The House met at 9 a.m.
The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we sense the conditions of our days and the time when we can achieve our ambitions and goals, make us acutely aware, O God, of the limitations that are so much a part of our lives. May we always sense Your presence giving us purpose and meaning for our existence and allowing us a spiritual objective and a devout awareness of the opportunities before us. Make us conscious of the limits of time so that we use our days in ways that honor You, O God, and may we be good stewards of the riches and the heritage of the land. Bless our work and bless our lives, we pray. 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 Journel.

The question is on the Chair's approval of the Journel.

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The point of no quorum is considered withdrawn.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 gentleman from Ohio [Mr. Traficant] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT 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.

ANNOUNCEMENT BY THE SPEAKER
The SPEAKER. The Chair will recognize five minutes on each side.

AMERICANS WANT THE TRUTH
(Mr. Gibbons asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Gibbons. Mr. Speaker, recent news reports have all Americans asking, did the Secretary of the Interior,
Bruce Babbitt, enact government policy in return for a political contribution? When first pressed for the answer, Secretary Babbitt denied that any political pressure was applied to influence his decision-making. Now, however, after some "vision in the night," he says that a different tune and free admits that the DNC chairman, Harold Ickes, demanded an immediate decision regarding an Indian casino application, and that a political contribution would be made to the DNC for this decision.

We sing this song to be, Mr. Secretary? Did you or did you not make government policy in exchange for a $296,000 donation to the DNC? You cannot have it both ways.

These are just some of the serious questions to which the American people deserve answers. Notwithstanding any other mitigating factors, an independent counsel and investigation into this scandal is clearly justified.

On behalf of all Americans, I demand the truth.

FREE LORETTA SANCHEZ

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

Mr. PALLONE. Mr. Speaker, the Republican leadership this morning will bring up a resolution that allows the House to adjourn this weekend and not return until the end of January, and the purpose of that basically is to avoid addressing the issue of Loretta Sanchez' election and the ongoing investigation.

This House should not adjourn until it ends this witch-hunt of Congresswoman Loretta Sanchez' election. The Republican leadership has not been able to prove that there was any illegality involved in this election. Congresswoman Sanchez won her California election fair and square. The Republicans are simply wasting a lot of money, over $500,000 in taxpayer dollars, to try to prove a case that they have not been able to prove.

It is also because Republicans are trying to harass and intimidate Hispanic voters because they voted in overwhelming numbers for Democratic candidates in the last congressional election. Let us free Loretta Sanchez and put an end to this witch-hunt. It is not proper for this House to adjourn until this investigation is concluded and stopped.

NO DELAY FOR IRS REFORM

Mr. TIAHRT asked and was given permission to address the House for 1 minute.

Mr. TIAHRT. Mr. Speaker, Americans are fond of saying that we live in the freest country in the world, and most of us believe it. That is why Congress should act this morning to make one momentous reform to the IRS. I do not mean cosmetic changes that leave the IRS free to continue their bullying tactics, free from accountability and checks and balances that are required by the U.S. Constitution; I mean changing the way the IRS does business. That means a change in attitude, a change in their ability to turn someone's life completely upside down before he has even had his day in court, and a total change in the IRS' ability to initiate politically motivated audits.

When the IRS has too much power, our freedom is threatened. If America is to remain the freest country on the Earth, the power of the IRS must be brought under control. Our freedom is at stake.

SAY "NO" TO FAST TRACK

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

Mr. DeFAZIO. Mr. Speaker, the President and the Vice President are saying, if only they could get a secret vote on fast track it would pass by a 3-to-1 margin. It is only the power of big labor that is holding Democrats back.

Nothing could be further from the truth. Fast track is still in play only because of the extraordinary pressure from the President and the Vice President, the promises of projects, fundraisers and fantasies, the arm-twisting of the Republican leaders and the lobby of the dozens of corporate CEO's who jetted into town this week in their private jets with their pockets stuffed with cash. A vote on fast track is a referendum on a failed U.S. trade policy, a policy that exports our jobs, drives down wages and destroys the environment.

The President says it is about a bridge to the 21st century. I have seen that bridge from the colonias in Mexico to the American border, a bridge across sewage and toxic waste canals, from state-of-the-art U.S.-owned manufacturing plants where people are paid 80 cents an hour. That is a bridge the American worker should not be forced to cross. Say "no" to fast track.

KEEP CUTTING TAXES

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

Mr. CHABOT. Mr. Speaker, earlier this week, President Clinton told voters that if they supported a tax cut, they were selfish. He really said that. Here it is, in black and white. The President really said this.

Unfortunately, this is a common view among liberals, while this view may sound shocking, the only thing that is really surprising is that the President would actually come out and say out loud what liberals and many folks who believe like he believes actually think. It is their attitude that they are actually doing us a favor by letting us keep more of our own money.

I find the idea that people should be scolded for thinking that they are the best judge of how to spend their own money is the perfect example of the arrogance that is so characteristic of very many elitist liberals. But at least we now know what the President really thinks. Let us continue to cut taxes and let hard-working Americans keep more of what they earn.

A SCHOOL WITHOUT PRAYER IS A SCHOOL WITHOUT GOD

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, students in Alabama are skipping school protesting the fact that they are not allowed to pray. Think about it. Even though America has guns, rape, drugs, even heroin and murder in our schools, students are not allowed to pray. Unbelievable. A school without prayer is a school without God and a nation that denies prayer is a nation that denies God and a nation that just may welcome the devil.

Members of Congress, the Constitution may separate church and State, but the Founders never intended to separate God and the American people. I yield back any common sense and logic we have left.

BLURTING OUT THE TRUTH TELLS ALL

Mr. PAPPAS asked and was given permission to address the House for 1 minute.

Mr. PAPPAS. Mr. Speaker, every once in a while a politician will commit a major blunder by doing something that is known as blustering out the truth. This occurs when the politician accidentally tells us how he really feels about an issue, and it can become very controversial if that is how people suspected all along that he really thinks. We had a wonderful example of that earlier this week.

President Clinton was campaigning in Alexandria, VA on behalf of a fellow Democrat and he told a crowd of Democrat supporters what he really thinks. Let us consider the facts.

Yes, here is the vision of the liberal elite. It is morally wrong to think that people are a better judge of how to spend their own money than are the politicians. The liberal elite want to spend our money, and they dare us to think that we should be able to spend our money the way we wish.

Mr. President, thank you for blurring out the truth.
END BUSINESS AS USUAL ON DAIRY PRICES
(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, if we can cut through the partisan bloviating we have just heard for a few minutes, I would like to note something else. I have voted against every farm bill that has been in front of this House for the last 10 years because those bills guarantee that the dairy farmers from the upper Midwest would receive significantly lower prices than farmers in other regions of the country. This week a Federal court struck down those milk marketing orders as being arbitrary and capricious. That court is not going to do anything to make the point of order that a quorum is not present. The Speaker pro tempore did state, and it is clear that the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the grounds that the Speaker pro tempore announced that the noes appeared to have it.

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

Mr. OBEY. Mr. Speaker, I object to the vote on the grounds that the Speaker pro tempore announced that the noes appeared to have it.

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

Mr. OBEY. Mr. Speaker, Mr. Speaker, if we can cut through the partisan bloviating we have just heard for a few minutes, I would like to note something else. I have voted against every farm bill that has been in front of this House for the last 10 years because those bills guarantee that the dairy farmers from the upper Midwest would receive significantly lower prices than farmers in other regions of the country. This week a Federal court struck down those milk marketing orders as being arbitrary and capricious. That court is not going to do anything to make the point of order that a quorum is not present. The Speaker pro tempore did state, and it is clear that the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the grounds that the Speaker pro tempore announced that the noes appeared to have it.

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

The motion to adjourn is now in order.
The intelligence capability it needs. Therefore, I strongly support the passage of this report.

I would like to thank the members of the committee who worked hard to craft this bill, particularly the gentleman from Connecticut (Mr. Dick's), the ranking member, and the fine efforts of our subcommittee chairman and the ranking member, the gentleman from California (Mr. Lewis), and the gentleman from Florida (Mr. McCollum). Indeed, I thank all the members who played constructive roles throughout this process; and, indeed, that was every member of the committee.

Also, Mr. Speaker, special acknowledgment goes to the members of the Senate Select Committee on Intelligence for their cooperation as we came together to make tough decisions on how best to invest in the future of our intelligence community for the benefit of our country.

Mr. Goss. Mr. Speaker, pursuant to the unanimous consent agreement of October 30, 1997 I call up the conference report on the Senate bill (S. 858) to authorize appropriations for fiscal years 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

As above recorded.

The Chair recognizes the gentleman from Florida (Mr. McCollum). In fact, I thank all the members who played constructive roles throughout this process; and, indeed, that was every member of the committee.

The gentlelady from California (Ms. Pelosi) changed her vote from "aye" to "nay." The motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Mr. Engel. Mr. Speaker, I was necessarily absent during rollcall votes 575 and 606. If present, I would have voted "aye" on rollcall 575 and "no" on rollcall 606.

Mr. Wexler. Mr. Speaker, pursuant to the unanimous consent agreement of October 30, 1997 I call up the conference report on the Senate bill (S. 858) to authorize appropriations for fiscal years 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

As above recorded.

The Speaker pro tempore (Mr. L. Honda). Pursuant to the order of the House of October 30, 1997 the conference report is considered as having been read.

For conference report and statement, see proceedings of the House of Tuesday, October 28, 1997, at page H9586.

The Speaker pro tempore. The gentleman from Florida (Mr. Goss) and the gentleman from Washington (Mr. Dick's) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. Goss).

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

Mr. Speaker, rise in support of the conference report to accompany the bill (S. 858) that authorizes funds for intelligence and intelligence-related activities, and for other purposes, for fiscal year 1998.

All such conference reports are, Mr. Speaker, as this one is, a compromise that, unfortunately, represents a significant reduction in funding for intelligence activities from our authorization passed by this body in June. But these reductions, when combined with some of the actions we have taken in appropriations, will mean the intelligence community will do without some much needed resources in several areas.

That said, however, this conference report does set the stage for some work we will be doing over the next several years to ensure that this Nation has the intelligence capability it needs. Therefore, I strongly support the passage of this report.

I would like to thank the members of the committee who worked hard to craft this bill, particularly the gentleman from Connecticut (Mr. Dick's), the ranking member, and the fine efforts of our subcommittee chairman and the ranking member, the gentleman from California (Mr. Lewis), and the gentleman from Florida (Mr. McCollum). Indeed, I thank all the members who played constructive roles throughout this process; and, indeed, that was every member of the committee.

Also, Mr. Speaker, special acknowledgment goes to the members of the Senate Select Committee on Intelligence for their cooperation as we came together to make tough decisions on how best to invest in the future of our intelligence community for the benefit of our country.

Mr. Goss. Mr. Speaker, pursuant to the unanimous consent agreement of October 30, 1997 I call up the conference report on the Senate bill (S. 858) to authorize appropriations for fiscal years 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

As above recorded.

The result of the vote was announced as above recorded.

Mr. Engel. Mr. Speaker, I was necessarily absent during rollcall votes 575 and 606. If present, I would have voted "aye" on rollcall 575 and "no" on rollcall 606.

Mr. Wexler. Mr. Speaker, pursuant to the unanimous consent agreement of October 30, 1997 I call up the conference report on the Senate bill (S. 858) to authorize appropriations for fiscal years 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

As above recorded.

The Speaker pro tempore (Mr. L. Honda). Pursuant to the order of the House of October 30, 1997 the conference report is considered as having been read.

For conference report and statement, see proceedings of the House of Tuesday, October 28, 1997, at page H9586.

The Speaker pro tempore. The gentleman from Florida (Mr. Goss) and the gentleman from Washington (Mr. Dick's) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. Goss).

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

Mr. Speaker, rise in support of the conference report to accompany the bill (S. 858) that authorizes funds for intelligence and intelligence-related activities, and for other purposes, for fiscal year 1998.

All such conference reports are, Mr. Speaker, as this one is, a compromise that, unfortunately, represents a significant reduction in funding for intelligence activities from our authorization passed by this body in June. But these reductions, when combined with some of the actions we have taken in appropriations, will mean the intelligence community will do without some much needed resources in several areas.

That said, however, this conference report does set the stage for some work we will be doing over the next several years to ensure that this Nation has the intelligence capability it needs. Therefore, I strongly support the passage of this report.

I would like to thank the members of the committee who worked hard to craft this bill, particularly the gentleman from Connecticut (Mr. Dick's), the ranking member, and the fine efforts of our subcommittee chairman and the ranking member, the gentleman from California (Mr. Lewis), and the gentleman from Florida (Mr. McCollum). Indeed, I thank all the members who played constructive roles throughout this process; and, indeed, that was every member of the committee.

Also, Mr. Speaker, special acknowledgment goes to the members of the Senate Select Committee on Intelligence for their cooperation as we came together to make tough decisions on how best to invest in the future of our intelligence community for the benefit of our country.

Mr. Goss. Mr. Speaker, pursuant to the unanimous consent agreement of October 30, 1997 I call up the conference report on the Senate bill (S. 858) to authorize appropriations for fiscal years 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

As above recorded.

The result of the vote was announced as above recorded.

Mr. Engel. Mr. Speaker, I was necessarily absent during rollcall votes 575 and 606. If present, I would have voted "aye" on rollcall 575 and "no" on rollcall 606.

Mr. Wexler. Mr. Speaker, pursuant to the unanimous consent agreement of October 30, 1997 I call up the conference report on the Senate bill (S. 858) to authorize appropriations for fiscal years 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

As above recorded.

The result of the vote was announced as above recorded.

Mr. Engel. Mr. Speaker, I was necessarily absent during rollcall votes 575 and 606. If present, I would have voted "aye" on rollcall 575 and "no" on rollcall 606.

Mr. Wexler. Mr. Speaker, pursuant to the unanimous consent agreement of October 30, 1997 I call up the conference report on the Senate bill (S. 858) to authorize appropriations for fiscal years 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

As above recorded.

The result of the vote was announced as above recorded.

Mr. Engel. Mr. Speaker, I was necessarily absent during rollcall votes 575 and 606. If present, I would have voted "aye" on rollcall 575 and "no" on rollcall 606.

Mr. Wexler. Mr. Speaker, pursuant to the unanimous consent agreement of October 30, 1997 I call up the conference report on the Senate bill (S. 858) to authorize appropriations for fiscal years 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

As above recorded.

The result of the vote was announced as above recorded.

Mr. Engel. Mr. Speaker, I was necessarily absent during rollcall votes 575 and 606. If present, I would have voted "aye" on rollcall 575 and "no" on rollcall 606.

Mr. Wexler. Mr. Speaker, pursuant to the unanimous consent agreement of October 30, 1997 I call up the conference report on the Senate bill (S. 858) to authorize appropriations for fiscal years 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

As above recorded.

The result of the vote was announced as above recorded.

Mr. Engel. Mr. Speaker, I was necessarily absent during rollcall votes 575 and 606. If present, I would have voted "aye" on rollcall 575 and "no" on rollcall 606.
That is a big cut. Why are those in the Joint Chiefs’ office asking our commands to consider a 10 percent reduction in staffing of joint intelligence billets in the field? These types of actions do not indicate a sense of seriousness on behalf of DOD that they are going to continue their commitment to intelligence. Giving our war fighters the best possible informational edge is not debatable.

We also need a real commitment from Congress. As we review our intelligence capabilities over the coming year and as we look at next year’s budget submission, we must keep in mind that intelligence is a vital part of our Nation’s defense, not a cash cow bill-payer for it.

That brings us up to this conference report, Mr. Speaker. Let me be blunt. I do not believe that the intelligence community is sufficiently prepared to meet the demands that are being placed upon it now, much less in the future. In other words, the community simply cannot deliver all that is expected or all that is desired of it today. I think that is a shame. The fact that many forget is that we cannot turn intelligence on and off like a light switch. We cannot treat this like we are doing a test on a final exam. It just does not work that way. It takes time to build and maintain the proper capabilities. But that is something we have got to do.

Regardless of how this Nation responds to China, whether it is through diplomacy or whether it is law enforcement or whether it is military action, intelligence is the key to success and we simply must have it. Good intelligence, I think as we all know, is better than insurance. It saves lives. It prevents calamities. It heads off those nasty surprises. But like insurance, you have got to have it before the crisis happens. So now we must invest for our future.

In this conference report, we are doing that. We are doing the right thing and making the right choices, though coverage in some areas is admitted light and I think dangerously light. I encourage my fellow Members to support this conference report.

