessman. He was a lawyer and an ardent defender of human rights and those accused of anti-Castro activities by the Communist Government of Cuba.

After immigrating to the United States, his adoptive country, he continued the fight against Castro's tyranny, a fight that led him to the United Nations in 1988 and which continued in Spain, France, and other countries until his demise.

Dr. Fernandez-Caubi studied law at the University of Havana and began his law practice in 1948. He was admitted to the Florida bar after his completion of studies at the University of Florida and continued his practice until his death.

Dr. Fernandez-Caubi was a renowned author, winning journalism awards for his political commentary and books which included ''Justicia y Terror'', an indictment of the judicial system under communism and ''Apuntes Sobre La Nacionalidad Cubana''. He also hosted programs for radio and TV stations, including Radio Marti.

In the legal arena, his firm led a coalition of law firms in representing the elderly in the precedent setting Meek versus Martinez lawsuit to entitle the elderly in south Florida to receive their proportionate share of benefits from the government; his firm also advocated for human rights in the United Nations, which eventually led to the condemnation of Cuba for its human rights abuses. He represented numerous indigents, including the Mariel Cubans at the Terre Haute penitentiary, and won three Pro Bono Publico Service Awards. He participated in local politics and received the City of Miami Citizen of the Year Award in 1992, and the Sagua La Grande Favorite Son Distinction, among many honors.

Dr. Fernandez-Caubi was the father of 5 children and had 10 grandchildren, who were his pride and joy. He lived a full and rewarding life, and his legacy will live in the hearts of all who had the opportunity to be associated with him.

20TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CAUCUS ON WOMEN'S ISSUES

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. MCNULTY. Mr. Speaker, I am pleased to join with Representative ELEANOR HOLMES NORTON and others in commemorating the 20th anniversary of the founding of the Congressional Caucus on Women's Issues.

Since it was first formed in 1977, the Caucus has had a tremendous impact on this body, and has played an important role in efforts to recognize that the diversity of America is our preeminent strength.

John Kennedy once said: ''Effort and courage are not enough without purpose and direction.'' For the last 20 years the Caucus has given direction and purpose to issues of particular importance to women, families, and children.

In the last few years the Caucus has undergone some changes, but its role as the premier vehicle for raising and addressing the concerns of women has remained the same. The Caucus has shaped critical public policy such as equal pay, domestic violence, breast cancer research, family leave and access to quality health care.

While we have made significant advances in moving toward gender equity, progress has been slow and much more work needs to be done. If we hope to ensure equality, this Congress must continue the commitment necessary to remove the economic, political and educational barriers which hinder far too many women.

As the father of four daughters, I am well aware of the obstacles which women face and I am proud of the progress we've made in the last 20 years. Many of these changes are a direct result of the great work done by the Caucus—in serving as a catalyst in efforts to increase opportunity and ensure equality for all Americans.

In celebration of these achievements, I urge all Members of the House—and all my fellow Americans—to recognize the accomplishments of the Congressional Caucus on Women's Issues on the occasion of its 20th anniversary.

LIKE BETSY ROSS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. BEREUTER Mr. Speaker, this Member highly commends to his colleagues the following poem by Miss Anne Louise Rezac, who is a third grader at East Butler Public School in my congressional district. The poem is entitled, ''Like Betsy Ross.'' Miss Rezac's poem was chosen for publication by the Mile High Poetry Society of Denver, CO, in its anthology of poems titled ''Muse.''

LIKE BETSY ROSS

(By Anne Louise Rezac)

Betsy made a flag out of colors, red, white, blue,
Which sort of makes me feel, like I could do it too.
On Tuesdays I would stitch, two hours before noon,
and I would cut the blue part, in the month of June.
In the month of July, I had few done,
so I moved the stars on, one by one.
Then who came to visit me,
when I felt like a shrewd boss? Washington and Morris, and John's uncle Ross.
They had some news to tell me, about our nation's flag.
I didn't want to dispute or begin to brag.
I knew their news was true, every single word.
Because when I was in school, that's the lesson I heard.
When the men had left, and months and days went by,
I had got the flag done! My oh my.
I went to pursue Washington, to tell him my good news,
and when I finally got there, he did not refuse.
George used the flag when he went near and far,
he even told the people what I used from the sewing jar.

UNIVERSITY OF TOLEDO CELEBRATES ITS 125TH ANNIVERSARY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the 125th anniversary of the University of Toledo. Throughout its history and into the present, the University of Toledo has been cause for great pride and growth in our community, educating our citizens and providing brighter futures as a result. In its first 125 years, the University of Toledo has developed tremendously. UT is a nationally recognized public university with a wide range of undergraduate and graduate programs serving students across Ohio, all 50 States, and 98 countries. The University of Toledo is a leader in enrolling National Merit Scholars. In further testament to its success, it has grown from only one building on one campus to more than 60 on several campuses today.

The mission of the University of Toledo is manifold. UT strives for excellence in research and scholarship and is equally concerned with disseminating this knowledge through its academic programs. The University is highly committed to helping students achieve their highest potential by providing open access to the institution and challenging course work within its programs. Further the University of Toledo holds the promotion of pluralism, racial diversity, and gender representation as high priorities, making the University a place in which all types of people and viewpoints are valued. Renaissance writer John Heywood captured the spirit of UT's philosophy when he wrote, ''The very spring and root of honesty and virtue lie in a good education.'' The University's guiding principles of freedom of expression and social justice make clear that UT proudly operates by the same belief system.

I am pleased to join the community to recognize, with gratitude, the University of Toledo's 125 years of excellence in education. I know my colleagues join me in wishing the University a happy 125th anniversary.

JACK WALLACE RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a veteran newspaper reporter and noted labor leader from my Congressional District in Pennsylvania, Mr. Jack Wallace. This week Jack will be honored on the occasion of his retirement from the Citizens' Voice Newspaper in Wilkes-Barre, Pennsylvania. Jack is an institution in Wilkes-Barre, and I am pleased to join his friends and colleagues in recognizing his outstanding career.

Although Jack's byline has appeared on only two articles during his 46-year career, he has written thousands of stories. And, though he has not gotten recognition for his authorship, he is the most recognized face at the Luzerne County Courthouse, his beat for 29 years. During the course of his career, he has covered eight District Attorneys beginning in 1968 and numerous County Commissioners, elected officials, and political campaigns.

Jack began his career 46 years ago with the Wilkes-Barre Publishing Company in its maintenance department. As was common in those days, he worked his way up to reporter. A strong supporter of labor unions and the right for workers to organize for representation, he was actively involved with the Newspaper Guild. He served 3 years as an executive board member, 7 years as union vice-president and 29 years as the local president.

Along with his journalistic endeavors, Jack is also active in the community. He is a member of St. Therese's church, the Friendly Sons of St. Patrick, the Donegal Society and the Ancient Order of Hibernians. He was a little league baseball umpire for 16 years.

Mr. Speaker, I am proud to join with Jack's many friends, his family, coworkers and the community in honoring this dedicated professional. I send Jack my best wishes for a happy, productive retirement and congratulate him on an exemplary career in journalism.

A WELCOME TO HIS ALL HOLINESS BARTHOLOMEW, ECUMENICAL PATRIARCH OF CONSTANTINOPLE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to welcome His All Holiness Bartholomew, ecumenical patriarch of Constantinople as he comes to visit the United States. His service as a religious leader has provided a great deal of inspiration and spiritual leadership to millions of Orthodox Christians.