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

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume. First of all, I want to commend the gentleman from Florida [Mr. Goss], the chairman of the committee, for the statement that he just gave. I think he hit the nail right on the head. We are not spending enough money today on intelligence. A lot of people in this House think we are spending too much money on intelligence. But I think the gentleman is absolutely right. The cuts that were made unfortunately in the Appropriations Committee, and I am a member of it and take some responsibility for those cuts, are too deep and are cuts that we are going to regret because of the consequences within the intelligence community. I commend the gentleman for his statement.

Mr. Speaker, I rise in support of the conference report on the intelligence authorization bill. I want to commend again the gentleman from Florida [Mr. Goss] on his leadership in achieving in conference an agreement that addresses concerns that we and other Members had with the bill the House considered in July. As I noted then, I believe that changes in the direction of complex activities should be undertaken with a clear understanding of their likely consequences. The conference report takes a more measured approach toward change, particularly in the programs of the National Reconnaissance Office, than did the House bill, and in that respect a better product. I want to point out that when you have these very major programs that are crucial to the ability of this country to gather intelligence, our national technical means, stability is required. One thing that we in the Congress have to be very careful about is that we do not cause instability in the NRO. They have got a daunting challenge to modernize our national technical means. I hope that we as a Congress do not make that job more difficult.

I want those who are concerned with the amount of money spent on intelligence programs and activities to be aware that while the measure passed by the House contains slight increases in the amounts requested by the President, and the House voted in fiscal year 1997, the size of those increases were reduced in conference. The legislation now before the House is 1.4 percent above last year’s authorized level and 0.3 percent above the President’s request. I do not consider these increases to be excessive and want to assure my colleagues that the amounts authorized by the conference report are responsive to the legitimate needs of our intelligence agencies to maintain their capabilities to collect, process and disseminate intelligence.

The bill as reported by the Permanent Select Committee on Intelligence contained a provision which would have terminated the Defense Airborne Reconnaissance Office [DARO]. Since the version of the defense authorization bill reported by the House Committee on National Security had a similar provision and that reported by the Senate Committee on Armed Services did not, the matter was reserved for resolution by the defense authorization conference.

As a conferee on that measure, I want to emphasize that the defense authorization conference report does not include the DARO termination recommended by the House. The conference agreement compels no change in DARO nor will it require that DARO cease the exercise of its critical responsibilities for strong oversight of airborne reconnaissance. The conference report clarifies that DARO’s role does not include program management or budget execution. It should be understood clearly that this provision does not alter DARO’s current role or responsibilities since, Department of Defense officials have stressed, DARO has not, does not and will not manage programs. Instead, all airborne reconnaissance programs are executed by the military services or by the Defense Advance Research Projects Agency [DARPA].

The conference report provides for a review of DARO by the ongoing Defense Reform Task Force, with support. This task force could well make a recommendation and the Secretary of Defense could decide to place the airborne reconnaissance oversight function in another organizational structure or to alter the manner in which the office reports to senior DOD officials. I have every expectation, however, that the task force and the Secretary will strongly support continuation of a centralized and powerful oversight body at the senior level within the Department.

I would add that I believe that the pursuit of UAVs and airborne reconnaissance are two things that we must continue to work on, to support them. I believe, having talked to a number of intelligence officers, that UAVs, like Predator, have tremendous potential and that we as a Congress need to do everything we can to support the agencies that are working on these unmanned aerial vehicles. I believe that they have tremendous promise and that we should not back away from them. I know that my colleagues on the other side are as interested in that technology, but we have got to stabilize that capability there as well. If we did away with DARO and if we did away with moving forward with UAVs, what would happen is that we would fall back to the old technologies and not make the breakthrough that I think are required for the future.

During a colloquy when the House considered the conference report on the Defense Appropriations Act, the gentleman from Florida [Mr. YOUNG] assured me that the reduction to DARO’s operating budget reflected in the act was made without prejudice and that the committee would consider a reprogramming request from the Secretary to restore all or part of the funding requested for supporting the airborne reconnaissance oversight function for fiscal year 1998. The defense authorization conference report followed the budgetary allocations of the Appropriations Committee in this as in most other matters. I hope that the leadership of the other committees which would have to consider a reprogramming for DARO will likewise defer to the judgment of the Secretary of Defense on funding for this activity in fiscal year 1998.

In closing, I want to note an omission from this legislation about which I have great concern and disappoint the military. One of our primary responsibilities as members of the Permanent Select Committee on Intelligence is to ensure as best we can that the intelligence agencies have the means by
which to conduct their important activities, not just in the short term but for decades into the future as well. I believe the record of the Congress in providing the resources necessary to modernize intelligence capabilities has been strong. I think there are two examples of that in this conference report. There is, however, one important area in which a critical investment should have been made, in my judgment, in the bill. Both intelligence committees were willing to provide the required resources for some of the fundamental needs, but the administration, taking a view of the future with which I disagree, refused to commit the necessary resources. I believe we will look back at this missed opportunity with great regret and that those responsible for this decision will have many occasions to wish that they had taken a more far-sighted view of the intelligence needs of the next century.

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

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

Mr. Speaker, I thank the distinguished gentleman from Washington [Mr. DICKS] for his very compelling remarks, and I think we can all see what an extraordinary job he does on this committee and what incredible leadership he gives us, what participation, and what championship of projects that he knows about and cares about deeply, and we share the same views, perhaps not the same level on some of them.

I think as regard to DARO, the issue is not about the capability, the issue is how we make it work best, and I know that the gentleman knows that I am committed to that.

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

Mr. GOSS. I yield to the gentleman from Washington briefly.

Mr. DICKS. Mr. Speaker, I think that is the point we want to make. There have been some problems. I know we are all frustrated about the UAV’s, trying to bring them on more rapidly, but I do think in this particular case that the Department of Defense desires, and after all we said to them, pull all these programs together, create an entity, get management oversight of this, we want this to be handled.

Now we put it out there in the open, and people see the failures, but that is what R&D is really all about. There will be failures, but ultimately we are going to get this job done, and it is going to give us a revolutionary new capability in the reconnaissance area along with our aircraft. And I just think we have got to stay the course and support this program in a way that means something to our interests, and those sorts of investments are very important as we go forward with developing more effective intelligence systems as well as programs.

Another area is one thing to spend a good deal of money developing technology; it is another thing to be able to use it in a way that means something to our interests, and that is what we have in this conference report.

I yield to the gentleman from California [Mr. LEWIS], the chairman of our subcommittee.

Mr. LEWIS of California. Mr. Speaker, I yield to the gentleman from California [Mr. DICKS].

I would further like to say that within this committee the atmosphere of growing almost nonpartisanship is a very refreshing development in the Congress, indeed an area that is so critical to the United States, our intelligence programing, to have people recognize that a very fine work, of the committee and the ranking member, the gentleman from Washington [Mr. DICKS].

I would further like to say that within this committee the atmosphere of growing almost nonpartisanship is a very refreshing development in the Congress, indeed an area that is so critical to the United States, our intelligence programing, to have people recognize that a very fine work, of the committee and the ranking member, the gentleman from Washington [Mr. DICKS].

I would further like to say that within this committee the atmosphere of growing almost nonpartisanship is a very refreshing development in the Congress, indeed an area that is so critical to the United States, our intelligence programing, to have people recognize that a very fine work, of the committee and the ranking member, the gentleman from Washington [Mr. DICKS].

I would further like to say that within this committee the atmosphere of growing almost nonpartisanship is a very refreshing development in the Congress, indeed an area that is so critical to the United States, our intelligence programing, to have people recognize that a very fine work, of the committee and the ranking member, the gentleman from Washington [Mr. DICKS].

I would further like to say that within this committee the atmosphere of growing almost nonpartisanship is a very refreshing development in the Congress, indeed an area that is so critical to the United States, our intelligence programing, to have people recognize that a very fine work, of the committee and the ranking member, the gentleman from Washington [Mr. DICKS].

I would further like to say that within this committee the atmosphere of growing almost nonpartisanship is a very refreshing development in the Congress, indeed an area that is so critical to the United States, our intelligence programing, to have people recognize that a very fine work, of the committee and the ranking member, the gentleman from Washington [Mr. DICKS].

I would further like to say that within this committee the atmosphere of growing almost nonpartisanship is a very refreshing development in the Congress, indeed an area that is so critical to the United States, our intelligence programing, to have people recognize that a very fine work, of the committee and the ranking member, the gentleman from Washington [Mr. DICKS].
forces decreases, the need for timely and reliable intelligence becomes more critical. Our military commanders cannot do their jobs, both in terms of the achievement of their objectives and the safeguarding of the lives of our service members, without the highest quality. We simply cannot manage safely the planned drawdown of the Defense Department without the kind of investments made by this bill. I want to congratulate the chairman and the ranking Democrat for the work they have done to make sure that our military personnel have the support that they need in this important area. I intend to continue to do what I can to make sure that we do not slight the future investments that will need to be made to ensure that our battlefield commanders have the information necessary to achieve rapid dominance so that any armed conflict results in a decisive victory for our forces.

I believe we have taken important steps toward that end in this conference report. Much more, Mr. Speaker, needs to be done, particularly in the areas of information warfare and aerial reconnaissance. These are among the areas in which the committee will devote particular attention in the next year.

It is a pleasure to serve on this committee. I salute both the chairman, the gentleman from Florida [Mr. Goss], and the ranking Democrat, the gentleman from Washington [Mr. Dicks] for their dedicated and bipartisan work. I also want to give particular thanks to all of the staff who have devoted untold hours to producing this conference report.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. Boehlert].

Mr. BOEHLERT. Mr. Speaker, I rise in support of this conference report. I am sure my colleagues have all heard that information technology is vital to our future both for economic competitiveness and for national security. Information warfare, information operations, information dominance, information assurance and dominant battlefield awareness, they are all familiar phrases often invoked when defense budget priorities are discussed. Upon closer examination, however, we sometimes find that this is more rhetoric than reality. Since Rome Laboratory is in my congressional district, it is the Air Force center of excellence for information technology development, I have had the occasion to examine the rhetoric and the reality.

In a broader sense, the entire intelligence budget is geared to provide a U.S. worldwide information advantage upon which policymakers and military forces will rely heavily, yet part because of the different nature of operations costs and the dearth of military procurement money, in recent years the intelligence budget has received only modest congressional plus-ups provided to the defense budget. This year, for instance, money appropriated for intelligence will be under, under the administration request.

Further, I understand that in the developing budget for fiscal year 1999, the Department of Defense has recommended large cuts to science and technology in the magnitude of $250 million, which could fall heavily on information technology. Quite frankly, that is totally unacceptable. I have made known my strong rejection of that approach to the appropriate appropriation committees. I am finding a receptive audience in both DOD, the Department of Defense, and the White House.

One of the reasons I sought this much coveted position on this committee is to be able to deal directly with its very important subject, and I am pleased to report that our committee this year took steps to upgrade the information infrastructure budget of several agencies to improve their processing, storage and exploitation of intelligence data. For the future we are also requiring a more coherent interagency strategy and budget for information assurance, or information protection. In this regard the President's Commission on Critical Infrastructure Protection published its conclusions that not only the defense infrastructure, but also key parts of the civilian economy are highly vulnerable to computer attack. The Commission called for greater focus and progressively increased spending to improve our situation.

Thus far, Mr. Speaker, I do not yet see the level of commitment to information technology that will maintain the country's technological advantage into the future. In fact, although the rhetoric is there, the reality seems to be somewhat questionable.

I urge my colleagues to follow the lead of this committee and the chairman and the ranking member and support this conference report and deal with this very important subject in a responsible manner.

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

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. Gibbons], who is a value added member of our committee, believe me. As a decorated serviceman, the information he has given us has been extraordinary, and we welcome him in his first year.

Mr. GIBBONS. Mr. Speaker, I thank the distinguished gentleman from Florida [Mr. Goss] for yielding this time to me, and, Mr. Speaker, I rise in very strong support of the conference report accompanying Senate Bill 858.

The gentleman from Florida [Mr. Goss] and the ranking minority member, the gentleman from Washington [Mr. Dicks], along with their counterparts in the other body deserve a great deal of credit. This intelligence authorization bill that they have dedicated large funds for those tactical intelligence programs that provide direct indications and warning support to our military personnel deployed around the world. It is absolutely critical that we, the elected officials in this country, fully support those men and women who have sent into harm’s way with useful intelligence.

This bill provides the best effort possible to do just that.

Mr. TRAFICANT. Mr. Speaker, I think that it is also important to note that in terms of tactical intelligence functions, in this bill there was tremendous and close coordination between the House Permanent Select Committee on Intelligence and the Senate Select Committee. I have firsthand knowledge of this as I proudly serve on both committees.

This cooperation was so effective, in fact, that the tactical intelligence provisions that have become contained in the defense authorization bill that was recently voted on by Congress.

As a former military veteran and fighter pilot, I must say that several of these provisions address issues that are very important to me personally, issues such as unmanned aerial vehicles, or UAV's. These unmanned aircraft offer a great potential for reducing the threat and danger of enemy activities and threats to our airborne reconnaissance aircrews.

However, in many Members' eyes, the Department of Defense's management of these vehicles has not proven to be logical, and, most importantly, a step in the right direction, to minimize the overhead costs while maximizing the Services' responsibilities for equipping their troops. These responsible actions are reflective of the entire intelligence authorization bills take some bold steps in this direction, both in terms of legislation and funding actions, to improve the Department's UAV management, thus ensuring that these air vehicles have the greatest chance for success.

Although controversial to some, I believe the very responsible positions hammered out during the conference and the conference process are all fair, logical, and, most importantly, a step in the right direction, to minimize the overhead costs while maximizing the Services' responsibilities for equipping their troops. These responsible actions are reflective of the entire intelligence authorization bill.

Again, I would like to thank the chairman and the Members on the other side of the aisle for their conscious and dedicated effort in this regard. I urge all my colleagues to support this conference report.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. Traficant] who has been largely responsible for the "buy America" provisions that have been contained in this legislation. He has been very concerned about this.

Mr. TRAFICANT. Mr. Speaker, I thank the ranking member for yielding
me time, and I want to commend the chairman and ranking member for the bill. As you know, I have questioned some of the intelligence-gathering capability of our programming here that we fund. Some has been made to rely on the people who have drafted the bill, and I understand that without adequate intelligence gathering, our national security is really threatened.

But I want to caution the Congress. When General Schwarzkopf said that he relied on intelligence as much from the media and CNN as he did from CIA and other sources, that should be cause for alarm. I honestly believe that we are spending billions of dollars in this hidden intelligence network system, and we are getting the type of intelligence that we need to keep our great Nation free.

I believe there is a fault. I am hoping that in the next bill we will address that, that we will address the reasons why a general who ran the Gulf War relied as much on the media as he did on intelligence sources and why, in God's name, our media knows more at times about significant national and international events that affect our freedom as does our intelligence-gathering network.

So I believe you are on the right track. I appreciate the fact that even though it is a hidden budget, we can have a hidden "buy American" provision, and hopefully maybe we will at least buy a few American items that will help keep America free. I am going to support the bill.

Mr. DICKS. Mr. Speaker, I yield myself 4 minutes.

Mr. SPEARMAN, I just want to say to my friend from Ohio, Mr. TRAFICANT, that General Schwarzkopf is a very close friend of mine. In fact, he was commanding officer of 1 Corps at Fort Lewis, and I went over there several times. He did come to the Permanent Select Committee on Intelligence after the war. He said that this was the best intelligence that any commanding officer had ever received.

Now, did he say, yes, there were some things we should be working on like broad area search, the dissemination of imagery, being able to find targets which could be relocated, like Scud launchers, more rapidly? Yes. But I want the gentleman to know that we are working on each one of those issues.

Last year, this Congress created NIMA. I strongly supported that. That was an initiative of the administration. We put mapping together with imagery. Today, it is working. We are getting the type of information we need more rapidly than we could during the Gulf War.

I will also say to the gentleman that other areas of intelligence gathering provide greater insights into Iraqi plans in the Gulf War. We knew exactly what was going on.

So the general had some critiques, but, overall, he said intelligence was very, very good. I think if you talked to him, he would say that. That is why I am here, I believe, trying to address the areas where there are problems.

I would also note that the first thing that George Bush, the President during the Gulf War said at the time was that there had not been an intelligence failure with respect to the invasion of Kuwait. The intelligence community gave the President notice that it was likely there would be an invasion. The administration did not act on that.

It was hard to act, because our allies were giving us different information. Our allies in the region were saying that Saddam will not do it, while the intelligence community said that it looked like he was going to do it. A decision was made to rely on the people in the region, and that proved to be wrong. But it was not an intelligence failure.

I like the fact that when you go all over the world you have CNN, and it is a good supplement to our intelligence. Having the news available all over the world is important. But it does not make up for having in place the national technical means, the tactical intelligence, the human intelligence that has to be out there in the field. I am worried, frankly, that we are downsizing to such a level that we are going to be spread so thin, especially in the human intelligence area that we could have problems in the future. That is something we have to address.

But that is going to require more effort and more resources, not less.

We thank the gentleman for his help and participation and for his support of the bill.

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

Mr. GOSS. Mr. Speaker, I yield such time as I may consume.

Mr. BASS. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT] by saying, what the distinguished gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Speaker, I thank the distinguished chairman for yielding time to me.

Mr. Speaker, I would only follow on to my distinguished colleague's response to the gentleman from Ohio [Mr. TRAFICANT] by saying, what the media did in the Gulf War was to report what happened and what had happened. What is key to intelligence and its effective service is to analyze all sources and to try to predict and provide the best possible advice to our policy makers.

I think we have learned a lot from the Gulf War, and I think the quality of the intelligence services that we are provided today are, indeed, far superior. But the fact is, it is always easy to criticize an event after the fact. It is far more difficult to deal with the complexities of the world as they exist today and to provide leaders with predictions about what is going to happen. That is the key.
Mr. Speaker, today we are undergoing a revolution in military affairs. Our Armed Forces are engaged in that restoration and will look to the all-source analyst to anticipate future needs for intelligence and to provide support to the policymakers and to the military. Where will the next Congo be? What are the terrorist threats in a specific country? What success is a rogue regime having in developing chemical or biological weapons? We will also look to that analyst for direction in what information about these crises we may obtain through open sources and what we must obtain through human or technical clandestine collection.

In that light, Mr. Speaker, I am particularly pleased to report that the conference report directs and begins to fund the restoration of an analyst cadre pared too lean over past years to cover the projected needs of policymakers in the 21st century. We will look to the all-source analyst to anticipate future needs for intelligence and to provide support to the policymakers and to the military.

Mr. Speaker, the collectors of on the ground intelligence, or HUMINT, are working hard and are wrestling against the plans and intentions of terrorists, traffickers, proliferators, and rogue states. In the budget request, however, our committees found a significant shortfall in the technical and other support that these collectors will need in future years to continue their efforts. HUMINT is on these threats; we cannot expect these collectors to overcome the high technology employed by traffickers, for example, without technology of their own. This committee also found a lack of long-term planning in the focus and funding of collection operations; we cannot expect HUMINT collectors to perform well when funding plans are made on an ad hoc, year-to-year basis.

As the result of bipartisan and bicameral action, Mr. Speaker, our conference report does indeed begin the process of providing adequate support for the eyes and ears of the intelligence community against these new and difficult threats. On those same bases, Mr. Speaker, our report now directs the intelligence community to develop a system for projecting the long-term funding needs of these vital collection efforts so that we may continue to provide these efforts with adequate support.

Mr. Speaker, the all-source analyst stands in the center of the planning of this committee and of the intelligence community for the needs of policymakers in the 21st century. We will look to the all-source analyst to anticipate future needs for intelligence and to provide support to the policymakers and to the military. Where will the next Congo be? What are the terrorist threats in a specific country? What success is a rogue regime having in developing chemical or biological weapons? We will also look to that analyst for direction in what information about these crises we may obtain through open sources and what we must obtain through human or technical clandestine collection.

In that light, Mr. Speaker, I am particularly pleased to report that the conference report directs and begins to fund the restoration of an analyst cadre pared too lean over past years to cover the projected needs of policymakers in the 21st century. We will look to the all-source analyst to anticipate future needs for intelligence and to provide support to the policymakers and to the military.

Mr. Speaker, the collectors of on the ground intelligence, or HUMINT, are working hard and are wrestling against the plans and intentions of terrorists, traffickers, proliferators, and rogue states. In the budget request, however, our committees found a significant shortfall in the technical and other support that these collectors will need in future years to continue their efforts. HUMINT is on these threats; we cannot expect these collectors to overcome the high technology employed by traffickers, for example, without technology of their own. This committee also found a lack of long-term planning in the focus and funding of collection operations; we cannot expect HUMINT collectors to perform well when funding plans are made on an ad hoc, year-to-year basis.

As the result of bipartisan and bicameral action, Mr. Speaker, our conference report does indeed begin the process of providing adequate support for the eyes and ears of the intelligence community against these new and difficult threats. On those same bases, Mr. Speaker, our report now directs the intelligence community to develop a system for projecting the long-term funding needs of these vital collection efforts so that we may continue to provide these efforts with adequate support.
multiplier, and if we are to continue on a downward path in funding our Nation's armed services, then we need to take every step to ensure that our intelligence capabilities are sufficient to provide policy makers with the information needed to make key decisions affecting national security. The conference report brings but today before us today provides the necessary resources to ensure that our intelligence capabilities are sufficient to meet tomorrow's con-
inguencies.

Mr. Speaker, debate over the appropriate levels of funding for intelligence activities does not always emphasize the important role of in-
telligence in achieving a full accounting of members of the armed services who are lost in battle. I want to ensure my colleagues, vet-
erans and the families of the military person-
 nel whose fate remains undetermined that this conference agreement provides the necessary resources to permit the intelligence community to continue to assist in efforts to determine the fate of those listed as missing in action. I have not forgotten you, the Congress has not for-gotten you and this legislation will assist in helping to bring you home.

Mr. Speaker, let me again thank the leadership of the House and Senate intelligence committees for their work in fashioning a bill that provides critical support to all facets of our intelligence community. The military and civilian components of our intelligence appara-
tus are sufficiently provided for in this agree-
tment so that they may continue to assist in providing force protection intelligence to our troops called upon to conduct noncombatant evacuations when the lives of Americans are threatened overseas. Additionally, resources are authorized that permit the intelligence com-
munity to sustain its efforts to assist in the collection and analysis of critical intelligence bearing on such difficult and challenging is-
sues as counterterrorism, counternarco-
tics and counterproliferation.

I urge my colleagues to support this mea-
sure and in doing so support the men and women of the U.S. intelligence community.

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

The Speaker pro tempore (Mr. LAHOOD).

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. GOSS. 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. Evi-
dently a quorum is not present.

The Sergeant at Arms will notify

Mr. Speaker, debate over the appropriate levels of funding for intelligence activities does not always emphasize the important role of in-
telligence in achieving a full accounting of members of the armed services who are lost in battle. I want to ensure my colleagues, veterans and the families of the military personnel whose fate remains undetermined that this conference agreement provides the necessary resources to ensure that our intelligence capabilities are sufficient to meet tomorrow's con-
inguencies.

Mr. Speaker, debate over the appropriate levels of funding for intelligence activities does not always emphasize the important role of in-
telligence in achieving a full accounting of members of the armed services who are lost in battle. I want to ensure my colleagues, veterans and the families of the military personnel whose fate remains undetermined that this conference agreement provides the necessary resources to ensure that our intelligence capabilities are sufficient to meet tomorrow's con-
inguencies.

Mr. Speaker, debate over the appropriate levels of funding for intelligence activities does not always emphasize the important role of in-
telligence in achieving a full accounting of members of the armed services who are lost in battle. I want to ensure my colleagues, veterans and the families of the military personnel whose fate remains undetermined that this conference agreement provides the necessary resources to ensure that our intelligence capabilities are sufficient to meet tomorrow's con-
inguencies.

Mr. Speaker, debate over the appropriate levels of funding for intelligence activities does not always emphasize the important role of in-
telligence in achieving a full accounting of members of the armed services who are lost in battle. I want to ensure my colleagues, veterans and the families of the military personnel whose fate remains undetermined that this conference agreement provides the necessary resources to ensure that our intelligence capabilities are sufficient to meet tomorrow's con-
inguencies.
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. 2616.

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. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, with Mr. Snowbarger in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, November 4, 1997, the amendment printed in the House Report 105-357 offered by the gentleman from California [Mr. Riggs], as modified, had been disposed of.

Are there further amendments to the bill?

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

Mr. Chairman, I am very pleased that we can be returning to work in the House on legislation that has been authored and cosponsored by my good friend and colleague, the gentleman from Indiana [Mr. Roemer].

Before we begin the amendment process, I would like to remind my colleagues that the legislation we have coauthored and cosponsored with the gentleman from Indiana [Mr. Roemer].

I am pleased that our amendment is designed to provide for the startup and creation of more charter schools, to those States that provide flexibility in three key areas.

We might describe these States as those States that have strong laws on the books embracing the idea of public school choice and putting resources into expanding charter schools in order to give parents and guardians, the ultimate consumers of education, more choices in selecting the education that is appropriate for their child.

Federal tax funding for charter schools is increasing dramatically. In fact, in this bill the gentleman from Indiana [Mr. Roemer] and I propose authorization the President's budget request to double taxpayer funding from $51 million in the last fiscal year to $100 million in this fiscal year for the startup and creation of more charter schools, helping us to move toward the goal of 3,000 charter schools nationally, as the President has espoused on several occasions.

Mr. Chairman, I am sure all these on-going discussions on the floor are related to the charter schools legislation.

Mr. Chairman, as I was about to say, we direct the new money to those States that, first of all, provide a high degree of fiscal autonomy to charter schools, States that allow for increase in the number of charter schools from year to year over the life of this legislation, and lastly, States that provide for strong, high academic accountability in the contract between the charter school and the chartering authority.

This is a program, Mr. Chairman, that has grown from $6 million of Federal taxpayer funding in 1995 to $51 million in the fiscal year just completed, to which, unexpectedly $10 million in this current fiscal year just begun.

There are currently over 700 charter schools operating in the 29 States, plus the District of Columbia and the Commonwealth of Puerto Rico, that have charter school laws on the books.

This legislation assures that 95 percent of the Federal taxpayer funding for charter schools will go to the State and local level, and only 5 percent will be kept behind here in Washington for ongoing research and evaluation as to the efficacy of charter schools, and for other national activities conducted by the Department of Education.

Lastly, the legislation directs the Secretary to work with the States to ensure that schools receive their fair share of proportionate, that is to say, per pupil, Federal categorical aid for education, such as Title I and special education funding.

Some local educational agencies have been rather reluctant toward the idea of charter schools, and in some cases we have learned through our committee hearing process, and in the testimony on our legislation, the charter schools in those communities have not been receiving their fair share of Federal education dollars.

Mr. Chairman, I am happy to bring this legislation back to the floor.

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

Mr. Riggs. I yield to the gentleman from Indiana, my coauthor and cosponsor on the bill.

Mr. Roemer. Mr. Chairman, I just want to take this time to remind my colleagues that this is bipartisan legislation that has been working with my good friend, the gentleman from California [Mr. Riggs] on this very important legislation.

We have spent the last couple of days talking about foreign policy, talking about United States-China relations. It is important that we discuss how we boldly reform public education in America today.

This legislation is strongly supported by the President. President Clinton has been a strong advocate of charter schools. This came out of our committee, the Committee on Education and the Workforce, with 10 Democrats voting for it, 8 opposed to it.

This legislation is about public school choice, so our parents can send their children to good public schools, charter schools, alternative schools, magnet schools, and give them more choices and create more competition in the public school system. It is about school choice, function with less bureaucracy and less strings attached. It is about schools that try bold ideas with respect to curriculum and school days and partnerships with businesses and apprenticeship programs.

This is a very, very good bill. It is not the panacea, Mr. Chairman. It is not the silver bullet to solve all educational problems in America today. But it is certainly an arrow in the quiver. It is certainly one of the options to help us move forward and, in a bipartisan way, solve education problems.

So with that, I again thank the gentleman from California [Mr. Roemer] and look forward to the debate today.

The CHAIRMAN (Mr. Snowbarger). Are there further amendments?

AMENDMENT OFFERED BY MR. RIGGS

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

The Clerk read as follows:

Amendment offered by Mr. Martinez:

Page 18, line 7, strike ("2") and insert ("3").

To provide for the completion of the 4-year national study (which began in 1995) of charter schools and any related present or future evaluations or studies which shall include the evaluation of the impact of charter schools on student achievement and equity, including information regarding--

"(A) the number of students who applied for admission to charter schools and the number of such students who enrolled in charter schools, disaggregated on the basis of race, age, family income, disability, gender, and limited English proficiency, and previous enrollment in a public school;

"(B) student achievement;

"(C) qualifications of school employees at the charter school, including the number of teachers within a charter school that have been certified or licensed by the State and the degree on the teaching force; and

"(D) a description of the relationship between a developer (or administrator, if applicable) and any for-profit entity that is involved in the development or administration of any school.

Mr. Martinez (during the reading).

Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

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

There was no objection.

Mr. Martinez, Mr. Chairman, this amendment would redirect the Secretaries' priority in the National Activities section toward evaluation rather than private capital generation for charter schools. The amendment would also expand upon the evaluation requirements in the bill to ensure that the important aspects of charter schools and their effectiveness on students be studied. And, also, this amendment would ensure that the present or future evaluations must look at those things that ensure that students and parents are not being denied biased programs.

The amendment would also ensure that charter schools will enable students to meet the challenging State
performance standards and participate in State assessments. We still do not have a comprehensive evaluation of charter schools because they have not been in existence that long, especially on important concerns like the kinds of selectivity on which students are selected. Furthermore, no mandate necessarily requires the Secretary to give higher priority to the ongoing evaluations and the possible for-profit entities in the legislation but at the end of the day decided to eliminate any references to for-profit entities in the name of bipartisanship.

I would like to submit to the gentleman from California [Mr. MARTINEZ] that this should come out, because I would be happy to defend the role of for-profit entities, such as, for example, the Edison Project, the great work that they are doing.

I mentioned the other day on the floor that this, and I happen to have it with me, this Parade magazine article, where a Parade reporter, who happens to have an active teaching credential, went to different elementary schools around the country, fifth grade elementary classrooms, including our field hearings, in Pullman, WA; Boston, MA; Chicago, IL; Salt Lake City, UT; and she concluded that the most impressive school she visited was the Boston Renaissance Charter School, obviously in Boston, MA. That happens to be run under a contract by the Edison Project, which, in my understanding, is a for-profit corporation.

For Chairman, this lady, by the name of Bernice Kanner, goes on to say, "Reading is king at the Boston Renaissance Charter School, and of all the places I visited, this one worked best. The students, most of whom are black and come from low-income homes, pay nothing and are selected by lottery," pursuant to Massachusetts and Federal law regarding charter schools. "Parents are required to be involved in their child's education, a computer is linked to every student, and they have a 9-year-old school day. Students spend 1 1/2 hours daily reading and improving their writing skills. Lessons followed a strict formula. The students..."
Mr. MARTINEZ. Mr. Chairman, could I ask the Chair to recapture part of my time so I might respond to the gentleman from California [Mr. RIGGS]? The CHAIRMAN. The gentleman from California [Mr. RIGGS] cannot yield balances of time during debate under the 5-minute rule.

Mr. RIGGS. Mr. Chairman, I ask unanimous consent to proceed for an additional minute.

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

There was no objection.

Mr. RIGGS. Mr. Chairman, I yield to my good friend, the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, I agree with the gentleman from California [Mr. RIGGS] that there are a lot of places and instances where we can find reports of charter schools that are doing excellent things, private for-profit charter schools, as well as public charter schools. And my argument is not with that; my argument is with accountability.

I agree with the gentleman from California [Mr. RIGGS] that (D) to this amendment is not that important, that I would strike that amendment if the gentleman from California [Mr. RIGGS] would accept the rest of the language. And I agree also that the priorities of the Secretary could work hand in hand with the accountability aspects of it in generating revenues for charter schools.

The problem is that I do not think it should be exclusively the responsibility or primarily the responsibility of the Secretary of State to generate those funds, to spend all of that time just generating funds, when he could actually be spending some of that time doing the evaluation of these schools so we would have a better knowledge when we go to reauthorize this legislation.

So I would strike that if the gentleman from California [Mr. RIGGS] is willing to accept the rest of the language, strike paragraph (D).

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

Mr. Chairman, I rise to say to our ranking member on the Democratic side that his amendment, on IDEA, is a very helpful amendment. I think the gentleman from California [Mr. RIGGS] and myself continue to work out language to make sure that charter schools, as we say very, very strongly in our bill, that charter schools will reflect the same student body that other students will have. And what we have in our bill is that individuals with disabilities and special-need students will have that access to charter schools.

I think that is a very helpful amendment. I think, with this amendment, that the gentleman from California [Mr. MARTINEZ] that actually are already included in our bill. We actually say that the Department of Education's role in evaluation should be vital and should be important.

We go on to say in the bill that it directs the Secretary to complete the Department's 4-year study of charter schools, which addresses many of the same things that the gentleman from California outlines in his amendment. So we do have very, very strict accountability.

Also, I think one of the key points that I would like to make is just this week I addressed, in Washington, a conference of charter school people from across the country; 800 or 900 people attended this conference. They said very specifically to me at the talk and at the conference and after my remarks that one of the biggest obstacles they face is the lack of start-up funds and the difficulty in accessing private capital for facility improvements.