Ecumenical Patriarch Bartholomew is the current Archbishop of Constantinople of the 2,000-year-old Orthodox Christian Church. The title of ''ecumenical'' means that Patriarch Bartholomew is the worldwide father and spiritual leader of nearly 300 million Orthodox Christians. It is the role of Ecumenical Patriarch Bartholomew to coordinate the work of the Orthodox Church, to convene councils and to facilitate inter-Church and inter-faith dialogs.

The ecumenical patriarch of Constantinople emerged as the world center of the Orthodox Church during the Great Schism in 1054. It was at this time that ecumenical was recognized by other Orthodox hierarchies as the principal patriarch of the faith. This position, although influential and significant, also represents the lives and sacrifices of the persecuted Orthodox Christians of the 20th century. Specifically, the ecumenical works in memory of the 700,000 Orthodox Serbians killed by Hitler and the thousands of Orthodox Christians repressed in the former Soviet satellites.

As the new millennium approaches, Ecumenical Patriarch Bartholomew is striving for religious reconciliation and toleration. Evidence of this is the Ecumenical's establishment of an Orthodox archdiocese in China during a landmark visit to Hong Kong in 1996. Similarly, his commitment to bring harmony between the Christian, Jewish, and Islamic religions led to cosponsorship of the Peace and Tolerance Conference in Istanbul in 1994. The Ecumenical Patriarch Bartholomew's most current undertaking is facilitating peace and unity among the Catholic, Muslim, and Orthodox communities of the former Yugoslavia.

Mr. Speaker, it is with great honor that I welcome His All Holiness Bartholomew, ecumenical patriarch of Constantinople in his visit to the United States. His character and wisdom are symbolic of his outstanding service as a religious leader and human being. I ask my colleagues to join me in wishing Ecumenical Patriarch Bartholomew continued happiness and inspirational religious leadership.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. VISCLOSKY. Mr. Speaker, I was unavoidably detained and unable to vote on rollcall Nos. 523 through 525. Had I been present, I would have voted ''no'' on rollcall No. 523, the Rangel amendment to H.R. 2646; ''no'' on rollcall No. 524, passage of H.R. 2646; and ''yes'' on rollcall No. 525, in support of House Resolution 276, offered by Democratic Leader GEPHARDT regarding the Sanchez-Dornan case.

THOUGHTS ON NATO

HON. TOM BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, I would like to enter into the RECORD an article on NATO expansion written by a respected reporter from my home State of Wisconsin, Mr. Bill Kaplan.

Mr. Kaplan's article appeared in the Saturday, August 2, 1997, edition of the Wisconsin State Journal:

NATO EXPANSION NEEDS PUBLIC DEBATE

(By Bill Kaplan)

In the film ''Advice and Consent'' actor Henry Fonda, playing a U.S. secretary of State nominee, says: ''Son, this is a Washington, D.C., kind of lie—that's where the other person knows you're lying and he knows you know.''

That's a good description of the recent debate in Congress on the defense budget and President Clinton's decision to expand NATO. A brief review of the end of the Cold War makes the case.

The West won the Cold War decisively. The Berlin Wall came down in 1989. By 1991 all Communist regimes in Central and Eastern Europe had collapsed, the Warsaw Pact had ceased to exist and the Soviet Union had dissolved. By 1994 Russian troops had withdrawn from former Soviet satellites. Moreover, tough conventional arms agreements were reached in 1990–92 by the West, Russia and all other former Communist nations.

Also by 1994 Belarus, Kazakhstan and the Ukraine had given up all of their nuclear weapons and signed the Nuclear Non-Proliferation Treaty. The United States and Russia began to implement the Strategic Arms Reduction Treaty, START I, reducing their nuclear weapons. Moreover, START II, with even greater reductions in nuclear weapons, was signed by the United States and Russia, though only the United States has ratified it.

Finally, all observers agree that the Russian military has sharply degraded and could not prevail even in Chechnya. In contrast, the United States is the only remaining superpower.

So what about U.S. defense spending at near Cold War levels and the expansion of NATO?

Recently, the House and Senate approved a $268 billion military budget bill. That's 5½ times what Russia spends. It's 18 times as large as the combined spending of Cuba, Iran, Iraq, Libya, North Korea, Sudan and Syria. Moreover, U.S. defense spending dwarfs what all our NATO allies and Japan spend combined. But it gets worse.

The House version of the $268 billion military budget bill calls for buying more B-2 bombers, which the Pentagon does not need or want. The final price tag will be about $27 billion for planes that have no mission.

Wisconsin can be proud that only one member of the state's congressional delegation—GOP Rep. Mark Neumann—voted for this bonanza for defense contractors. And, most members of the Wisconsin congressional delegation, in the spirit of bipartisanship, went on to vote against the wasteful $268 billion military budget bill.

There were two exceptions. Democratic Ray Jay Johnson deserves a dart for voting for this bad bill. And, Neumann, after voting for the B–2 bombers, did not bother to vote on final passage of the military budget bill, which had the funds for the B–2.

But what about the expansion of NATO? Perhaps former Wisconsin Rep. Bob Kastenmeier said it best. ''NATO expansion is an extension of American power and influence, and represents an abject inability of European leaders to take responsibility for what happens in Europe. What should really be of interest to the U.S. is joining together the East and West in the European Union.''

Kastenmeier added: ''If the expansion of NATO is not aimed at Russia, then who?''

Similarly, retired Rear Admiral Eugene Carroll of the Center for Defense Information, a Washington, D.C., think tank, said: ''The U.S. is cynical and misrepresents the purpose of NATO expansion. Its purpose is to prevent a Soviet (Russian) revival. And, it will change NATO from a defense alliance to one based on hegemony.''

Carroll went on to say: ''It will cost a lot and prevent further nuclear arms control—nukes will become a safety net for the Russians.''

Wisconsin Rep. David Obey warned ''The expansion of NATO will create a new division in Europe. It will move the line eastward.''

Yet, there has been almost no public debate on what is the most far-reaching foreign policy initiative in a generation.

However, Sen. John Warner, R-Va., and 19 other senators, recently sent a letter to President Clinton questioning the expansion of NATO. This bipartisan group spans the gamut from conservative Sen. Jesse Helms, R-N.C., to liberal Sen. Paul Wellstone, D-Minn. So why didn't Wisconsin's Feingold and Kohl sign on?

It is time for both Wisconsin senators to step forward and join the debate. As Warner pointed out. NATO expansion requires two-thirds of the Senate to vote for it, and the ''Senate's approval is no mere formality.'' Better yet, Feingold and Kohl ought to convene grass roots hearings in Wisconsin to find out what the state's residents think before the Senate votes on NATO expansion.

MR. KILDEE RECOGNIZES THE LAKE ORION YOUTH TO YOUTH/PRIDE PROGRAM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the House of Representatives to join me in honoring an exceptional group of young people participating in Youth to Youth/Pride Program in Lake Orion, MI.

These dedicated students have been selected to represent the State of Michigan at the International Drug Free Conference in Bermuda, November 12–16, 1997. I am very proud of these individuals for their efforts on behalf of drug and alcohol free youth. The honor of being chosen to participate in the conference in Bermuda is proof of the caliber of these young people.