We want to make sure in our bill that they can overcome these kinds of obstacles. When the Hudson Institute did their study of what charter school difficulties there are in the first year or two, they also confirmed that start-up costs and facility improvements are the single biggest hurdles to fledgling charter schools. We want to make sure that these schools have access to this amendment and that ability, would eliminate that ability.

Mr. Chairman, I would encourage my friend from California, we want to get his support for final passage of this bill. We want to work with the gentleman from California on his IDEA language. We want to find some ways to make sure that he understands that we have accountability in the bill and that there are areas of repetition with his amendment.

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

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

Mr. MARTINEZ. Mr. Chairman, I do not disagree with anything the gentleman has said except that in the bill, as it is listed now, it is a very generic reference to that. What I am saying in this amendment is that we should be more specific. That is the only difference.

Mr. MARTINEZ. Mr. Chairman, I ask unanimous consent to modify my amendment, and I think the modification is at the desk.

Mr. RIGGS. Mr. Chairman, reserving the right to object, I would just explain to my good friend and colleague that the one thing that we do not want to do here is impose even more reporting requirements or regulatory compliance on charter schools. That obviously goes against the whole idea of decentralizing and deregulating public schools. But the one concern we still have on this side is requiring charter schools to provide to the Department or their contractor or whoever is conducting the studying, obviously, I think we should mention to our colleagues that the Department did the first-year study in-house. That said, our concern is requiring charter schools to gather disaggregated data on family income. That is the concern.

Mr. MARTINEZ. Mr. Chairman, I agree, and I am willing to strike those two words.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent to modify the amendment offered by Mr. MARTINEZ: At the end of subsection (B) insert the words "and"; at the end of subsection (C) delete the word "and" and insert a period; and delete subsection (D).

The CHAIRMAN. The gentleman will state the objection.

Mr. SCOTT. Could the Clerk rereport the amendment, please?

The CHAIRMAN. Without objection, the Clerk will rereport the modification.

There was no objection.

The Clerk read as follows:

Modification to amendment offered by Mr. MARTINEZ: At the end of subsection (B) insert the word "and"; at the end of subsection (C) delete the word "and" and insert a period; and delete subsection (D).

The text of the amendment, as modified, is as follows:

"(3) To provide for the completion of the 4-year national study (which began in 1995) of charter schools and any related present or future evaluations or studies which shall include the evaluation of the impact of charter schools on student achievement and equity, including information regarding—

"(A) the number of students who applied for admission to charter schools and the number of such students enrolled in charter schools, disaggregated on the basis of race, age, family income, disability, gender, limited English proficiency, and previous enrollment in a public school;

"(B) student achievement; and

"(C) qualifications of school employees at the charter school, including the number of school employees within a charter school that have been certified or licensed by the State and the turnover of the teaching force.

Mr. MARTINEZ. Mr. Chairman, I think there is a further modification to
that amendment, and that would be deleting the words “family income” on the 11th line on page 1.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. Martinez:

In subsection (A) after the word “age”, delete “family income”; at the end of subsection (B) insert “and”; at the end of subsection (C) delete “semicolon and” and insert a period; and delete subsection (D).

The CHAIRMAN. Is there objection to modifying the amendment?

Mr. RIGGS. Mr. Chairman, reserving the right to object, I would just ask the gentleman from California [Mr. MARTINEZ] to clarify the meaning and definition of the word “equity” on line 6.

Mr. MARTINEZ. The gentleman is referring to the word “equity”? Mr. RIGGS. In the entire context. Mr. MARTINEZ. If the word “equity” gives the gentleman a problem, fairness. Because that is what it means. That is the definition of it to mean.

Mr. RIGGS. Mr. Chairman, I apologize for going back and forth like this, but I am going to suggest to the gentleman that perhaps we take out those 2 words so that lines 4 through 6 would then read “studies which shall include the evaluation of the impact of charter schools on student achievement, including information regarding”.

Mr. MARTINEZ. Fine.

Mr. RIGGS. Mr. Chairman, I ask unanimous consent that we can make that further modification, deleting the word “and” in the beginning of line 6.

Mr. MARTINEZ. Would this be the last modification?

Mr. RIGGS. Yes.

The CHAIRMAN. The Chair will enter one unanimous-consent request on all of the modifications made thus far as opposed to a unanimous-consent request on each separate portion.

Is there objection to the unanimous-consent request to modify the amendment as it has been reported?

There was no objection.

The CHAIRMAN. The amendment is modified.

The text of the amendment, as modified, is as follows:

Page 18, line 7, strike “(2)” and insert “(3)”. Page 19, strike lines 3 through 5 and insert the following:

“(3) To provide for the completion of the 4-year national study (which began in 1995) of charter schools and any related present or future evaluations or studies which shall include the evaluation of the impact of charter schools on student achievement, including information regarding

“(A) the number of students who applied for admission to charter schools and the number of such students who enrolled in charter schools, disaggregated on the basis of race, ethnicity, gender, limited English proficiency, and previous enrollment in a public school;

“(B) student achievement; and

“(C) qualifications of school employees at the charter school, including the number of teachers within a charter school that have been certified or licensed by the State and the turnover of the teaching force. Ms. WOOLSEY. Mr. Chairman, several months ago I visited a charter school in Santa Rosa CA. I spend the morning with students in their small classes, saw the individual attention they got from their teachers, and met many of their parents. And when I left that school, I wept.

I wept, Mr. Chairman, because I want every child to go to a school where the classes are small; where each student has an individual learning plan; where parents participate almost daily. You and I know how few students have these privileges.

That is why I rise in strong support of Mr. MARTINEZ’ amendment to the Charter Schools Amendment Act.

Mr. Chairman, during the hearing on charter schools in the Education Committee, we heard testimony that students with disabilities are consistently denied admission to charter schools, or, denied services once they are admitted. This is unacceptable. Charter schools are public schools, and they are required to comply with the Individuals With Disabilities Education Act.

I know that many charter schools are started by parents and teachers who aren’t familiar with IDEA and have never thought about educating a younger with disabilities. That’s why Mr. MARTINEZ amendment is so very important.

This amendment says that when a charter school applied for Federal funds, the application must include a description of how the school will comply with the Individuals With Disabilities Education Act.

This amendment gives people who want to start a charter school a clear heads up that they have to comply with the act. It gets them to think about compliance, which, I am convinced, will give more kids the opportunity to go to a charter school.

Mr. Chairman, I voted for the Charter Schools Act in committee and I will vote for it again today.

Charter schools offer a good chance for improving public education. Classes are small in charter schools, parents are more involved in their children’s education and teachers have a stronger voice in what they teach.

I want all public schools to be so lucky. But, until they are, we need to make sure that charter schools are ready and able to educate all students. Traditional public schools accept and educate all students. Charter schools must ask for nothing less from charter schools. We must pass the Martinez amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from California [Mr. MARTINEZ].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF OREGON

Mr. SMITH of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Oregon:

Page 6, line 2, before the period, insert “”, notwithstanding that such a State does not meet the requirements of section 10309(1)(A)”. Mr. SMITH of Oregon. Mr. Chairman, I would like to especially thank the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the committee, and, of course, the gentleman from Indiana [Mr. ROEMER], the ranking member, and the gentleman from California [Mr. RIGGS], the subcommittee chairman, for allowing me to bring this slight amendment to this very important bill today. I especially want to thank the gentleman from Oregon [Ms. HOOLEY], who brought this to my attention and who will assist valiantly in the support of this amendment, I know, simply because we in Oregon do believe in charter schools.

This amendment, Mr. Chairman, simply allows Oregon to meet in their legislative process in 1999 and still continue to qualify for charter schools. We meet every 2 years in Oregon. We do support charter schools. Unfortunately, we are operating under enabling legislation in Oregon which does not conform specifically to the words of this bill. With the simple amendment, which applies only to the State of Oregon, Mr. Chairman, I would ask you to give us an extension of 2 years to continue to support charter schools in our State.

Ms. HOOLEY of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to thank the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS] and the gentleman from Indiana [Mr. ROEMER] for their excellent work in bringing this legislation before us today. As many Members know, I had some concerns about this legislation, so I had the opportunity to work closely with, again, the gentleman from Oregon [Mr. SMITH], the chairman of the Committee on Agriculture. We share the same concerns about Oregon and he has worked very hard on this issue. I want to thank the gentleman for all he has done. I am pleased that this resolution has been reached, and I appreciate the fine work of the gentleman from California [Mr. RIGGS], and to the extent that he has worked in good faith with us on this legislation, I thank the gentleman very much.

I support charter schools as a means of providing expanded educational choice for parents, and I support the intentions of this legislation. This will allow us in Oregon to continue to offer parents and teachers that have previously benefited from this program an opportunity to continue benefiting. I strongly support this amendment, and I urge my colleagues to do the same.

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

Mr. Chairman, I rise in support of this compromise amendment. I want to
Mr. Chairman, the gentleman from New Jersey [Mr. SMITH] presented his motion that we complete the business and approve the amendment, and the gentleman, of course, would offer his motion. He called us in the middle of a vote.

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

The CHAIRMAN. The question is on the motion offered by the gentleman from New Jersey [Mr. MENENDEZ].

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

RECORD VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—aye 71, noes 348, not voting 14, as follows:

[Roll No. 608]

AYES—71

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

The CHAIRMAN. The question is on the motion offered by the gentleman from New Jersey [Mr. MENENDEZ].

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

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—aye 71, noes 348, not voting 14, as follows:

[Roll No. 608]

NOES—348

November 7, 1997

CONGRESSIONAL RECORD — HOUSE

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent to make a statement

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent to attach to the vote the statement of Mr. MENENDEZ, Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—aye 71, noes 348, not voting 14, as follows:

[Roll No. 608]
Mr. PASTOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PASTOR:

Page 18, after line 2, insert the following:

Amendment offered by Mr. PASTOR:

Page 18, after line 2, insert the following:

As many of you know, the Bureau of Indian Affairs, BIA, distributes funds to tribal schools through the Indian Student Equalization Program, or ISEP. The State of Arizona passed an amendment to its charter school law allowing the State to deduct Federal ISEP payments from the State payment to tribal charter schools. My amendment would simply prevent the States from using this practice.

Mr. Chairman, it is my understanding the Chairman has accepted my amendment.

As many of you know, the Bureau of Indian Affairs distributes funds to tribal schools through the Indian Student Equalization Program, or ISEP. The State of Arizona passed an amendment to its charter school law allowing the States to deduct Federal ISEP payments from the State payment to tribal charter schools. My amendment would simply prevent the States from using this practice. Native American schools, often among the poorest schools in the country, should not be penalized for qualifying for federal assistance. Impact Aid has a similar provision, and I simply wish to ensure that tribal charter schools are treated in the same manner.

I represent a number of tribes in Arizona, and I have seen firsthand the poverty and illiteracy that plague these reservations. These schools are among the poorest in the country, and every additional dollar is vital to the future of these children. These schools are desperate for additional resources, and I am proud to offer this amendment today.

It is my understanding that Chairman Goodling, as well as Congressman Riggs, has agreed to this amendment. I appreciate the assistance of both Mr. Riggs and Mr. Kildee, and I am pleased they have agreed to this amendment.

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

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

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

Mr. Chairman, at this point I would like to suggest to my colleagues how we on this side would like and intend to proceed through the remainder of the consideration of the charter school bill and how we propose to dispose of the pending amendments.

It is our intent on this side to accept the Pastor amendment, and we are prepared to do so at this time. We are also prepared to accept the Kingston amendment renaming the bill from the Charter Schools Amendments Act of 1997 to the Community Designed Charter Schools Act of 1997.

Mr. Chairman, we are also prepared to accept at this time the Traficante Buy America labeling provisions amendment which is also pending before the House.

It is my understanding, after talking to the gentleman from Rhode Island [Mr. Weynaund] that he will offer and withdraw his amendment pending our engaging in a colloquy, and I hope that the distinguished ranking member of the subcommittee will join us in that colloquy.

Finally, Mr. Chairman, we are still trying to work out an understanding with the gentleman from California [Mr. Martinez] as to his two amendments. We hope we can accommodate his amendment with respect to applying the IDEA, Individuals with Disabilities Education Act, to a certain category of charter schools, and in exchange for doing that he might withdraw his amendment reducing the charter school grant period from 5 years to 3 years.

Mr. Chairman, that would leave us only the Clyburn and Tierney amendments to deal with.

Mr. Chairman, at this point in time I would ask unanimous consent that the Committee accept and approve the Pastor amendment, the Kingston amendment, and the Traficante amendment.

Mr. RIGGS (during the reading). Mr. Chairman, will the gentleman yield?

Mr. RIGGS. Mr. Chairman, I yield to the gentleman from California [Mr. Martinez].

Mr. RIGGS. Mr. Chairman, I yield to the gentleman from California [Mr. Martinez].

Mr. RIGGS. Mr. Chairman, I yield to the gentleman from California [Mr. Martinez].

Mr. RIGGS. Mr. Chairman, I yield to the gentleman from California [Mr. Martinez].

Mr. RIGGS. Mr. Chairman, I yield to the gentleman from California [Mr. Martinez].

Mr. RIGGS. Mr. Chairman, I yield to the gentleman from California [Mr. Martinez].

Mr. RIGGS. Mr. Chairman, I yield to the gentleman from California [Mr. Martinez].
Ms. VELAZQUEZ. Mr. Chairman, I demand a recorded vote. A recorded vote was taken by electronic device, and there were—AYES 75, NOES 334, not voting 24, as follows:

RECORDED VOTE

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

A recorded vote was taken by electronic device, and there were—AYES 75, NOES 334, not voting 24, as follows:

[Roll No. 609]

AYES—75

Baldacci     Barretti (WI)     Becker     Blagojevich     Blumenauer
Bonior     Brown (FL)     Conyers     Coyle     Darzi
Deutch     Delahunt     Delauro     Delums     Deutch
Dingell     Doig     Doggett     Etheridge     Evans
Farr     Farr     Fattah     Fausto     Fincher
Finger     Furse

NOES—334

Abercrombie     Ackerman     Adenolt     Arnold     Andrews
Archer     Arth    Bacchus     Bailey    Baesler
Thompson    Bancroft     Barr     Ballenger     Barcia
Barrett (NE)     Bartlett     Barton     Bateman     Bauer
Batchen    Bear     Breaux     Briggs     Briand
Brinkley     Briere     Bucy     Bucco     Bullock
Burns     Buxton     Byrd     Bryant     Bunning
Burr     Burton     Buyer     Callahan     Calvert
Camp     Campbell     Canady     Cannon     Cardin
Carson     Castle     Chabot     Chalmis    Chenoweth
Christensen     Clay     Clinton     Clyburn     Clement
Coburn     Collins     Condit     Congdon     Cordray

NOT VOTING—24

Ackerman     Gonzalez     Armey     Hastert     Berman     Haley
Biller     Brown (CA)     Cubin     Dickey     Doggett
Foglietta     Fortney     Francell     Francis     Green
Greenspan     Grothusen     Granger     Gray     Greig
Griffith     Grunder     Guttenberg     Hall (OH)     Hall (TX)
Hammond     Hamilton     Hansen     Hayworth     Hederman
Hefley     Heilman     Helmer     Hicks     Hildebrand
Hill     Hillard     Hobson     Hoekstra     Holden
Hooley     Horn     Hostetler     Houghton     Howard
Howe     Howze     Howell     Huelskamp     Hunt
Hutchinson     Ingle     Istook     Jackson-Lee     Johnson
John (CT)     John (WI)     Johnson, E. B.     Jones     Kanjorski
Kapuscinski     Kaschik     Kelly     Kennedy (MA)     Kennedy
Kilgore     Kilpatrick     Kim     King (NY)     Kingston
Klein     Knez    Kucinich     Kuhl     Lantos
LaHood     Lantos     Large     Larionow     Larson
Latham     LaTourette     Lazio     Levin     Lewis (CA)
Lewis (KY)     Lipinski     Lombardo     Lucas     Luther
Maloney (CT)     Manton     Manuolo     Martinez     Mascarda
Mansoor     Marcus     Martin     Maurice     Mast
McAdams     McCarthy (MO)     McCarthy (NY)     McCall     McDaniel
McGovern     Melle   McHugh     McInnis     McIntosh
McIntyre     McKeon     Meeks     Meeks     Melcher
Meca     Menendez     Millender     Miller (CA)     Miller (MS)
Mink     Nadler     Naber     Narvaez     Naumann

So the motion was rejected. The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. WEGYAND

Mr. WEGYAND. Mr. Chairman, I offer amendment No. 4.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. WEGYAND: Page 15, line 17, strike “”, to the extent possible."