I am honored to represent this group in Congress. They have set an example worthy of praise, and one which I hope will be met by others who will pledge to do their part in our fight against drugs. With cooperation between teens and adults we can work to achieve our mutual goal of providing an environment where our children are strengthened in their resolve not to use drugs or alcohol.

Mr. Speaker, I urge my colleagues to recognize the commitment of all the young people participating in Youth to Youth/Pride programs. They deserve both our gratitude and our support.

TRIBUTE TO LLOYD STOREY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to Lloyd Storey, a man whose contributions to the uniquely American art form known as tap dancing earned him the title of Detroit's Ambassador of Tap. Mr. Storey died September 21 at home in Detroit. He was 74.

Mr. Storey was artistic director of the Tap Repertory Ensemble and a faculty member at Detroit's Center for Creative Studies. Born in Detroit, he grew up in New York where he spent countless hours watching tap dancers in vaudeville shows. He quickly picked up tap's intricate rhythms, fused them with his own gliding energy, and developed a style that seemed effortless in its execution.

When he was 14 years old, he began dancing in New York's Apollo Theatre as a member of the famed Apollo Chorus Boys. Although his career was interrupted by World War II where he served as a member of the U.S. Navy shore patrol, Ninth Naval District, he quickly fell into step upon his return home. One of Mr. Storey's most notable accomplishments was his membership in New York's exclusive Hoofer's Club.

Throughout his life, Lloyd Storey introduced the joy and the beauty of tap dancing to appreciative audiences around the globe. A social worker by training, he knew the cultural and historical significance of this indigenous dance form, and he dedicated his life to teaching others of its value. Indeed, he was a major contributor to the rebirth of tap in our country.

It was because of cultrual legends such as Mr. Storey that I intoduced legislation to designate May 25 as National Tap Dance Day. The companion bill was introduced by U.S. Senator ALFONSE D'AMATO. May 25 was selected as National Tap Dance Day because it is the anniversary of the birth of Bill ''Bojangles'' Robinson who made outstanding contributions to this art form on both stage and film. On November 7, 1989, President George Bush signed the bill into law.

The language in the House Joint Resolution 131 says that tap dancing reflects ''the fusion of African and European cultures into an exemplification of the American spirit, that should be, through documentation, and archival and performance support, transmitted to succeeding generations.''

House Joint Resolution 131 continues: ''it is in the best interest of the people of our Nation to preserve, promote and celebrate this uniquely American art form'' because of tap dancing's historic and continuing influence on other American art forms.

I am proud to say, Mr. Speaker, that Lloyd Storey was able to testify before the U.S. Congress on this bill. His role in gaining national recognition for tap dancing was noted by his family in the remarks in his obituary.

Our society lost a true culture bearer with the death of Lloyd Storey. Over the years, he performed with Fletcher Henderson at Chicago's Regal Theatre, with Count Basie and Andy Kirk at the Apollo, and with Gregory Hines at Detroit's Fisher Theatre and Orchestra Hall. I only have time to skim the list of the gifted performers with whom he appeared. He displayed his talent with the likes of Louis Armstrong, Cab Calloway, Duke Ellington, Redd Foxx, Peg Leg Bates and Tony Bennett. In Detroit, a city that proudly claims Lloyd Storey as its own, this legendary performer was living proof that greatness attracts greatness. His performances with such luminaries as Dr. Theodore Harris Jr., J.C. Heard, Marcus Belgrave, and Dr. Beans Bowles lifted audiences from their chairs in a swell of pure joy. In the early 1950's Mr. Storey and Fletcher ''T Bone'' Hollingsworth founded an ensemble know as the Sultans.

Whenever he was asked to name the person who had the greatest impact on this career, Mr. Storey did not hesitate. He named his great friend and mentor Bill ''Bojangles'' Robinson. Not only did Mr. Storey dance with Bojangles' famed troupe, he learned from him the importance of passing his craft to the next generation of tappers. Mr. Sotry taught at the advanced level and provided lectures and demonstrations both at home and abroad. In the 1980's Lloyd Storey taught tap in Europe and Japan as part of a cultural exchange program.

In addition to his dance career, Mr. Storey earned a bachelor of arts degree and a master of social work degree from Wayne State University. He was a program director for the Neighborhood Service Organization in Detroit until his retirement in 1989.

Mr. Storey's last professional performances were in 1995 with the European tour of the Tony-Award-winning Broadway production of ''Black and Blue.'' He was taken ill while performing on stage in Zurich, Switzerland. Lloyd Storey was far more than a gifted dancer and dedicated community activist. He was a man whose elegance on the dance floor was a reflection of his innate grace and style. He was a loving husband and father and a trusted friend whose buoyant spirit and lively sense of humor rivaled the movement of his feet. Survivors include his wife, Joyce; five children and four grandchildren.

Mr. Speaker, our Nation and our world are richer because a gentleman named Lloyd Storey was gracious enough to share his love of tap dancing with us.

THE HISTORIC LEGACY OF LEWIS AND CLARK

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. COSTELLO. ***STRPGFIT*** Mr. Speaker, I rise today to urge my colleagues to join me in supporting legislation which will draw attention to the historic legacy of Meriwether Lewis and William Clark and their journey West as the first white Americans to reach the Pacific.

It is little known outside of my congressional district that Lewis and Clark began their mission West near Wood River, IL. Lewis, Clark, and their expedition spent the winter of 1803 near what is now home to the communities of Hartford and Wood River, IL, at the confluence of the Mississippi and Missouri Rivers. During this winter season final selections of area woodsmen and soldiers were made for the journey to the Pacific.

This expedition, my colleagues will recall, came about by an act of Congress. On February 28, 1803, Congress appropriated funds for a small U.S. Army unit to explore the Missouri and Columbia Rivers and inform western Indian tribes that traders would soon come to buy their furs. President Jefferson was increasingly concerned about British furriers and trappers expanding their influence south, through Canada, into American territories. Irving W. Anderson, past president of the Lewis and Clark Heritage Foundation, describes the journey's goals:

The explorers were to make a detailed report on western geography, climate, plants and animals, and to study the customs and languages of the Indians. Plans for the expedition were almost complete when the President learned that France offered to sell all of Louisiana Territory to the United States. This transfer, which was completed within a year, doubled the area of the United States.

It means that Jefferson's Army expedition could travel all the way to the crest of the Rockies on American soil, no longer needing permission from the former French owners.

Mr. Anderson notes that Meriwether Lewis recorded in his journal that Wood River was ''to be considered the point of departure'' for the westward journey. This 28-year-old Army captain, who knew the President well from their previous residences near Charlottesville, VA, spent that winter selecting 45 men to begin the journey West. When they left Camp DuBois on May 14, 1804 and headed West, little did they know what the journey would hold. Their Corps of Discovery reached the Pacific Ocean over a year later, in November 1805, and began their journey back across the mountains, returning to St. Louis on September 23, 1806.

It goes without saying that this journey was among the most significant in our Nation's history. The Louisiana Purchase and opening of the West to new exploration and development paved the way for settlement of California, establishment of a greater American union and relocation of millions of Americans westward throughout the 20th century. And while Americans can identify F. Clatsop and other Lewis and Clark historic sites, many do not yet know about the Lewis and Clark Site No. 1, Camp DuBois, near Wood River, IL. That is the intention of this legislation.

I want to congratulate the dedicated individuals in my congressional district who have worked for years to build the Lewis and Clark memorial, which now stands at the confluence of the Mississippi and Missouri Rivers. In particular, Mr. George Arnold, who is president of the local Lewis and Clark Memorial Society, has dedicated many years of his life to the legacy of Lewis and Clark and the construction of both the memorial and an interpretive center to lay out the rich Illinois history of the Lewis and Clark expedition.

My legislation has the strong support of the Illinois congressional delegation, will call attention to this journey and seek to expedite efforts by local, State and Federal officials to build this interpretive enter. The Congress has played an active role in this process; in fiscal year 1991, Congress appropriated $115,000 for land acquisition adjacent to route 3, on the dry side of the flood levee; and in fiscal year 1993, Congress appropriated $88,000 for a National Park Service study to determine who best to build and design the center. Both of these funds were appropriated under the 1972 Lewis and Clark National Historic Trail, which remains the authorizing legislation for the interpretive center as well.

Our next goal is to move forward with the interpretive center. State and local resources are in place to begin this process; it will be a 50–50 cost-share with the Federal Government. It is my strong hope that much of this local support will be in place in the spring of 1998, so that we can ask the National Park Service and the Congress to appropriate sufficient funds to begin construction of the Visitors Center.

I want to thank the local, State and Federal officials who are now ready to work with me not only on this commemorative legislation but also on the funding required to make the new center a reality. It will serve as a tribute to the Illinois legacy of these great explorers, and enhance what the Nation understands about the sacrifice and heritage of Meriwether Lewis and William Clark's journey to the Pacific.

THE SUPERFUND RECYCLING EQUITY ACT

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. TAUZIN.

Mr. Speaker, today I am introducing the Superfund Recycling Equity Act. This legislation addresses an unintended consequence of Superfund which has created a serious, negative impediment to our goal of increased recycling in our country.

The Superfund Recycling Equity Act is the product of negotiations between the Government, representatives of the environmental community, and the scrap recycling industry. The bill which I am introducing is the same as H.R. 820 of the 104th Congress with some modifications addressing the concerns of the paper industry. The original negotiating parties have agreed to these minor changes. I am pleased that once again, this legislation attracts incredible support from numerous members across the ideological spectrum.

The Superfund Recycling Equity Act aims to level the playing field between recyclable paper, glass, plastic, metals, textiles, and rubber and the competitive virgin materials where both the recyclable and virgin materials can be used as manufacturing feedstocks. Specifically, the bill relieves those who sell the recyclable materials from Superfund's liability regime if the recyclers meet specified conditions. These conditions ensure that sham recyclers are excluded from the bill's benefits. In order for legitimate recyclers to be relieved of Superfund liability, they must continue to prepare their product in an environmentally sound manner and sell their product to manufacturers who have environmentally responsible business practices.

The language added to the bill to accommodate the paper industry's concerns does three things. It clarifies the term ''customary business practice,'' which previously was undefined. It specifies that the polychlorinated biphenyl [PCB] limits are concentration limits. Finally, if the EPA Administrator determines at some future date that recycled paper contains a hazardous substance heretofore unknown, recyclers would share with mill owner/operators any cleanup costs.

The need for this legislation occurs due to rulemaking and subsequent court interpretations of the rulemaking, not as a consequence of statutory law. The Resource Conservation and Recovery Act [RCRA] regulates the way in which solid wastes, both hazardous and nonhazardous, are handled. However, another important purpose of RCRA appears directly in its title: To conserve and to recover—recycle—scarce resources. While the RCRA statute states that solid wastes are discarded, or disposed of, when the RCRA rule defining solid waste was written, recyclables were included in the promulgated regulation as a subset of solid waste. From that moment forward, recyclables became, and remain, solid waste—not by Act of Congress—but by rulemaking. When Superfund was written, its liability section, section 107, tracked the RCRA rulemaking language and stated that those who dispose of hazardous substances are liable under Superfund's liability scheme.

Despite the intent of public policy, whenever a recycler processes traditional recyclable materials and sells them to mills as feedstocks, or raw materials, for the manufacturing process, be it paper, glass, plastic, metals, textiles, or rubber, they are not selling a product—but rather, under regulatory law—they are disposing of solid waste. Even though such substances are inert and harmless in the solid form, if the recycler sells material to mills that contain hazardous substances, which then contaminates the environment solely because of the activity of the mill's owner/operator, under current legal interpretations recyclers can be required to clean up all, or a portion, of that third party contaminated site. Perhaps you are thinking, I've heard this before, everybody caught in Superfund always says, I didn't pollute anything, and always points to the other guy who did it. Then consider this question. If a supplier of hazardous virgin material used as manufacturing feedstock, for example nickel or chromium, sold it to a mill which then creates a Superfund site, what portion of the cleanup is assigned to the supplier of the virgin material?

The answer is none, not one penny. Neither the mill's owner/operator, nor the government can seek cleanup costs from suppliers of virgin materials. Why? Because legal interpretations consider virgin materials to be products, not wastes. One does not dispose of a product. But, one discards, or disposes, of waste. It the waste contains a hazardous substance found at the site, the person who shipped the waste to the site and the owner/operator, if one still exists, are required to pay the cost of cleanup.

My bill does not relieve the recycler of liability for contamination related to the recycler's disposing of wastes off-site. My bill deals only with Superfund liability arising from the sale of recyclable material to a third party site which is contaminated by that third party.

Let's review this. A recycler and a virgin material supplier each provide their product to a stainless steel mill, for example. Old, damaged, or obsolete stainless steel knives, forks, and spoons are sold to the mill by recyclers. Stainless steel is steel alloyed with nickel and chromium. Virgin material suppliers sell iron ore, chromium, a hazardous substance, and nickel, a hazardous substance, to the same mill. The mill creates a Superfund site where chromium and nickel are found. The mill operator, and/or the government, can and do seek out recyclers to help pay the cost of cleaning up the site. Yet neither the owner/operator nor the government can seek contributions for cleanup from the virgin material suppliers of the nickel and chromium.

Clearly, this doesn't make sense. More importantly it stifles recycling activities in our country. If we are serious about recycling, and I believe that the public and their public officials are serious about it, then we must correct the anomaly.

While I strongly believe that the existing inequities need to be corrected, I remain committed to the swift passage of comprehensive Superfund reform. The recyclers' concerns are one of many problems which due to the current liability system and remedy selection process have prevented Superfund from accomplishing more. I look forward to working with the subcommittee chairman, Mr. OXLEY, and the Commerce Committee chairman, Mr. BLILEY, to ensure that a more rapid cleanup of NPL sites begins this Congress.

Please join me in cosponsoring the Superfund Recycling Equity Act and encouraging comprehensive reform during the 105th Congress.