Page 15, line 20, insert “to” before “each”. Page 15, line 20, insert “which has applied for a grant in accordance with the requirements of subsections (a) and (b) of section 10367 after ‘‘State’’.

Mr. WEGYAND. Mr. Chairman, I rise simply to provide a measure of fairness to the distribution of funds under the public charter school programs. Mr. Chairman, let me begin by saying I vigorously support the concept of charter schools, which further public education opportunity for students in the entire country.
As Lieutenant Governor of Rhode Island, I supported and advocated for the passage of Rhode Island's charter school law, a responsible approach to chartering public schools which has spawned in our small State two very successful charter schools—thus far.

One of such schools is the Textron Chamber of Commerce Charter School in the city of Providence, RI. It just received a charter this summer from the Rhode Island Board of Regents.

The Textron Chamber of Commerce Academy targets at-risk students and offers these students access to the surrounding professional work community in Providence after-school jobs. The employees of businesses in which the students are placed serve as professional mentors for these students. These students also receive benefits by attending the charter school.

In order to achieve a 95-percent attendance record, to maintain a minimum average of C in every course of study and behave in a work-appropriate manner in school, the student receives many benefits from the school, including placement in a job with a mentor in preparation for college.

The charter also gives the governing board the responsibility to control the budget and purchasing of the school, to evaluate the school and other professional staff, to establish graduation requirements, and to set forth educational priorities, and to exercise oversight over their bylaws.

In order to fulfill graduation requirements, the student takes traditional courses in English, history, mathematics, and science, and other important subjects, performs work internships, performs community service, and does independent study.

So what distinguishes this school from other wonderful charter schools operating throughout the United States? This school has not received one dime, not one penny, from the public charter school program. Not one Federal dollar goes to this school. Yet, it epitomizes what charter schools are supposed to be about and what this legislation was established to do.

Neither do the schools in Arkansas, Mississippi, Nevada, New Hampshire, Ohio, or Wyoming receive any such support from any such charter funds. Schools in these States need this grant money just as much as schools in other States to assist in start-up costs. They deserve to reap the benefits of the public charter schools program.

My amendment, Mr. Chairman, would simply require that the Secretary of Education provide a portion of the funds available under this program to all States which have laws allowing the establishment of charter schools and conform to the requirements of section 10303 of this bill. The State chartering agency would still be required to complete the extensive application process to comply with all applicable requirements of the law.

Under my amendment, as reported in the bill, there is no minimum or maximum grant. The grant amounts would still be at the discretion of the Secretary of Education. The Secretary will still have the appropriate flexibility to decide which amount would be most appropriate to benefit the charter schools and the students in every State.

I applaud the Department of Education's efforts to spur further development of innovative charter schools, and I strongly support what the gentleman from California [Mr. RIGGS] has done. I think what we are trying to do here is really make those charter schools that are operating in the country the very best.

But we must recognize that we cannot simply award the money to the cream of the crop. There are charter schools that are out there that need assistance. They may have a 60 percent attendance record, or a 95 percent attendance record, to maintain a minimum average of C in every course of study and behave in a work-appropriate manner in school. We should not be discriminated against just because we want to be sure our charter schools are the best that they can be. Unfortunately, though, Mr. Chairman, they are.

I would, though, like at this time, after conferencing with the gentleman from California [Mr. RIGGS] and our ranking member on the committee, I would like to withdraw the amendment because we have an understanding. I would like to enter into a colloquy with both the ranking member and the chairman at this time if it is appropriate, Mr. Chairman. Mr. Chairman, I understand, after my discussion with the gentleman from California [Mr. RIGGS], that he indeed agreed with the concept that these charter schools that operate in this fashion are de facto.

The CHAIRMAN. The time of the gentleman from Rhode Island [Mr. WEYGAND] is expired, Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. RIGGS. Mr. Chairman, I understand that the gentleman from California [Mr. RIGGS] and I both agree that charter schools that we have described here today are the essence of what is intended by this legislation. That fact we both agree with. The Secretary told the Department of Education and the Secretary, under the discretionary fund amount of money that he has, should in fact encourage and assist financially and otherwise charter schools like this, and that my colleague and I, with our ranking member, will enter into a letter to the Secretary of Education suggesting and promoting that these charter schools, that are operating in Iowa, Ohio, and other States, that really do meet the essence and do need some assistance, whether they are the top or bottom of the barrel, should receive funding to help them bring them and rise them to the top of the barrel, and that we would like for the Secretary of Education take a second look at the way they fund charter schools and, indeed, to help these charter schools and to remove the stigma that is attached to maybe the overriding legislation, as in Rhode Island and Massachusetts, where they do put caps, they do in fact meet the letter of what we want to have as charter schools.

Mr. RIGGS, Mr. Chairman, reclaiming my time, the gentleman from Rhode Island [Mr. WEYGAND] is essentially correct. I do want to join with him, Mr. Chairman, in encouraging but not requiring the Department to provide funding for the start-up of charter schools in the States of Rhode Island and other States that have charter school laws on the books today but have not yet been deemed eligible and have not yet received any taxpayer funding through the Department of Education.

Mr. WEYGAND. Further, if I could add that, indeed, we should not be discriminating against States that happen to have a legislative cap in their State laws, but in fact do in all other elements encourage and promote charter schools. That should not be a discriminating kind of factor.

Mr. RIGGS. Reclaiming my time, there is no, of course, intent to discriminate against those States. There is no intent to discriminate against States that have no caps or that reconsider their legislation to remove any caps that might presently exist.

Mr. Chairman, I do want to point out to the gentleman from Rhode Island [Mr. WEYGAND] that I am informed by staff that Rhode Island has twice applied for the Department for funding under the Federal Charter Schools Act and it has been turned down, essentially.

Hence, the concern of the gentleman from Rhode Island [Mr. WEYGAND], which I share, because of the great work of at least one charter school that the gentleman mentioned to me, and that the Department apparently has offered the State of Rhode Island technical assistance in qualifying for Federal taxpayer charter school funding.

Mr. Chairman, I do hope we can encourage the Department to work with the State to provide Rhode Island and the other States with funding. I would point out that we are not trying to create a
catch-22 here under the legislation where those States that have charter school laws in the books and are not yet receiving any funding do not receive any of the new money contemplated in the bill.

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

It is obvious that the whole purpose of the charter school was to improve and reform education. There are those of us on this Committee who feel that we ought to be re-forming and improving education for every child in the United States. But if in this legislation or in the way the plan is structured now we have inadvertently made it harder for one State to get funds over to another State because of the criteria we set in place, I think the discretionary money that the Secretary has could be used to look at those kinds of situations and remedy those.

I would certainly agree to join with my chairman, the gentleman from California [Mr. Riggs], in sending a letter or notifying in any way the Secretary of State that he ought to really look at those kinds of situations and try to do everything he could to benefit those places.

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

Mr. Chairman, I would like to enter into a colloquy with the gentleman from California [Mr. Riggs], who is offering this bill.

First of all, my State, the State of Nevada, has a legislature that meets every 2 years. We have just completed that this year. Our State legislators passed a charter schools bill. It was not everything that I would have liked to have seen in the charter schools bill, but it did at least start us down that process. We do have the caps. We do have some of the other things in our State where we do not quite give as much local flexibility as I would like to see. But our State did, in fact, start it down the process. I would like to work with the chairman on this particular piece of legislation as it moves forward to try to get States like Nevada, that only meet every 2 years, that because we cannot do anything for another year and a half in our State legislature, to try to at least encourage them through this legislation to model so that there is more local control, so there are not the caps, so that our State would not be penalized for having passed this legislation.

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

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

Mr. RIGGS. Mr. Chairman, I would be very, very happy to work with the gentleman from Nevada [Mr. ENSIGN] and Nevada State government officials to see if, in fact, again, we cannot encourage the Department of Education to look favorably upon their funding request as to the so-called old money, the $51 million, in this bill. Again, it is only the amount over and above $51 million that will go out pursuant to the priority factors, the so-called incentives.

Furthermore, I just want to say so my chairman understand this, because I know the gentleman from California [Mr. MARTINEZ] and the gentleman from Indiana [Mr. ROEMER] know this, I obviously come from a State that does receive very strict limits on the number of charter schools that can be created. I believe the number is 100 or 110 in the State of California today.

So, again, as to the new money in this bill, the difference between the $51 million current funding level and the $100 million authorized annually in this legislation, I am putting my own State at a competitive disadvantage. But we are doing that, again, to try to reward States that have strong charter school laws on the books that have truly embraced the charter school movement.

I am happy to work with the gentleman from Nevada [Mr. ENSIGN] for his concerns, as well as the gentleman from Rhode Island [Mr. WEYGAND] as we move forward with this legislation.

The CHAIRMAN. Is there objection to the gentleman from Rhode Island wish to withdraw his amendment?

Mr. WEYGAND. Yes, Mr. Chairman. After our colloquy with the chairman and the understanding that we will move forward in that direction, I ask unanimous consent to withdraw my amendment.

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

There being no objection.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. TIERNEY

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

The Clerk read as follows:

AMENDMENT OFFERED BY MR. TIERNEY:

Mr. TIERNEY. Mr. Chairman, I want to commend the committee for its work being done in focusing on public schools.

We have had debates in this Chamber recently that have been addressing some aspects or concepts that we thought have been a draining of resources from the public schools that serve this country’s 90 percent of children that cannot afford and cannot go to private schools.

The public charter school bill has the potential to do what many of us have been advocating; and this is, address the needs of public schools, encourage experimentation within the public schools to help those that need improvement more than others might.

There are many successful public schools throughout this country, in particular in my district, and there are some that need some help to get the obvious improvements. They need to have engaged employees. They need to have an entrepreneurial spirit amongst their administrators. They need to have the involvement of communities, the colleges, and the businesses, parental involvement. They have to diminish the class size to make it more manageable. They have to have teacher trained.

Mr. ENSIGN. I yield to the gentleman from Nevada because I feel that is really the key. We want to have a period of evaluation, of measurement, as to how these schools are going as they try to meet their defined mission.

We have some concerns that some of these charter schools move outside of bounds and do not concentrate on the public school aspect. But in the Commonwealth of Massachusetts, I think we have done some very wise things. We have set up more than one kind of charter school. In fact, we had the prudence to establish different kinds so that they can get more involved and for more people and more support for this experimental measure.

We have Horace Mann chartered schools, and we have commonwealth charter schools. Some would argue that the Horace Mann school may not be as autonomous as the commonwealth schools. But, nonetheless, the Commonwealth of Massachusetts has made that recent decision to experiment and to see which of these schools that we prefer to proceed with after a period of time has gone by so that they can measure performance.

In Massachusetts, we also have a cap on the number of charter schools, because that State has decided to be prudent to examine at some point in time how the process has gone, whether or not one type or another has been better, whether or not there is some combination of the features of these schools that should be made to improve them before they move forward.

But at any expense, the State and Commonwealth of Massachusetts has made these decisions. And usually we hear the argument on the other side of the aisle how they want local government to have some control over the direction of their educational system in the public schools.

That is what we have done in Massachusetts. We have experimented, we have set up alternate types. As to the money that is now granted under the
charter school law, the $51 million, Massachusetts would qualify. As to the additional $49 million that this bill purports to establish, it may not, because by this legislation if the priority section remains in, we set new bars, new criteria and we are not going to give those States that have charter schools any more money if they do not meet these new bars. If in their prudence, in their judgment, they have put a cap on the number of schools so that at the time the cap is met they can measure the performance and make any adjustments, they are not going to qualify for the additional money. If they have decided to have a variety of types of charter schools so they can get more involvement for more members of the community in some and they want to measure the performance as opposed one to the other, then they may get penalized because they may not meet another priority of what is a large or huge amount of autonomy.

Mr. Chairman, all I am saying is that Massachusetts ought to be able to qualify to the old and the new money. We ought not to be raising new bars that have the potential to disqualify them and go through a very serious matter having an experiment within the public school system, then let the Commonwealth of Massachusetts and other similarly situated States engage in that experiment, let them decide how they are doing with what types of school they put forth before they proceed further and allow them to have some portion of this additional money so that the schools they have started have those additional funds to move forward and start up in a way that will make a difference for the students. Mr. Chairman, that is all we seek. If we eliminate the priority section of this particular proposed bill, we put all States on an even footing, we do not discriminate or penalize any and the public charter school process moves forward.

Mr. RIGGS. Mr. Chairman, I rise in opposition to the amendment. As I have said repeatedly now over the 2 days that this bill has been before the House, the great work that the gentleman from Nevada [Mr. RIGGS] has done on this, I know he is very sincere about this issue. But I know equally the gentleman from Massachusetts [Mr. TIERNEY] is, and I would like to yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I also appreciate the comments that have been made. I think we are having a healthy debate here, but I want to make a note that I sense that what is being said here is more than one purpose of this proposed bill. I think that there are apparently two purposes being put forward on this. One is apparently some desire to have this Congress impose upon States a necessity that they charge forward with a judgment that charter schools are already a raging success before they have had the opportunity to assess and measure the performance of their own experimental schools that have been started. I am not sure that that is a healthy aspect. I thought experimenting was about setting on a path, taking a very conscious and prudent evaluation and proceeding only after those types of measurements have been made.

The other purpose, as I understand it in this particular statute, is to make sure that startup schools that currently say they do not have sufficient funding to start up can share in some additional funding, and that is why there is more money being put into the bill. But the maybe unintended consequence of this act will be that it will now preclude them because the Secretary may come in and decide that they do not have enough autonomy in one or more types of experimental school that has been established and they do not meet the priority because they have a cap on that and when they meet that cap, although they may not be there now, they will then be precluded from getting any of those additional funds.

I note that earlier the gentleman from Georgia [Mr. KINGSTON] put forth an amendment that called this the Community Designed Charter School Act. I think that at least with respect to one of those priorities, we move away from the community designing the type of charter school they will have where we attempt to impose how this Congress wants to design individual charter schools.
In Massachusetts, as I have said before, we have come together as communities and designed several different kinds of charter schools with varying degrees of autonomy, with varying degrees of numbers that they can reach before they get regulated. That seems to be the way to go. It has more people engaged in this process, and some that were not in favor of charter schools before are now coming on board, willing to exercise that experimental nature.

I understand that we have to deal with the priorities and simply take the initial funding and let all States qualify so that we have better public schools, with the involvement of the entire community, and that we do not try to preclude anybody's participation.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield? Mr. WEYGAND. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, I think I concur in the remarks of the gentleman from Massachusetts, and maybe the subcommittee chairman can help me, but I do not understand about the current system that is not working or not allowing for the number of charter schools that we want or the progression of charter schools that we want. My State, the State of the gentleman from California, has a limit of 100. I think they have looked the other way and breached that already and there are maybe over 110 schools, but the statute is still 100. But I do not understand why we are insisting on some level of growth in charter schools if the States make in their determination that they want to stage it in another fashion.

I can appreciate that a concern might be that there are those who do not like charter schools who would get a limited number done. We have done it with the number of charter schools or the growth rate of charter schools at the State level, and I think that would be wrong. But I do not know that we should be telling the State how fast to grow charter schools. If they can handle 100 or handle 50 or handle 500, it would seem to me that is a legislative determination with their State departments of education about how they want to proceed in this fashion.

I think there are two big dangers here. We find something we like and we overreplicate it and we lose the integrity of what we are trying to hold on to. In many States, this is a new program but we are looking for integrity. We are looking for the opposite of what people think they find sometimes in the local schools, in terms of curriculum, accountability, and the kind of people who can teach and so forth. That is why they went to a charter school. It is not if we can do the same thing, like top seed, what happens around here most times is that these programs start to lose their integrity, they start to look like that which they were there to maybe replace or to renew, and all of a sudden we are back to spending people's money and now we have got GAO reports and IG reports. I do not know why we would not leave it to the States to make this determination and then we would give them new money and new money when it comes to charter schools, because it sounds to me like most States are now seeing that this is the future.

Mr. WEYGAND. Reclaiming my time if I could. Mr. Chairman, I think what the gentleman from California has pointed out is exactly the essence of the argument of the gentleman from Massachusetts [Mr. TIERNEY]. States should have the control, which the Republican side has always said. We are trying to determine where they should be, the destiny of their school systems, and what he is proposing is just that.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words. I rise in strong support of the Tierney amendment.

Mr. Chairman, I would like to appeal to the gentleman from California, the chairman of the subcommittee, to look at the priorities that he set as regards accountability, and not get lost under other same guidance. I think we need to back away from any notion that this is an idea that is going to perpetuate itself automatically by the current existence out of more than 86,000 public schools. Given the fact that they are less than 1 percent, they are not going to run away out of control and take over the public school system any time soon, but they can offer invaluable lessons to the public school systems in terms of the kinds of things we can learn from them. We should be looking to learn those things from them.