Daily Digest

HIGHLIGHTS

The House agreed to the Conference report on H.R. 2107, Department of the Interior and related agencies Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S11173–S11213

Measures Introduced: Eight bills and two resolutions were introduced, as follows: S. 1313–1320, S.J. Res. 37, and S. Res. 140. **Pages S11191–92**

Measures Passed:

David B. Champagne Post Office Building: Senate passed H.R. 2013, to designate the facility of the United States Postal Service located at 551 Kingstown Road in South Kingstown, Rhode Island, as the ''David B. Champagne Post Office Building'', clearing the bill for the President. **Page S11213**

ISTEA Authorization: Senate resumed consideration of S. 1173, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, with a modified committee amendment (the modification being a substitute for the text of the bill), taking action on amendments proposed thereto, as follows: **Pages S11173–74, S11187**

Pending:

Chafee/Warner Amendment No. 1312, to provide for a continuing designation of a metropolitan planning organization. **Page S11174**

Chafee/Warner Amendment No. 1313 (to language proposed to be stricken by the committee amendment, as modified), of a perfecting nature. **Page S11174**

Chafee/Warner Amendment No. 1314 (to Amendment No. 1313), of a perfecting nature. **Page S11174**

Motion to recommit the bill to the Committee on Environment and Public Works, with instructions. **Page S11174**

Lott Amendment No. 1317 (to instructions of the motion to recommit), to authorize funds for construction of highways, for highway safety programs, and for mass transit programs. **Page S11174**

Lott Amendment No. 1318 (to Amendment No. 1317), to strike the limitation on obligations for administrative expenses. **Page S11174**

During consideration of this measure today, Senate also took the following action:

By 43 yeas to 49 nays (Vote No. 278), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on the modified committee amendment. **Pages S11173–74**

A fourth motion was entered to close further debate on the modified committee amendment and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Tuesday, October 28, 1997. **Page S11187**

Nominations Received: Senate received the following nominations:

William R. Ferris, of Mississippi, to be Chairperson of the National Endowment for the Humanities for a term of four years.

Curt Hebert, Jr., of Mississippi, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 1999.

L. Paige Marvel, of Maryland, to be a Judge of the United States Tax Court for a term of fifteen years.

6 Air Force Generals.

23 Army Generals.

1 Navy Admiral. **Page S11213**

Nomination Withdrawn: Senate received notification of the withdrawal of the following nomination:

Curt Herbert, Jr., of Mississippi, to be a Member of the Federal Energy Regulatory Commission. **Page S11213**

Messages From the House: **Page S11191**

Measures Read First Time: **Page S11191**

Statements on Introduced Bills: **Pages S11192–S11205**

Additional Cosponsors: **Pages S11205–06**

Amendments Submitted: Pages S11206–10

Additional Statements: Pages S11210–12

Record Votes: One record vote was taken today. (Total–278) Pages S11173–74

Adjournment: Senate convened at 9:45 a.m., and adjourned at 2:08 p.m., until 12 noon, on Monday, October 27, 1997. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S11213.)

Committee Meetings

(Committees not listed did not meet)

NATIONAL EXPORT STRATEGY

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to review the fifth annual report of the Trade Promotion Coordinating Committee (TPCC) on the status of our national export strategy and the steps taken by TPCC agencies to implement the U.S. trade promotion agenda, after receiving testimony from William M. Daley, Secretary of Commerce; and James A. Harmon, President, Export-Import Bank of the United States.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Carolyn Curiel, of Indiana, to be Ambassador to Belize, Victor Marrero, of New York, to be the Permanent Representative of the United States to the Organization of American States, with the rank of Ambassador, Christopher C. Ashby, of Connecticut, to be Ambassador to the Oriental Republic of Uruguay, Timothy Michael Carney, of Washington, to be Ambassador to the Republic of Haiti, and Stanley Louis McLelland, of Texas, to be Ambassador to Jamaica, after the nominees testified and answered questions in their own behalf.

TAX COMPENSATION

Committee on Governmental Affairs: Committee held hearings on H.R. 1953, to clarify State authority to tax compensation paid to certain employees and to provide that the income of certain employees at three specific Federal facilities located astride State boundaries is to be taxed by the State of which the employee is a resident, receiving testimony from Senator Gregg; Representative Bryant; Maine Attorney General Andrew Ketterer, Augusta; New Hampshire Attorney General Philip T. McLaughlin, Concord; William M. Remington, Delaware State Division of Revenue, Dover, on behalf of the Federation of Tax Administrators; James Charles Smith, University of Georgia, Athens; George W. Kaelin, on behalf of the concerned Citizens of Tennessee, Edwin M. Wilson, and Dorothy J. Smith, all of Clarksville, Tennessee; Gary W. York, Gavins Point Dam, Yankton, South Dakota; and Roger Hays, on behalf of the United Power Trades Organization, Kennewick, Washington.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 12 public bills, H.R. 2730, 2733–2743; 4 private bills, H.R. 2731–2732, 2744–2745; and 4 resolutions, H. Con. Res. 175–177 and H. Res. 281, were introduced.

Page H9558

Reports Filed: Reports were filed as follows:

H.R. 424, to provide for increased mandatory minimum sentences for criminals possessing firearms, amended (H. Rept. 105–344);

H. Res. 280, providing for consideration of H.R. 1270, to amend the Nuclear Waste Policy Act of 1982 (H. Rept. 105–345);

H.R. 2493, to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands, amended (H. Rept. 105–346 Parts 1 and 2);

H.R. 1702, to encourage the development of a commercial space industry in the United States, amended (H. Rept. 105–347);

H.R. 2614, to improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, to ensure that children can read well and independently not later than third grade, amended (H. Rept. 105–348).

Pages H9557–58

Journal: By a recorded vote of 318 ayes to 56 noes, Roll No. 526, agreed to the Speaker's approval of the Journal of Thursday, October 23. **Pages H9505–06**

Amtrak Reform and Privatization Act: The House considered amendments to H.R. 2247, to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak. The House completed general debate on October 22. **Pages H9515–28**

Rejected:

The Quinn substitute to the LaTourette amendment that sought to clarify that the labor reform provisions only apply to Amtrak which would hold freight and transit workers harmless (rejected by a recorded vote of 195 ayes to 223 noes, Roll No. 529). **Pages H9524–28**

Pending:

The LaTourette amendment was offered that seeks to reinstate the prohibition on the issues of contracting out and labor protection as they exist in current law and previous negotiated agreements between Amtrak and labor. **Pages H9520–24**

Rejected the Bonior motion to rise by a recorded vote of 195 ayes to 223 noes, Roll No. 528.

Pages H9519–20

The House agreed to H. Res. 270, the rule that is providing for consideration of the bill on October 22. **Pages H8964–72**

Motion to Adjourn: Rejected the Bonior motion to adjourn by a recorded vote of 168 ayes to 244 noes, Roll No. 530. **Pages H9528–29**

Interior and Related Agencies Appropriations: By a yea and nay vote of 233 yeas to 171 nays, Roll No. 531, the House agreed to the Conference report on H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998.

Pages H9529–41

Earlier, the House agreed to H. Res. 277, the rule waiving points of order against the conference report by a yea and nay vote of 247 yeas to 166 nays, Roll No. 527. **Pages H9506–15**

Meeting Hour—October 28: Agreed that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, October 28 for Morning Hour debate. **Page H9528**

Calendar Wednesday: Agreed that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, October 29. **Page H9542**

Legislative Program: The Majority Leader announced the legislative program for the week of October 27. **Pages H9541–42**

Senate Messages: Message received from the Senate today appears on page H9503.

Referral: S. 1266, to interpret the term ''kidnapping'' in extradition treaties to which the United States is a party, was referred to the committee on International Relations. **Page H9557**

Quorum Calls—Votes: Two yea-and-nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H9505–06, H9514–15, H9519–20, H9527–28, H9528–29, and H9540–41.

There were no quorum calls.

Adjournment: Met at 9:00 a.m. and adjourned at 4:10 p.m.