We should not allow certain kinds of things to happen. I think we have a problem even with definitions of charter schools by some States. If charter schools are not going to be fully funded where the school gets the same amount per pupil as other public schools get, I do not think they are real charter schools. That is a problem that has developed already. We are going to go back and take a look at that.

There are a number of problems that next year we are going to have to take a close look at, but right now why not go forward and leave the community design idea there, the State design idea there, do not try to maybe replace or to renew, and all the 16,000 school boards in the country, different variations of that, so let it be. Let us study it, let us get the best out of all of them and be able to go forward with a maximum, well-developed approach to charter schools in the future. Next year, after and ongoing years we will be perfecting and refining this instrument, and right now I do not think we have to be so careful and so cautious that we cannot let States fully experiment.

I fully support the Tierney amendment and hope that the chairman will reconsider and let his priorities be reconsidered and revisions at this stage.

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

First I yield to the gentleman from California [Mr. RIGGS].

Mr. Chairman, I thank the gentleman from Pennsylvania for yielding to me so simply I can point out that, as my colleagues know, when we draft legislation, we can always
take the carrot approach or the stick approach, and what we took here was the carrot approach. We said that we wanted to direct the new money to those States that have laws on the books that allow for an increase in the number of charter schools from year to year. We did not take the stick approach and say the new money cannot go to those States that have a cap. So there is a very fundamental difference.

And the other point I wanted to make is this is all about where my colleagues think control and authority ought to be in education. We said we respect and preserve the Secretary’s discretion to control $51 million, but we do not want him to control the entire $100 million authorized under the bill. We want the new money to be directed to the States, and that is all we are trying to do here is give some firm guidance to the Secretary on how that new money should be allocated to States.

Mr. PETE ROSE of Pennsylvania. Mr. Chairman, this has been a very interesting debate and a very important debate, but to look at the total perspective of charter schools and the establishment of them and the growth of them I think it is important that the educational establishment was not for charter schools. They have been very reluctantly agreeing to support charter schools because they have been a very successful experiment.

It is vital that we keep the priorities that this gentleman has put in this bill there because it is like fertilizing the garden. He is trying to allow charter schools to grow and not inhibit them. In my view the Tierney language will give all the control back to the establishment, to the Department, who are very reluctant to let charter schools grow naturally. Let’s look at them.

State periodically reviews academic performance of charter schools. How could it be that to give one another that to look at their performance, because do my colleagues know what is happening? The performance has been good, and when the performance is good, the whole concept will grow. So we must slow that down.

That is what the Tierney amendment does. State gives charters fiscal autonomy. Local control, local power, local decisions; no educational establishment wants that, and they will not give it up. Frankly, they will give it up reluctantly.

Let us keep that priority in there, allow for an increase in the number of charter schools from year to year. What is wrong with that? No State is going to increase the number unless it is working in that State, unless their program is proving good. These are appropriate priorities upon the new money going out there as a fertilizer, as the carrot approach there.

Mr. TIERRY. Mr. Chairman, the Tierney amendment puts the power back in the establishment who will slow charter school growth down, who will keep it at a minimum. Do not let this thing get away from us, do not let local control takeover; that is what this argument is all about.

It is very simple. This is a very thoughtful approach of a very little bit of money. These are appropriate priorities more than anything else. We have made it a priority, Performance; Academic performance, and then tell the world how well they are working; fiscal autonomy, local control, very important; allow for an increase in the number of charter schools, and that will only happen if it is working well.

Let us let the bill as it is and defeat the Tierney amendment.

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

I do not know that the last gentleman was completely accurate. I do not think this is about the establishment being against charter schools. I think this is about, this amendment is about the gentleman from Massachusetts [Mr. Tierney] trying to protect the State. And Mr. Tierney is looking down the road to 3 years, well, the year 2001, when the criteria that is established in this bill will then be for all funding under this if we by that time find out that these are experiments and we go to reauthorization of it with additional funding.

Sure, and the gentleman from California [Mr. Riggs] is right, and I understand his logic is a carrot and stick approach. We provide a direction for the charter school legislation the States will pass by putting the three characteristics in there that the State will allow the autonomy of the charter school, that the growth number of charter schools is allowed, and that they will not ensure the academic success of the students. Those are all worthwhile targets. I mean, we often do in legislation targets, but that is not the point here. The point here is that in doing that, even though there is $51 million still remaining, discretionary money of the Secretary of State in which the gentleman’s State could be funded for those charter programs that they have, is concerned down the road in 3 years when then all will be controlled by that.

Now, the other thing is the gentleman from Pennsylvania [Mr. Peterson] says that local control is important. Well, if local control is important, the way the charter schools bill was initially passed was to allow States to pass their own charter determining what their priorities would be. In this we are establishing the priorities for them. That is not local control, that is control from that Washington bureaucracy again that we are so alarmed with.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. Tierry].

Mr. TIERRY. Mr. Chairman, I do not know the gentleman from Pennsylvania [Mr. Peterson] says that local control is important. Well, if local control is important, the way the charter schools bill was initially passed was to allow States to pass their own charter determining what their priorities would be. In this we are establishing the priorities for them. That is not local control, that is control from that Washington bureaucracy again that we are so alarmed with.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. Tierry].

Mr. Tierry. Mr. Chairman, I do not know the gentleman from Pennsylvania [Mr. Peterson] says that local control is important. Well, if local control is important, the way the charter schools bill was initially passed was to allow States to pass their own charter determining what their priorities would be. In this we are establishing the priorities for them. That is not local control, that is control from that Washington bureaucracy again that we are so alarmed with.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. Tierry].

Mr. Tierry. Mr. Chairman, I do not know the gentleman from Pennsylvania [Mr. Peterson] says that local control is important. Well, if local control is important, the way the charter schools bill was initially passed was to allow States to pass their own charter determining what their priorities would be. In this we are establishing the priorities for them. That is not local control, that is control from that Washington bureaucracy again that we are so alarmed with.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. Tierry].

Mr. Tierry. Mr. Chairman, I do not know the gentleman from Pennsylvania [Mr. Peterson] says that local control is important. Well, if local control is important, the way the charter schools bill was initially passed was to allow States to pass their own charter determining what their priorities would be. In this we are establishing the priorities for them. That is not local control, that is control from that Washington bureaucracy again that we are so alarmed with.
specifically says that in 1998, 1999, and 2000 fiscal years, the additional money will be what is distributed under these new priorities, but it also goes on to say that in succeeding fiscal years all the money will be distributed under this cap. So there is an exposure there to States that may reach the cap at some later date, and I think that is even a stronger argument for why we do not let States proceed as they would like to make on their own. When it hits 50 in Massachusetts, they ought to be able to look and see what has worked and what has not worked, and then, after they have taken the requisite amount of time to do that, decide how they want to proceed and if they want to proceed.

This is not a program where anybody has the evidence or the materials that can say now the charter schools of any nature are a raging success. It is an experiment, it needs to be assessed.

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

Mr. Chairman, I, first of all, want to compliment the gentleman from Massachusetts Mr. TIERNEY for what I think is helpful contributions to a bold and brand new idea, which is charter schools. I think the gentleman from Massachusetts, first of all, is looking out for his State, which we are all sent here to do. I think the gentleman is also trying to help the committee and the body of Congress understand the impact of caps set at the State level and how those caps may serve on the other hand make sure that they can rise up to their cap, and hopefully the State legislature, when they get the reports of accountability and progress and success, then decide to raise that cap.

So I want to salute the gentleman for his helpful ideas and contribute to the better understanding of this new idea.

Mr. RIGGS. Mr. Chairman, I am going to be very brief because I, too, am inclined to defer to the President of the Senate from his Saturday, October 18, radio address.

Again, I just want to stress to my colleagues, without compounding or exacerbating any disagreements that may exist within the ranks of House Democrats, but I just want to refer them again to the President's comments. I endorse bipartisan efforts in the House to help communities open new priorities, but it also goes on to say that we have had selection criteria for State education agencies since the very beginning of this program. I do not know if the gentleman from Massachusetts Mr. TIERNEY objects to any of those selection criteria for issue more charters.

The amendment of the gentleman from Massachusetts Mr. TIERNEY would not only remove that provision from the bill but obviously run contrary to the President's endorsement of that particular provision in the legislation.

The other thing I wanted to stress very quickly is, the gentleman from Massachusetts Mr. TIERNEY right when he says what we want to do is, in these so-called out-years, the subsequent years of this legislation, after we have had a transition period, direct the money to the States through the priority factors, the priority considerations.

But the gentleman from Massachusetts Mr. TIERNEY does not mention that we have had selection criteria for State education agencies in the Federal regulations since the very beginning of this program. I do not know if the gentleman from Massachusetts Mr. TIERNEY objects to any of those selection criteria for State education agencies.

Furthermore, we have selection criteria for eligible applicants. That means local charter schools. Does the gentleman object to any of those selection criteria for eligible applicants, such as it says the Secretary shall take into consideration such factors as the competency of the operating staff, instructional practices, the degree of flexibility afforded by the State education agency and, if applicable, the
local education agency to the charter school, the extent of community support for the application, the ambitiousness of the objectives of the charter school, the quality of the strategy for assessing achievement of those objectives. Last, the likelihood that the charter school will meet those objectives and improve educational results for students?

We have always had criteria; it has always been part of the Federal law. We are building on or adding to those selected criteria. And I would argue, again, the Secretary and the Department some direct congressional guidance as to how the new money over the $1 million will be distributed to the States.

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

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

Mr. TIERNEY. I was going to ask for the same 1 minute the gentleman from California [Mr. Riggs] got. I liked that one.

Mr. Chairman, let me just say that I understand what the gentleman from Indiana [Mr. Roemer] says when he talks about the C paragraph, the third priority. And I think, as Mr. Riggs stated, the base statute already has a number of criteria that we require be met. Amongst them are a number of accountability situations.

So my object if you wanted to amend my language to leave that language in there, but I think you have a sufficient amount of language on accountability.

But that is not the issue. I think we are willing, I guess, from what I hear, we do not want to regulate any other aspect, we want to regulate the pace at which States decide how fast they want to go into this limited venture.

I think that is where the mistake comes in. Yes, we want to give incentives to within a reasonable degree, but the only way to give incentives is not exclusive to adding these priorities. The fact we are giving $49 million extra in funds is certainly an incentive for States to participate. They can see something going on here, and they can hear that this is something they want to get involved with.

The part I object to is, your intention to give the incentive may have the effect of disqualifying some people. I want to say there are other ways to do the incentives. I offered as part of this, grandfather in those States that have these provisions, that have charter schools, so that we do not get subject to those disqualifications, and we will all proceed along.

I understand that States do not have a statute yet, and you want to encourage them to get one, and you want to encourage them to put more schools on the books. Let us do it. If this is the way we are going, it is just does not make sense. We ought to have a right to stay at that pace.

Mr. WEGAND. Mr. Chairman, I would like to point out one thing that I know my ranking member talked about, and that is when we are talking flexibility and making sure that charter schools, as the gentleman from California said, giving States that flexibility. Right now, we have a $51 million-$41 million split. But in the year that is not going to exist. We are going to crank down more so on the requirements to State charter school programs.

I think that is inherently bad, because what we are doing is further restricting. It is almost like a Federal mandate with regard to requirements, restricting these charter schools in a way that in most cases the Republican side has said no.

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

Mr. Chairman, I would like to make two points to help us close on the debate here. The gentleman from Massachusetts [Mr. Tierney] has done an excellent job of stating the purpose of his amendment, and there are two matters over which I must take issue. The first is his attempt to strike the reference in the bill to rewarding those charter schools that exercise a high degree of accountability and degree of flexibility in the current law.

The whole idea of charter schools is to encourage new schools to take
chances by changing the way that they go about educating children. Let me offer a specific example.

In Florida, it is very pleasing to see the number of charter schools that have found a way to reduce the cost of administering an elementary school, and take those savings and put them into a smaller class size, which is currently ranging at about 17 children per teacher, and already getting above average performance from students who were clearly performing below average in the school setting.

That is the kind of innovation we want to encourage. This is not an entitlement, this is a grant program. We want to reward quality. We want to challenge schools. We want to err on the side of innovation here. So I think it is terribly important, as this argument moves into the Senate, that we jealously protect that provision of the bill that encourages a high degree of autonomy among charter schools.

Mr. TIERNEY. Chairman, will the gentleman yield?

Mr. DAVIS of Florida. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I just want to ask one question of you, and then I will yield back for the answer in a second.

But this priority schedule that is laid out there talks about a high degree of autonomy. In the base legislation, it already establishes a charter school would have to have some degree of autonomy. Is the gentleman prepared to tell Massachusetts which level of autonomy it must decide is best for its charter schools? Because it has a couple of levels now, and it may decide to have more. When it goes to getting to that cap, women are going to stand in there and tell them if they do not pick the right one, they do not qualify.

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

Mr. DAVIS of Florida. I yield to the gentleman from California.

Mr. RIGGS. I thank the gentleman for yielding, and just for the opportunity to respond to the gentleman from Massachusetts [Mr. TIERNEY], because I think he raises a legitimate question.

The problem is in the underlying bill, the current statute that we are seeking to amend with this legislation. It just uses that generic phrase, "high degree of autonomy." We have gone to the next step to try to define "high degree of autonomy" as being those States that recognize a charter school as its own independent school district, its own LEA, and so that is what we are attempting to do in the legislation.

Mr. TIERNEY. Mr. Chairman, if the gentleman would continue to yield, basically, we have taken that determination away from the States, and they do not have to try to have as much participation as possible if they cannot get it through the gentleman's formula, and that is my point.

Mr. DAVIS of Florida. Mr. Chairman, two responses. One is we should hold up a high standard of innovation, and second, we should expect, as we have in the past, common sense to be exercised by the Secretary of the Department of Education to assure that Massachusetts and other States understand what a high degree of autonomy means and it is used in a way that allows these schools to continue.

The second point I would like to make is to conclude pertains to the cap. I continue to hold valid concerns about how the Federal Government is affecting the ability of States to control quality with charter schools, because we know there are going to be mistakes, and we want to preserve the ability of States to move in a guarded fashion in terms of the growth of charter schools. But I think it is important to point out that the intent behind the bill is not in any way to discriminate against those States who have already embarked upon a charter school program.

So I believe there is some doubt that exists here today as to whether those States who no longer choose to grow because they are up against a cap are somehow disadvantaged by the fact that the money is set aside for those States without caps. But keep in mind the basic point that if a State is stopping to grow because of a cap, the chances it will need any additional money for start-up costs are going to be very, very limited.

So I am hopeful that as we more closely study this particular aspect of the debate we can reach some compromise in the Senate, some compromise in the conference committee to address the very valid concerns raised by the gentleman from Massachusetts [Mr. TIERNEY].

The CHAIRMAN. Is there further debate on the amendment?

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

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

Mr. TIERNEY. Mr. Chairman, 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 CHAIRMAN. Pursuant to House Resolution 288, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. TIERNEY] will be postponed.

The point of no quorum is considered withdrawn. Are there further amendments?

AMENDMENT OFFERED BY MR. MARTINEZ

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

The Clerk read as follows:

Amendment offered by Mr. MARTINEZ:

Page 12, after line 11, insert the following: (L)(ii) an assurance that the charter school that is a local educational agency or the local educational agency in which the charter school is located, as the case may be, will comply with the requirements of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) with respect to the provision of special education and related services to children with disabilities in charter schools; and

(ii) a description of how the charter school that is a local educational agency or the local educational agency in which the charter school is located, as the case may be, will ensure, consistent with such requirements, the receipt of special education and related services by children with disabilities in charter schools; and

Page 12, line 12, strike "(L)" and insert "(M)."

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

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

There was no objection.

Mr. MARTINEZ. Mr. Chairman, back in 1975, Congress passed the bill IDEA. It was significantly different, but it encompasses the same bill that was recently just passed earlier, that guarantees a free and appropriate education for children with disabilities. That bill was a bicameral and bipartisan bill and passed overwhelmingly in both Houses and was signed by the President with great celebration.

If the premise is and was of that bill that children with disabilities should receive a free and appropriate public education, and in that case, I am concerned that we should be concerned in every education program that we have out there, or any kind of public school that we have out there, and charter schools are public schools, I think we need to ensure that the request in those charter schools.

This amendment is doing two things. One, it is ensuring that; and the other is that it is providing an advanced notice to charter schools what people who would start charter schools that there is an extra cost involved in teaching children with disabilities. Initially, that is the reason why children with disabilities were being denied free and appropriate education. These schools did not want to undertake the various difficulties in providing that free and appropriate education for these children with disabilities.

So I offer this amendment, and as I understand, the language has been worked out with the chairman of the committee, and the chairman of the committee is willing to accept the amendment with the language that we have worked out.

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

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

Mr. RIGGS. Mr. Chairman, at this point we have had numerous, sort of an ongoing discussion here. I think what the gentleman has prepared is very thoughtful and I think we have reached a good bipartisan compromise, and we are prepared to accept this amendment.

Mr. MARTINEZ. Mr. Chairman, re-claiming my time. I thank the gentleman.
The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MARTINEZ].

The amendment was agreed to.

Mr. MARTINEZ. Mr. Chairman, I move to strike the last word to enter a colloquy with the Chairman. Since the gentleman from California [Mr. Riggs] is the prime sponsor of this legislation, I would like to engage in a colloquy for the purposes of establishing a legislative history on the matter which I will speak.

My concern deals with language amending section 10306 regarding the Federal formula allocations to charter schools. I would ask the gentleman from California [Mr. Riggs] if he could please clarify the intent behind the section.

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

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

Mr. RIGGS. Mr. Chairman, I am happy to clarify the intent behind section 10306 in the bill.

Let me say that it is not our intent to create a disparity in funding or eligibility as to Federal categorical education funds, Federal taxpayer aid for education between traditional public schools and charter schools within a local education agency.

Furthermore, it is not our intent to create a new formula-driven funding stream or program to charter schools, other than what they are currently eligible to receive under title I, part A of the Elementary and Secondary Education Act, and I hope this addresses the gentleman’s concerns.

Mr. MARTINEZ. Mr. Chairman, I thank the gentleman for his clarifications.

AMENDMENT OFFERED BY MR. TIERNY

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 260, not voting 9, as follows:

<table>
<thead>
<tr>
<th>AYES—164</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ackerman, Steve</td>
</tr>
<tr>
<td>Ackerman, Steve</td>
</tr>
<tr>
<td>Ackerman, Steve</td>
</tr>
<tr>
<td>Ackerman, Steve</td>
</tr>
<tr>
<td>Ackerman, Steve</td>
</tr>
<tr>
<td>Ackerman, Steve</td>
</tr>
<tr>
<td>Ackerman, Steve</td>
</tr>
<tr>
<td>Ackerman, Steve</td>
</tr>
</tbody>
</table>

RECORDED VOTE—H. 3330

November 7, 1997

Mrs. MEEK of Florida, Mrs. CHENOWETH, and Messrs. MURTHA, MASCARA, and HOLDEN changed their vote from “aye” to “no.”

Ms. MCCARTHY of Missouri, Mrs. TUSCHER, Mrs. KENNELLY of Connecticut, and Messrs. FLAKE, ROTHMAN, MINGE, SHAYS, CLAY, CONYERS, LOBIONDO, and LUTHER changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. KILPATRICK. Mr. Chairman, I rise today in opposition to H.R. 2616, the Charter Schools Act of 1997. This program, begun as a Federal grant to provide seed funds for public charter schools just 3 years ago, is a waste of taxpayer funds, does nothing for the 90 percent of school children who are in public schools, and is a further drain upon the scant resources that our public school now have. As a former public school teacher, I believe in our public schools because our public schools work. What is truly needed is comprehensive, holistic school reform, not piecemeal, politically expedient solutions.

We all agree that our public schools need to be reformed. But we must first consider any and all changes to our charter schools as part of a comprehensive, complete review of all of our public school education programs. This review must take into consideration the fact that many of our Nation’s public schools are in need of significant changes. The changes that this legislation proposes does little to improve upon the quality of not just public schools, but charter schools. There is woefully little strengthening of the oversight and accountability of our charter schools in H.R. 2616.

In the House Committee on Education and the Workforce report on H.R. 2616, “It was re-
charter schools in Michigan are not working better than the regular public schools, where is the investment in education of our taxpayer's dollars? It is ironic that while Congress has not approved legislation that will address our overcrowded and dilapidated schools, we want to expand charter schools. In summary, I support the complete and comprehensive overhaul of our Nation's public schools. I cannot support initiatives designed to our Nation's public schools, and that is why I have been present, I would have voted "aye."

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. DOGGETT

Mr. DOGGETT. Madam Speaker, I move to reconsider this vote.

MOTION TO TABLE OFFERED BY MR. RIGGS

Mr. RIGGS. Madam Speaker, I move to lay on the table the motion to reconsider.

THE SPEAKER pro tempore [Mrs. EMERSON]. The question is on the motion to table the motion to reconsider offered by the gentleman from California [Mr. Riggs].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
CONGRESSIONAL RECORD – HOUSE
November 7, 1997

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? There was no objection.

OUR FOND FAREWELL TO THE GENTLEMAN FROM NEW YORK (MR. FLOYD FLAKE)
(Mr. QUINN asked and was given permission to address the House for 1 minute.)

Mr. QUINN. Madam Speaker, as we continue to deliberate this weekend, I ask my colleagues’ indulgence to take a few moments of our time this afternoon to bid farewell to a Member of the body, a fellow New Yorker, and a dear friend to all of us here in the House. It seems this past week we welcomed the new Member from New York 13, and next week, after all of our work is finished and everything else has winded itself down, we will say goodbye, and the gentleman from New York [Mr. FLOYD FLAKE] will leave the Chamber to become a full-time pastor of the Allen A.M.E. Church in Queens, N.Y.

□ 1445

I thought it was fitting, and all of you I assure will agree, that this afternoon we take a break to thank someone on behalf of all of us here and his constituents for almost 11 years of service here in the U.S. Congress, who has worked on numerous different projects that have benefited everybody, not only in his district but all of our districts and people across this Nation and beyond.

For the 9,000 members of the Allen A.M.E. Church in Queens, N.Y., while FLOYD FLAKE is our loss, he is their gain. I hope you will join me in bidding farewell to Congressman FLOYD FLAKE this afternoon.

Madam Speaker, it gives me a great deal of pleasure to yield to the dean of the New York delegation, the gentleman from New York, Mr. GILMAN.

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

□ 1445

Madam Speaker, I wanted to thank Mr. QUINN for arranging this time for us to pay tribute to an outstanding legislator, Rev. FLOYD FLAKE. We hope one day we will be calling him Bishop FLOYD FLAKE.

Mr. Speaker, it is with a great deal of regret that I know that many of us are here to bid good-bye to FLOYD, but also we are happy to pay tribute to a colleague who is going to be sorely missed, not only by this body, but by his New York constituents, by the congressional delegation of New York, by the American people.

FLOYD FLAKE has decided to leave us to devote full-time to his first vocation, service to God, but in many ways he has served his congregation superbly throughout his 11 years in the Congress by being a constant reminder of decency, of tolerance, and of the American way. He has been a great role model for many in his community.
Ladies and gentlemen, you know, I came to this body 18 years ago from a little corner of the world, New York, and I did not know most of America. Serving in this body makes you a patriot. You see people from all across the country, from all different walks of life, people who come right up from the grassroots. And they are remarkable people. Democrats, Republicans, people from the Northeast, people from the Southwest, and you say to yourself, what a great people the American people are.

In my mind, there are a number of people I think of when I have that thought, and one of them is my colleague fellow. He is a unique individual. He is somebody who has broken the mold for the better so many different times, whether it be working hard for his community. My colleague Charlie Rangel calls his Church, which is the Allen A.M.E. Church, and I have been there and learned to wave my arms and say "Hallelujah" through Pastor Flake, Amen. But Charlie calls the Allen A.M.E. Church "the City of Allen," because FLOYD has done so much there.

Look at what he has done in this Congress. I served with FLOYD on the Committee on Banking and Financial Services. Again, time after time, this gentleman would take a great idealism and mold it into a practical solution so that it was not just a speech of words in the air but practical solution that was concrete, mortar and bricks and roofs over people's heads, and I think that communities would benefit from the loans that they had put into the banks, and they would come back to the community.
Now he has truly become a national leader. Some of us agree and some of us disagree with the exact prescription that Floyd Flake has prescribed for our schools and for our communities, but I think there is a great deal of wisdom that is in there.

The bottom line, though, is that there is not a soul in this place who does not know that he has done it with intelligence and integrity and the motivation to make his community, our city, our country, a better place.

So I say in conclusion, this is a man, a deeply spiritual man, but also a deeply practical man, and he has combined the best of spirituality and practicality to leave a real mark, a mark for the better, on this body and on the United States of America.

Floyd, I know I speak for everybody when I say we will miss you, but we know we will be hearing from you many, many times in the future, and we will listen keenly, because what you say and what you do is a valuable model for all of us.

Mr. QUINN. Madam Speaker, we have had requests from almost everybody here to speak, and we will never get to fast track if we let everybody here speak today.

Madam Speaker, I yield to the gentleman from California [Mr. LEWIS], the delegation leader from the State of California.

Mr. LEWIS of California. Madam Speaker, I very much appreciate my colleague yielding, and I must say that as Floyd is recognized in a special way by the 31 Members from New York, those of us who make up the 52 Members of California want you all to know that we have not just the greatest respect for the work of Floyd Flake, but most importantly, we feel in our hearts the warmth that goes out to Floyd as he continues his work, for his gentle nature has been felt across the Halls of this House from the day he arrived here. Floyd is one of those very, very special people who cares about people most.

Floyd, I want you to know that as you leave this House and take with you our friendship as well as our respect, you also take with you our prayers for your continued good work. I would ask as you go forward in New York that you continue to pray for those of us in this House, for we need the help of you as well as your parishioners. You are a fantastic representative of the best of this country, and God bless you for all that you have done with your life.

Mr. QUINN. Madam Speaker, I yield to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Madam Speaker, it gives me great pride to stand before this House this afternoon and say a few special words about my friend, Floyd Flake. I am pleased that he is leaving. As a matter of fact, when he first told me I was standing back near the door, and I literally slid down the wall, because I understood immediately, this House cannot afford to lose this man of substance part from us at this time. We in the Congressional Black Caucus love him, need him, respect him, and we have worked with him in some very special ways.

So the Congressional Black Caucus will miss him, because of what he has been able to add to the debate and the discussions and the direction of this House. Well, you saw on the other side of the aisle who took this time out of their day to do more than all of us who have beaten up on them time and time again. He has caused the development and proliferation of housing for poor people in this country, having developed capacity through nonprofits and the ability to use the resources that we have put forth so that they could take care of the poor in this Nation.

I am going to miss him, but I will see him even though he is not here. I am going to miss him, but he has invited me before, and I certainly expect him to invite me again. I am going up to Allen Church to be with his church family and to look at that community that he has developed up there, all around the church. You will see commercial development all around the church. You will see housing. You will literally see a community that has benefited from the knowledge, the expertise and the caring of this man.

We are going to miss you. We really do hate to see this place is a much better place because you have been here. Thank you very much.

Mr. QUINN. Madam Speaker, I yield to the minority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. I thank the gentleman from New York for calling this special event, and I am proud to rise with all of my colleagues on both sides of the aisle to honor the service and the meaning of the career of Floyd Flake.

I have had a chance that many of you have not had. About a year ago I got to go to Allen Church and to Floyd’s district with Floyd and spent about a day. We went in the old church. He now has a new structure that he showed me being built. I got to meet a lot of the families in the church, and I got to see the development that has gone on around the community through the work of the SBA and other organizations which has gone on in the community.

What I would like to do in my minute today is describe for you what it is like to walk into this church with Floyd Flake. All of the families feel that Floyd Flake is part of their family. All of the children that we met, and on this day that we were there, they were honoring school children who had achieved something. A lot of their families were there. And as Floyd walked around with me, he knew the name of every child. And obviously, every child and every family knew and looked up to him as the leader of the flock.

When you see the energy among the families, when you see the achievement, when you see the cohesion of his church members, you understand why this is an extended family in this community.

Then he took me to the foundation of the new church and we walked through the mud under the foundation and saw the expanse of this building that he is building to the people of your State. And then we drove around the community and saw all of the buildings that had been refurbished, all of the businesses that had been started, and we walked into an SBA center that he got in the community where people come in to find out how they can set up their little new fledgling businesses on their own in the community.

The truth is, Floyd is leaving this great opportunity that we all have in public service, but Floyd, let me be very honest with you and say, I not only understand what you are doing and why you are doing it, I think it is the right thing to do. Because the truth is that you in your career in your community are doing more than any of us could ever dream of doing. I just hope and pray that my service could be one fraction as important to the people that I serve as your service is to the people of your State. And I am in awe of what you have done, and I think what you have done is extremely important, not only for your community, but for all of us to see as a model of what one human being can do. I ask for a force of people. We are not going to miss you, we love you, and we wish you well and we will work with you in the days ahead. Thank you.

Mr. QUINN. Madam Speaker, just before we yield to one last speaker and hear from Floyd Flake, I would like to get rid of a technicality. I ask unanimous consent that all Members be granted 5 legislative days within which to extend their remarks on the subject of this minute.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. QUINN. Madam Speaker, I yield to the gentleman from Georgia, the Speaker of the House [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, let me say, 11 years ago this vacancy was filled in a special election. I do not think any of us could have predicted the kind of mark that that new Representative would make. Those of you
who might have had the good luck a few weeks ago to see the cover of the New York Times Sunday magazine saw a remarkably dapper Member of Congress right there on the cover. And he honored all of us. And as you read the article, by contrast, as I did, you will realize that this gentleman that we have been working with, as my good friend, the gentleman from Missouri [Mr. GEPHARDT] pointed out, is a remarkable figure in his own community, a man who leads by eloquence, by energy, by courage, by a quiet civility that would be worth all of us studying on occasion.

I have worked with him on a number of projects. I know of no one in this House who has been more openminded in his willingness to consider anything which would help the children of his community and which would improve the chance that they would lead a better life. I know of no one who has shown more determined calm and pleasant candor than Mr. Flake. Every house in every town he believes in. He has honored this institution by serving it. He has strengthened his country by his public service. I have no doubt that he will take on to his chosen true field of serving people, together with all his very own, even in the kitchen, and that our country will be even stronger and those children will have an even better future because of what he does, and I just want you to know, FLOYD, that as a friend of us are going to miss you and we will miss you and Godspeed in your new opportunities.

Mr. QUINN. Madam Speaker, I yield to the gentleman from New York, District 6, the Honorable FLOYD FLAKE.

Mr. FLAKE. Thank you very much to the Speaker of the House, to the minority leader [Mr. GEPHARDT], who did come to the district and visit with me at the school and with our people, to all of the leadership here and all of the Members of this body.

Eleven years ago when I ran for Congress I said to the people of the Sixth District that I intend to go and stay in this Congress. I do not think I have disappointed the people of the Sixth District that I intend to go and stay in this Congress. I said to the people of the Sixth District that I intend to go and stay in this Congress.

I went to that school every morning at 5 o’clock, I was up, cooking breakfast for my fellow students. Lunch time, back serving tables. Dinner time, serving again, but also getting keys to the cafeteria so that I could clean it up at night. For 4 years in college, 3 years in seminary, that is what I did, and that is how I got through.

One of the things I realized as I was growing up was that there was no substitute for hard work. I could never have envisioned, sitting in civics classes, that a day would come when I would not be reading about Presidents, but meeting them, reading about a House that legislated for the needs of the people and the world, but being a part of this great board of directors of the government of the world. For 4 years in college, 3 years in seminary, that is what I did, and that is how I got through.

I came here with two basic intentions. One of them was to treat this institution as an extension of my ministry, and those of you who have stood in the hall and go into the kitchen just to see what we do. I could be walking down the hall and go into the kitchen just to see what we do. I could be walking down the hall and go into the kitchen just to see what we do. I could be walking down the hall and go into the kitchen just to see what we do.

I have tried to cooperate in ways across both sides of the aisle, because beyond Republican and Democrat, I see human beings. When I see human beings, my concern is about how you minister to the needs of people in general. I am fortunate to have in my background marketing analyst from Xerox, serving as dean of students at Boston College, and then to be dean at Lincoln University before that, and the combination of all of that came together both in my Allen experiences and in my experiences here as a part of this body.

I have tried to bring those business administrative skills to this body, to bring back to my community those resources which are necessary to demonstrate their ability, with a great deal of their own initiative and motivation, to be able to do things for themselves, in addition to the relationship of government and corporate community; how we bring that partnership of resources in a synergy that allows people to help people. What they can understand and not only in themselves, but can build their communities. That is what I have tried to do.

Allen Church was very receptive. We built our own school, which has 480 students. We have bought a new executive offices which are necessary to demonstrate their ability, with a great deal of their own initiative and motivation, to be able to do things for themselves, in addition to the relationship of government and corporate community; how we bring that partnership of resources in a synergy that allows people to help people. What they can understand and not only in themselves, but can build their communities. That is what I have tried to do.