Committee Meetings

FINANCIAL SERVICES ACT

Committee on Commerce: Subcommittee on Finance and Hazardous Materials approved for full Committee action amended H.R. 10, Financial Services Act of 1997.

DORNAN V. SANCHEZ—CONTESTED ELECTION

Committee on House Oversight: Task Force for the Contested Election in California's 46th Congressional District approved the following: a Memorandum of Understanding between the Task Force and the California Secretary of State; and a resolution requesting that the Chairman of the Committee issue Committee subpoenas to Nativo Lopez and Michael Farber.

IRAN MISSILE PROLIFERATION SANCTIONS ACT

Committee on International Relations: Ordered reported amended H.R. 2709, Iran Missile Proliferation Sanctions Act of 1997.

NUCLEAR WASTE POLICY ACT

Committee on Rules: Granted, by voice vote, a structured rule on H.R. 1270, Nuclear Waste Policy Act of 1997, providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce and twenty minutes of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule waives points of order against consideration of the bill for failure to comply with section 306 of the Congressional Budget Act of 1974 (requiring provisions in the jurisdiction of the Committee on the Budget to be referred to or reported by the Committee on the Budget). The rule provides for consideration of the bill for amendment under the five minute rule. The rule provides for the consideration of the amendment in the nature of a substitute recommended by the Committee on Commerce as an original bill for the purpose of amendment. The rule waives points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI (prohibiting appropriations in authorization measures) and section 306 of the Congressional Budget Act of 1974 (requiring provisions in the jurisdiction of the Committee on the Budget to be referred to or reported by the Committee on the Budget). The rule also provides that, notwithstanding clause 5(c) of rule XXIII (relating to motions to strike unfunded mandates), for consideration of only those amendments printed in the report of the Committee on Rules and that these amendments may only be offered in the order listed in the report and only by the Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives points of order against the last amendment printed in the Rules Committee report for failure to comply with clause 5(a) of rule XXI (prohibiting appropriations in authorization measures) and section 306 of the Congressional Budget Act of 1974 (requiring provisions in the jurisdiction of the Committee on the Budget to be referred to or reported by the Committee on the Budget). The rule allows the Chairman of the Committee of the Whole to reduce the voting time on any postponed question to five minutes provided that that vote follows a fifteen minute vote. The rule provides one motion to recommit with or without instructions. Further, the rule waives points of order against consideration in the House of S. 104 for failure to comply with section 306 of the Congressional Budget Act of 1974 (requiring provisions in the jurisdiction of the Committee on the Budget to be referred to or reported by the Committee on the Budget). The rule provides for the consideration of a motion to strike all after the enacting clause of S. 104 and to insert in lieu thereof the provisions of H.R. 1270, as passed by the House. Finally, the rule provides that upon the adoption of the Motion and the Senate bill as amended, it is in order to move that the House insist on its amendment to S. 104 and request a conference thereon. Testimony was heard from Representatives Dan Schaefer of Colorado, Hastert, Crapo, Upton, Ensign, Gibbons, Hall of Texas, Markey, Engel, McCarthy of Missouri, DeGette, Kildee, and Kucinich.

SPACE SOLAR POWER

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on Space Solar Power: A Fresh Look. Testimony was heard from John Mankins, Manager, Advanced Concepts Studies, Office of Space Flight, NASA; and public witnesses.

CONGRESSIONAL PROGRAM AHEAD

Week of October 27 through November 1, 1997

Senate Chamber

On *Monday,* Senate will consider the nomination of Algenon L. Marbley, of Ohio, to be U.S. District Judge for the Southern District of Ohio, with a vote to occur thereon.

On *Tuesday*, Senate will resume consideration of S. 1173, Intermodal Surface Transportation Act, with a vote on a motion to close further debate on the modified committee amendment to occur thereon.

Also, during the week, Senate may resume consideration of S. 1156, D.C. Appropriations, 1998, conference report on H.R. 2107, Interior Appropriations, 1998, and consider further conference reports, when available, and any cleared legislative and executive business.

(Senate will recess on Tuesday, October 28, 1997 from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Banking, Housing, and Urban Affairs: October 28, Subcommittee on Financial Services and Technology, to hold hearings to examine electronic authenticity and digital signature issues, 10:30 a.m., SD–538.

Committee on the Budget: October 28, to hold hearings to examine the state of American education, 2 p.m., SD–608.

October 29, Full Committee, to hold hearings to examine U.S. policy implications for NATO enlargement, European Union expansion and the European Monetary Union, 10 a.m., SD–608.

October 30, Full Committee, to hold hearings to examine funding for international affairs, 2 p.m., SD–608.

Committee on Commerce, Science, and Transportation: October 28, to hold hearings to examine aviation competition issues, 2:30 p.m., SR–253.

October 29, Subcommittee on Oceans and Fisheries, to hold hearings to examine the future of the National Oceanic and Atmospheric Administration Corps, and S. 877, to disestablish the National Oceanic and Atmospheric Administration Corps of Commissioned Officers, 9:30 a.m., SR–253.

October 29, Full Committee, to hold hearings on S. 943 and H.R. 2005, bills to revise Federal aviation law to declare that nothing in such law or in the Death on the High Seas Act shall affect any remedy existing at common law or under State law with respect to any injury or death arising out of any aviation incident occurring on or after January 1, 1995, 2 p.m., SR–253.

October 30, Full Committee, to hold hearings on the nominations of William Clyburn, Jr., of South Carolina, to be a Member of the Surface Transportation Board, Department of Transportation, and Duncan T. Moore, of New York, and Arthur Bienenstock, of California, each to be an Associate Director of the Office of Science and Technology Policy, 9:30 a.m., SR–253.

October 30, Full Committee, business meeting, to consider pending calendar business, 10 a.m., SR–253.

Committee on Energy and Natural Resources: October 28, Subcommittee on Forests and Public Land Management, to hold hearings to examine the potential impacts on, and additional responsibilities for, federal land managers imposed by the Environmental Protection Agency's Notice of Proposed Rulemaking on regional haze regulations implementing Section 169A and 169B of the Clean Air Act, 2 p.m., SD–366.

October 29, Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 638, to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the monument, 2 p.m., SD–366.

October 30, Subcommittee on Forests and Public Land Management, to hold hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal land in accordance with the principles of multiple use and sustained yield, 9:30 a.m., SD–366.

October 30, Subcommittee on Water and Power, to hold hearings to review the Federal Energy Regulatory Commission's hydroelectric relicensing procedures, 2 p.m., SD–366.

Committee on Environment and Public Works: October 28, to hold hearings on the nomination of Kenneth R. Wykle, of Virginia, to be Administrator of the Federal Highway Administration, Department of Transportation, 9 a.m., SD–406.

October 30, Full Committee, to hold hearings on evidentiary privileges or immunity from prosecution for voluntary environmental audits, 9:30 a.m., SD–406.

Committee on Foreign Relations: October 28, to hold hearings to examine costs, benefits, burdensharing and military implications of NATO enlargement, 10 a.m., SD–419.

October 28, Full Committee, to hold hearings on the nominations of Richard Frank Celeste, of Ohio, to be Ambassador to India, Shaun Edward Donnelly, of Indiana, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently as Ambassador to the Republic of Maldives, Edward M. Gabriel, of the District of Columbia, to be Ambassador to the Kingdom of Morocco, Cameron R. Hume, of New York, to be Ambassador to the Democratic and Popular Republic of Algeria, Daniel Charles Kurtzer, of Maryland, to be Ambassador to the Arab Republic of Egypt, James A. Larocco, of Virginia, to be Ambassador to the State of Kuwait, and Edward S. Walker, Jr., of Maryland, to be Ambassador to Israel, 2 p.m., SD–419.

October 29, Full Committee, to hold hearings on the nominations of Amy L. Bondurant, of the District of Columbia, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador, Terrence J. Brown, of Virginia, to be Assistant Administrator for Management, Thomas H. Fox, of the District of Columbia, to be an Assistant Administrator for Policy and Program Coordination, and Harriet C. Babbitt, of Arizona, to be Deputy Administrator, all of the Agency for International Development, and Kirk K. Robertson, of Virginia, to be Executive Vice President of the Overseas Private Investment Corporation, all of the Department of State, 11 a.m., SD–419.

October 29, Full Committee, to hold joint hearings with the United States Senate Caucus on International Narcotics Control to examine United States-Mexican cooperation in efforts to combat drugs, 2 p.m., SD–106.

October 29, Full Committee, to hold hearings on the nominations of Joseph A. Presel, of Rhode Island, to be Ambassador to the Republic of Uzbekistan, Stanley Tuemler Escudero, of Florida, to be Ambassador to the Republic of Azerbaijan, B. Lynn Pascoe, of Virginia, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh, Steven Karl Pifer, of California, to be Ambassador to Ukraine, Kathryn Linda Haycock Proffitt, of Arizona, to be Ambassador to the Republic of Malta, James Catherwood Hormel, of California, to be Ambassador to Luxembourg, David B. Hermelin, of Michigan, to be Ambassador to Norway, Lyndon Lowell Olson, Jr., of Texas, to be Ambassador to Sweden, and Gerald S. McGowan, of Virginia, to be Ambassador to the Republic of Portugal, 2 p.m., SD–419.

October 30, Full Committee, to hold hearings to examine the relationship between NATO and Russia, Thursday at 9:30 a.m. and Thursday at 2 p.m., SD–419.

Committee on Governmental Affairs: October 27, Subcommittee on International Security, Proliferation and Federal Services, to hold hearings to examine the safety and reliability of the nuclear stockpile, 2 p.m., SD–342.

October 28, 29 and 30, Full Committee, to resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing, 10 a.m., SH–216.

October 31, Permanent Subcommittee on Investigations, to hold oversight hearings on the Treasury Department's Office of Inspector General, 9:30 a.m., SD–342.

Committee on the Judiciary: October 28 and 29, to hold hearings on pending nominations, Tuesday at 10 a.m. and Wednesday at 2 p.m., SD–226.

October 29, Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings to examine antitrust implications of the proposed settlement between the State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America, 10 a.m., SD–226.

October 30, Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine victim compensation and attorneys' fees with regard to class action lawsuits, 2 p.m., SD–226.

Committee on Labor and Human Resources: October 27, Subcommittee on Public Health and Safety, to hold hearings to examine proposals to deter youth from using tobacco products, 2 p.m., SD–430.

October 28, Full Committee, to resume hearings to examine an Administration study on the confidentiality of medical information and recommendations on ways to protect the privacy of individually identifiable information and to establish strong penalties for those who disclose such information, 10 a.m., SD–430.

October 30, Full Committee, to hold hearings to examine recent developments and current issues in HIV/AIDS, 10 a.m., SD–430.

Committee on Rules and Administration: October 30, to hold hearings to examine the Senate strategic planning process for infrastructure support; to be followed by a business meeting to consider pending legislative and administrative matters, 9 a.m., SR–301.

Committee on Indian Affairs: October 29, to hold hearings on S. 1077, to amend the Indian Gaming Regulatory Act, 9:30 a.m., SD–106.

October 30, Full Committee, business meeting, to consider pending calendar business; to be followed by a hearing on the nomination of Keven Gover, of New Mexico, to be an Assistant Secretary of the Interior, 9:30 a.m., SR–485.

Select Committee on Intelligence: October 28, to hold hearings on proposed legislation with regard to intelligence disclosure to Congress, 2:30 p.m., SD–106.

October 28, Full Committee, to hold closed hearings on intelligence matters, 2:30 p.m., SH–219.

United States Senate Caucus on International Narcotics Control: October 29, to hold joint hearings with the Committee on Foreign Relations to examine United States-Mexican cooperation in efforts to combat drugs, 2 p.m., SD–106.

House Chamber

Monday, The House is not in session.

Tuesday, Consideration of 7 Suspension measures;

1. H. Res. 139, Dollars to Classrooms Act;

2. S. 1227, Clarify Treatment of Investment Managers under the Employee Retirement Income Security Act of 1974;

3. S. 923, Deny Veterans Benefits to Persons Convicted of Federal Capital Offenses;

4. H.R. 2367, Veterans' Compensation Cost-of-Living Adjustment Act of 1997;

5. H.R. 2644, United States-Caribbean Trade Partnership Act;

6. H.R. 1484, Redesignate the Dublin Federal Courthouse Building Located in Dublin, Georgia, as the J. Roy Rowland Federal Courthouse; and

7. H.R. 1479, designate the Federal building and United States courthouse located in Miami, Florida, as the "David W. Dyer Federal Courthouse";

Consideration of the Conference Report on H.R. 1119, Department of Defense Authorization (rule waiving all points of order); and

Consideration of H.R. 1270, Nuclear Waste Policy Act (rule only).

NOTE: No votes are expected before 5:00 p.m.

Wednesday, Thursday, and Friday, Consideration of H.R. 1270, Nuclear Waste Policy Act (structured rule);

Consideration of H.R. 2493, Uniform Management of Livestock Grazing on Federal Lands (Subject to a Rule);

Consideration of H.R. 2616, Charter Schools Amendments Act of 1997 (subject to a rule);

Consideration of H.R. , Help Scholarship Act (subject to a rule); and

Consideration of H.R. 2614, Reading Excellence Act (subject to a rule);

House Committees

Committee on Agriculture, October 29, hearing on H.R. 2534, Agricultural Research Extension and Education Reauthorization Act of 1997, 9:30 a.m., 1300 Longworth.

October 29, Subcommittee on Risk Management and Specialty Crops, hearing on Review of the Commodity Futures Trading Commission's Government Performance Results Act Report, 1 p.m., 1302 Longworth.

October 30, Subcommittee on Department Operations, Nutrition and Foreign Agriculture, hearing on review of the waste and abuse in the administration of the Food Stamp Program, 10 a.m., 1300 Longworth.

Committee on Appropriations, October 29, Subcommittee on Labor, Health and Human Services, and Education, hearing on Child Health, 10:00 a.m. and 2 p.m., 2358 Rayburn.

Committee on Banking and Financial Services, October 30, Subcommittee on Capital Markets, hearing on the GAO Report on the Office of Federal Housing Finance Oversight, 10 a.m., 2128 Rayburn.

Committee on Commerce, October 28, Subcommittee on Health and Environment, hearing on the following bills: H.R. 1415, Patient Access to Responsible Care Act of 1997; and H.R. 820, Health Insurance Bill of Rights Act of 1997, 2:30 p.m., 2322 Rayburn.

October 29, Subcommittee on Oversight and Investigations, hearing on Medicare Home Health, 10:30 a.m., 2322 Rayburn.

October 29, Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on H.R. 2691, National Highway Traffic Safety Administration Reauthorization Act of 1997, 10:30 a.m., 2123 Rayburn.

October 30, Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on Video Competition: Access to Programming, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, October 29, Subcommittee on Oversight and Investigations, hearing on the American Worker at a Crossroads Project, ''Future of Work in America'', 10:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, October 27, Subcommittee on Government Management, Information, and Technology, hearing on Oversight of the Implementation of the Clinger-Cohen Act, 10 a.m., 2154 Rayburn.

October 28, Subcommittee on Civil Service, hearing on IRS' Suspension of Its Affirmative Action Program, 2 p.m., 2154 Rayburn.

October 28, Subcommittee on National Security, International Affairs and Criminal Justice, executive, hearing on Security Status of U.S. Personnel Overseas, 10 a.m., 2247 Rayburn.

October 29, Subcommittee on Human Resources, will meet to consider an oversight report on Persian Gulf War veterans' illnesses, 10 a.m., 2154 Rayburn.

October 30, full Committee, hearing on the Results Act: Are We Getting Results?, 2 p.m., 2154 Rayburn.

October 30, Subcommittee on Human Resources, oversight hearing on employee pension protections and the Department of Labor's enforcement of the Employee Retirement Income Security Act, 10 a.m., 2247 Rayburn.

Committee on International Relations, October 29, hearing on Recent Developments in Europe, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, October 28, Subcommittee on the Constitution, markup of H.J. Res. 78, proposing an amendment to the Constitution of the United States restoring religious freedom, 10 a.m., 2237 Rayburn.

October 29, to markup the following measures: H.R. 1023, Ricky Ray Hemophilia Relief Fund Act of 1997; H.R. 1753, to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000; H.R. 2460, Wireless Telephone Protection Act; H.R. 429, NATO Special Immigration Amendments of 1997; H.J. Res. 91, granting the consent of Congress to the Apalachicola-Chattahoocee-Flint River Basin Compact; H.J. Res. 92, granting the consent of Congress to the Alabama-Cossa Tallapoose River Basin Compact; H.J. Res 95, granting the consent of Congress to the Chickasaw Trail Economic Development Compact; H.J. Res 96, granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact, 10 a.m., 2141 Rayburn.

October 30, Subcommittee on Courts and Intellectual Property, hearing regarding copyright licensing regimes covering retransmission of broadcast signals, 10 a.m., 2237 Rayburn.

October 30, Subcommittee on Crime, hearing regarding options for improving and expanding cooperation between Federal Prison Industries and the private sector, 9:30 a.m., 2226 Rayburn.

Committee on Resources; October 28, Subcommittee on Forest and Forest Health, hearing on the following bills: H.R. 1659, Mount St. Helens National Volcanic Monument Completion Act; H.R. 2416, provide for the transfer of certain rights and property to the United States Forest Service in exchange for a payment from the occupant of such property; and H.R. 2574, to consolidate certain mineral interest in the National grasslands in Billings County, ND, through the exchange of Federal and private mineral interest to enhance land management capabilities and environmental and wildlife protection, 2 p.m., 1334 Longworth.

October 29, full Committee, hearing on the following bills: H.R. 100, Guam Commonwealth Act; H.R. 2370, Guam Judicial Empowerment Act of 1997; and S. 210, to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, 10 a.m., 1324 Longworth.

October 30, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to consider pending business; followed by an oversight hearing to examine activities being planned by the Administration for the International Year of the Ocean, 10 a.m., 1334 Longworth.

October 30, to Subcommittee on National Parks and Public Lands, to consider pending business; followed by a hearing on the following bills: H.R. 682, National Parks Capital Improvements Act of 1997, H.R. 2438, to encourage establishment of appropriate trails on abandoned railroad rights-of-way, while ensuring protection of certain reversionary property rights; H.R. 1995, Point Reyes National Seashore Farmland Protection Act of 1997, 10 a.m., 1324 Longworth.

October 30, Subcommittee on Water and Power, oversight hearing on Water Management Implications of the 1997/98 El Nino, 2 p.m., 1324 Longworth.

Committee on Rules, October 28, to consider H.R. 2493, Forage Improvement Act of 1997, 5:30 p.m., H–313 Capitol.

October 30, Subcommittee on Rules and Organization of the House and the Subcommittee on Legislative and Budget Process, joint hearing on Implementation of the Unfunded Mandates Reform Act and Proposals for Reform, 10 a.m., H–313 Capitol.

Committee on Science, October 28, Subcommittee on Technology, hearing on Do You Know Who You Are Doing Business With? Signatures In a Digital Age, 3 p.m., 2318 Rayburn.

October 29, full Committee, hearing on Science, Math, Engineering, and Technology Education (SMET) in America—Collaboration and Coordination of Federal Agency Efforts in SMET K–12 Education, 10 a.m., 2318 Rayburn.

October 30, Subcommittee on Space and Aeronautics, hearing on Indemnification and Crosswaiver Authority, 10 a.m., 2325 Rayburn.

Committee on Small Business, October 29, hearing on SBA implementation of the Results Act, 11 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, October 29, to markup pending legislation, 10 a.m., 2167 Rayburn.

October 29, Subcommittee on Water Resources and Environment, hearing on Superfund Reauthorization and Reform Legislation, 1 p.m., 2167 Rayburn.

October 30, Subcommittee on Coast Guard and Maritime Transportation, hearing on Oil Spill Prevention Measures, 10 a.m., 2253 Rayburn.

Committee on Ways and Means, October 28, Subcommittee on Human Resources, hearing on protecting children from the Impacts of Substance Abuse on Families Receiving Welfare, 3 p.m., B–318 Rayburn.

October 28, Subcommittee on Oversight, hearing on the performance of the Empowerment Zone/Enterprise Community Program, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, October 29, executive, hearing on Nonproliferation, 2 p.m., H–405 Capitol.

Joint Meetings

Joint Economic Committee: October 29, to hold hearings to examine the role of monetary policy in a healthy economic expansion, 10 a.m., SD–138.

Next Meeting of the SENATE

12 Noon, Monday, October 27

Senate Chamber

Program for Monday: Senate will consider the nomination of Algenon L. Marbley, of Ohio, to be U.S. District Judge for the Southern District of Ohio, with a vote to occur thereon, and consider any cleared legislative and executive business.

Next Meeting of the HOUSE OF REPRESENTATIVES

10:30 a.m., Tuesday, October 28

House Chamber

Program for Tuesday: Consideration of 7 Suspension measures;

1. H. Res. 139, Dollars to Classrooms Act;
2. S. 1227, Clarify Treatment of Investment Managers under the Employee Retirement Income Security Act of 1974;
3. S. 923, Deny Veterans Benefits to Persons Convicted of Federal Capital Offenses;
4. H.R. 2367, Veterans' Compensation Cost-of-Living Adjustment Act of 1997;
5. H.R. 2644, United States-Caribbean Trade Partnership Act;
6. H.R. 1484, Redesignate the Dublin Federal Courthouse Building Located in Dublin, Georgia, as the J. Roy Rowland Federal Courthouse; and
7. H.R. 1479, designate the Federal building and United States courthouse located in Miami, Florida, as the ''David W. Dyer Federal Courthouse'';

Consideration of the Conference Report on H.R. 1119, Department of Defense Authorization (rule waiving all points of order); and

Consideration of H.R. 1270, Nuclear Waste Policy Act (rule only).

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