I have tried to bring back to that community those things which change the aesthetics of the community, give people a sense of pride, I mean, a sense of pride, drive crime down, raise the economic level, and participate in the process of changing and restructuring education.

I have not come necessarily to be advertised on constitutional grounds, but will tell the Members one thing: I talk to the Master. I talk to God daily, two, three, four, five, six times a day, and I honestly believe that God has called...
A recorded vote was ordered. The vote was taken by electronic device, and there were—aye 61, noes 348, not voting 24, as follows: [Roll No. 613]

**AYE—61**

- Andrews
- Becerra
- Berry
- Brown (FL)
- Clayton
- Coyle
- Covine
- DeLauter
- Dinges
- Evans
- Farr
- Filner
- Frank (MA)
- Gephardt
- Gejdenson
- NOES—348

- Abercrombie
- Ackerman
- Aderholt
- Allen
- Archer
- Bachus
- Baker
- Balda
cacci
- Barcia
- Barrett (NE)
- Bartlett
- Basa
- Bateman
- Benten
- Bessere
- Berman
- Bilbray
- Blagoevich
- Bliley
- Blumenau
- Bloom
- Boehner
- Boehn
- Boni
- Borski
- Boyd
- Brown (CA)
- Bryant
- Burton
- Calvert
- Camp
- Campbell
- Canady
- Cannon
- Cardin
- Carson
- Castle
- Chamblis
- Chenoweth
- Christensen
- Clay
- Cole
- Coburn
- Collins
- Combett
- Condit
- Cook
- Cooke
- Costello
- Cox
- Cramer
- Crapo
- Cummings

Matsui
- McCarthy (MO)
- McCarthy (NY)
- McCaul
- McGovern
- McHugh
- Mica
- Mille
- McKeon
- Miller (FL)
- Mica
- Miken
- Mil
cafel
- Mica
- McKeon
- Miller (FL)
- Mica
- Mille
- McKeon
- Miller (FL)

- McCaul
- Mica
- Mikel
- McKeon
- Miller (FL)
- Mica
- Mikel
- McKeon
- Miller (FL)
- Mica
- Mikel
- McKeon
- Miller (FL)
- Mica
- Mikel
- McKeon
- Miller (FL)
- Mica
- Mikel
- McKeon
- Miller (FL)

Ms. MILLIENDER-MCDONALD and Mr. PHALONE changed their vote from "no" to "aye". So the motion to adjourn was rejected. The result of the vote was announced as above recorded.

**ENSURING THAT COMMERCIAL ACTIVITIES OF PEOPLE'S LIBERATION ARMY OF CHINA ARE MONITORED**

Mrs. FOWLER. Madam Speaker, as the designee of the chairman of the Committee on International Relations, pursuant to House Resolution 302, I call up the bill (H.R. 2647) to ensure that commercial activities of the People’s Liberation Army of China or any Communist Chinese military company in the United States are monitored and are subject to the authorities under the International Emergency Economic Powers Act.

The Clerk read the title of the bill. The text of H.R. 2647 is as follows:
The Congress makes the following findings:

(1) The People’s Liberation Army is the principal instrument of repression within the People’s Republic of China, responsible for occupying Tiananmen Square on June 4, 1989, and running the Laogai (“reform through labor camps”) system specifically designed to incapacitate United States aircraft carriers and Aegis cruisers.

(2) The People’s Liberation Army is engaged in a major ballistic missile modernization program which could undermine peace and stability in East Asia, including 2 new intercontinental missile programs, 1 submarine-launched missile program, a new class of compact but long-range cruise missiles, and an upgrading of medium- and short-range ballistic missiles.

(3) The People’s Liberation Army is engaged in a massive military buildup, which has involved a doubling since 1992 of announced figures for military spending by the People’s Republic of China.

(4) The People’s Liberation Army is working to develop SS-27 intercontinental ballistic missiles and SS-N-22 Sunburn submarine-launched missile system specifically designed to incapacitate United States aircraft carriers and Aegis cruisers.

(5) The People’s Liberation Army has carried out acts of aggression in the South China Sea, including the February 1995 seizure of the Mischief Reef in the Spratley Islands, which is claimed by the Philippines.

(6) On July 1995 and in March 1996, the People’s Liberation Army conducted missile tests to intimidate Taiwan when Taiwan held free elections, and those tests effectively blocked Taiwan’s 2 principal ports of Keelung and Kaohsiung.

(7) The People’s Liberation Army has contributed to the proliferation of technologies relevant to the refinement of weapons-grade nuclear material, including transferring ring magnets for enrichment equipment.

(8) The People’s Liberation Army and associated defense companies have provided ballistic missile components, cruise missiles, and chemical weapons ingredients to Iran, a country that the executive branch has repeatedly reported to Congress is the greatest sponsor of terrorism in the world.

(9) In May 1997 United States authorities caught the People’s Liberation Army enterprise Poly Technologies and the civilian defense industrial company Norinco attempting to sell to Iran US$1.7 million in AK-47s to Oakland, California, and offering to sell urban gang shoulder-held missile launchers capable of “taking out a 747” (which the affidavit of the United States Service of May 21, 1996, indicated that the representative of Poly Technologies and Norinco claimed), and Communist Chinese authorities punished directly or indirectly the United States or any enterprise, and shared or published the list of such persons in the Federal Register. On an ongoing basis, the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation, shall make additions or deletions to the list based on the latest information available.

(10) The People’s Liberation Army is engaged in a massive military buildup, which has involved a doubling since 1992 of announced figures for military spending by the People’s Republic of China.

(11) The People’s Liberation Army is engaged in a massive military buildup, which has involved a doubling since 1992 of announced figures for military spending by the People’s Republic of China.

(12) The People’s Liberation Army is engaged in a massive military buildup, which has involved a doubling since 1992 of announced figures for military spending by the People’s Republic of China.

(13) The People’s Liberation Army is engaged in a massive military buildup, which has involved a doubling since 1992 of announced figures for military spending by the People’s Republic of China.

(14) The People’s Liberation Army is engaged in a massive military buildup, which has involved a doubling since 1992 of announced figures for military spending by the People’s Republic of China.

(15) The People’s Liberation Army is engaged in a massive military buildup, which has involved a doubling since 1992 of announced figures for military spending by the People’s Republic of China.

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

There was no objection. Mrs. FOWLER. Madam Speaker, I yield myself such time as I may consume.

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

Mrs. FOWLER. Madam Speaker, today the House is considering H.R. 2647, legislation I have introduced to call attention to U.S. commercial activities of the People’s Liberation Army, better known as the PLA, of China and give the President expanded authority to take action against PLA-owned enterprises doing business in the United States.

It has been well-documented that China’s military-owned enterprises have been directly involved in the international proliferation of nuclear and chemical weapons technologies and of missiles and missile technologies. Recent revelations include information about the sale of ring magnets and specialized high temperature industrial furnaces, used in constructing nuclear weapons, to Pakistan; technical support for Iran’s nuclear program; and missile technology sales to Iran, Syria, and Pakistan. The profits from these sales are piled back into the modernization of the PLA and fund such aggressive activities as missile tests conducted off Taiwan in advance of the 1996 elections there and the PLA’s seizure of contested islands in the South China Sea.

What many Americans do not know is that the Chinese military also operates many enterprises that deal in non-military commodities, and that they profit handsomely from their activities in the United States. A report released earlier this year indicated that vast quantities of goods as varied as rattan products, toys, ski gloves, garlic, iron weight sets, men’s pants, car radiators, glassware, pollock fillets, swimsuits, and much more are being sold to U.S. consumers by PLA-owned firms.

This chart that I have here will give Members an example. All those that are in the peach color are companies that have been documented by our Defense Intelligence Agency as being directly owned by the People’s Liberation Army. Those in the peach color are the ones that would be affected by this legislation. The ones to the other side, in the other color, are their defense industrial base. Some of them have indirect connections also, but any Member who is interested today might want to come up and look at this chart. They would be amazed at the companies listed here.
H.R. 2647 would do two things. First, it would require the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the FBI, to maintain a current list of Chinese military-owned firms if circumstances warrant, including freezing their assets or otherwise regulating these firms’ activities.

Thus, if a PLA-owned firm is found to be shipping missile guidance components to a rogue state like Iran, the President would have the authority to take immediate action against a United States subsidiary of that firm which might be selling sporting goods here in the United States.

I should note that this bill would not require the President to take action under IEEPA; it would only enhance his ability to do so if he so chooses.

I believe that American consumers ought to know whether the products they are buying, including things like toys, sweaters, and porcelain they might purchase for the upcoming holidays, are supporting the People’s Liberation Army and the kind of activities I have identified.

This legislation will help do that. It is needed to shed light on the PLA’s activities in the United States and to ensure that the President has the latitude he needs to take appropriate actions when evidence of wrongdoing arises. I hope my colleagues will support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HAMILTON. Madam Speaker, I yield myself such time as I may consume. I rise in opposition to the bill.

Madam Speaker, the purpose of the bill is to increase, I think, the likelihood that United States sanctions against companies owned by the Chinese military will be applied. The bill’s findings make a number of assertions about objectionable conduct by the People’s Liberation Army. I think there is agreement and with regard to the accuracy of those assertions.

The findings also describe a number of Chinese military commercial activities that are contrary to United States interests, or at least said to be contrary to United States interests, or in violation of Chinese Government commitments. The bill requires the Secretary of Defense to maintain a list of Chinese military companies operating in the United States, and it authorizes but does not require the Government to impose the sanctions provided for under the International Emergency Economic Powers Act, the act we generally refer to by the name IEEPA, even if that statute’s threat standard has not been met.

I really oppose the bill for two reasons. First of all, the bill hands the President of the United States an extraordinary amount of authority. Current Presidential authority under the International Emergency Economic Powers Act, or IEEPA, authorizes the President to impose a wide array of sanctions in response to a foreign threat to the United States national security, foreign policy or economic interests. Presidents have used all that authority frequently in the past. Under this bill, the President would be free to impose IEEPA sanctions on a Chinese military company without declaring a national emergency, or even determining that the company in question posed any threat to United States public safety or national security.

In other words, the bill provides no clear standards for invoking IEEPA sanctions. The bill establishes no clear standards for triggering the sanctions. The bill offers no congressional guidance to the President concerning the conduct that would justify sanctions. So far as I am aware, no existing sanctions law, and we have a number of them that we are considering today, offers the President anywhere near this kind of open-ended authority to impose sanctions. And so the bill has important implications beyond United States-China relations. It sets a precedent, and some say an alarming precedent, with respect to the separation of powers; it represents an extraordinary giveaway by the Congress of congressional authority to the executive to set the parameters of U.S. foreign and trade policy. I am aware, of course, that my colleagues will not be much persuaded by this argument, but I do find myself increasingly concerned about this propensity on the part of Members of the Congress and this institution to transfer authority to the President of the United States, and in this case not to give him any guidelines, not to give him any guidance, not to put any restraint or restrictions on the manner in which he uses that power. I can almost assure that sometime in the future, we in this body will be objecting very strongly to the manner in which some President, a future President, will have exercised authority under this bill, and we will complain that he has abused authority where in fact he has abused authority because there are not any guidelines here. That is one objection that I have to the bill.

A second objection is that I think the bill involves the danger that it poses to sensitive intelligence sources. The requirement to publish a list of Chinese military companies operating directly or indirectly in the United States I am told can easily jeopardize sensitive sources. This requirement of disclosure of classified information could undermine one that should be classified, and that information could relate to sources and methods in the intelligence community. I do not think it is wise for us to take action that will only make it more difficult to collect vital intelligence on Chinese commercial interests in this country. I understand that the Chinese do a lot of things that we do not like, and I agree with much of what has been said with regard to their conduct, but I do not think we have looked at this legislation carefully enough, we have not explained why the President needs any new authority to protect public safety or national security from the Chinese military. He already has very extensive authority to do that. I do not think the sponsors of the bill have adequately explained why we should take a step that has fairly serious implications for the balance of constitutional powers, and I do not believe the sponsors of the bill have told us how they would reconcile the need to protect sensitive intelligence sources with the requirement for publishing a list of companies associated with the Chinese military.

Madam Speaker, I do not see any overriding reason to pass this bill, although I certainly understand the concerns that the sponsors of the bill have about Chinese military enterprises operating in this country and in other areas of the world.

But because of the two reasons that I have stated, I do urge Members to oppose the bill. I might say that the administration likewise opposes the bill. Madam Speaker, I reserve the balance of my time.

Mrs. FOWLER. Madam Speaker, I yield myself such time as I may consume.

I just want to stress again that this bill does not require the President to do anything; it just gives him the flexibility to do so.

Madam Speaker, I yield 4 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

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

Mr. GILMAN. Madam Speaker, I thank the gentlewoman from Florida for yielding this time to me.

Madam Speaker, I am pleased to rise in strong support of this measure, a bill introduced by the gentlewoman from Florida [Mrs. Fowler] that would with the Chinese military status to the Chinese People’s Liberation Army, whose enterprises subsidize China’s military spending, and who promote arms proliferation activities from Iran to the streets of San Francisco. And specifically important legislation is needed to monitor and restrict the long arm of those commercial enterprises in Asia and in the United States whose activities have been directly implicated in the proliferation of weapons of mass destruction, arms smuggling, illegal espionage, use of forced labor, piracy of intellectual property and misappropriation of military-sensitive technology.
It's provisions would require the U.S. Secretary of Defense, the Attorney General and our Directors of the Central Intelligence Agency and the Federal Bureau of Investigation to publish a list of Chinese military companies operating in the United States, and would authorize the President to monitor, to restrict, and seize the assets of those companies.

As an original cosponsor of this measure, along with a number of my colleagues, including the distinguished chairman of the Committee on National Security, the gentleman from South Carolina [Mr. SPENCE], I would remind my colleagues that the Chinese People's Liberation Army is the main instrument of repression within China responsible for occupying Tibet since 1950, massacring hundreds of student demonstrators in Tiananmen Square in June of 1989, and running the Laogai slave labor camps.

The PLA, assisted by its money-making commercial enterprises, is engaged in a massive military buildup with most of the increase in off-budget items. Our arms control agency has estimated that its actual military spending in 1994 was more than nine times its announced budget.

We can and must ensure that the commercial enterprises supporting this massive military buildup subject to close scrutiny by our intelligence and law enforcement agencies, and we urge the President to use his existing authorities to restrict or ban their activities in the United States to the extent they represent a national security threat to our interests.

This measure provides the authority for the President to seize the assets of Chinese companies listed in section 2(a) of this bill. It does not mandate, does not require any such Presidential action, but it does serve to put teeth in this measure denying commercial status to the companies. If the President were to abuse his authorities under the IEEPA, we can always restrict or eliminate the authorities provided in section 2(b) of this act.

We know that we have a problem with the Chinese military as a whole, but perhaps for foreign policy reasons the President will not want to declare an emergency. This measure will allow the President to act accordingly. If this is any giveaway of authority, it is strictly limited though to PLA companies.

Accordingly, I urge our colleagues to support this measure.

Mr. HAMILTON. Madam Speaker, I yield myself an additional minute.

I just want to point out the process involved in this bill. I think there were no hearings in the committee with respect to it. I am not aware that there was any consultation between the committee and the administration and no efforts by the administration about how they viewed this bill to adapt the language of the bill so that it would be satisfactory to the administration.

I am not aware that the bill had any consideration in the committee, the House Committee on International Relations. This bill was not reported out by the committee, I do believe. I think the bill came out under a waiver, if I am not mistaken. Now, I understand that there are times when steps have to be taken in a committee to bypass normal procedures, but I must say I do not understand why that had to occur here. This is an important matter. The administration said on the floor they would act on it, but I am not aware of any process that involved them to any degree.

Madam Speaker, I reserve the balance of my time.

Mr. FOWLER. Madam Speaker, I yield 4 minutes to the gentleman from South Carolina [Mr. SPENCE], the chairman of the Committee on National Security.

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

Mr. SPENCE. Madam Speaker, I thank the gentlewoman from Florida for sponsoring this initiative.

Madam Speaker, the Communist Chinese People's Liberation Army directly controls a vast empire of commercial enterprises throughout the world. In addition, there is a parallel network of state-run defense industries under the supervision of the Commission of Science, Technology and Industry for National Defense. Such enterprises have been involved in the proliferation of weapons of mass destruction, arms smuggling, economic espionage, use of forced labor, piracy of intellectual property and misappropriation of military-sensitive technology.

As state-owned enterprises, PLA enterprises frequently operate on non-commercial terms, conducting their affairs for such nonmarket reasons as military and prestige considerations and for advancing foreign policy concerns, and even when operating for commercial motives, PLA profits subsidize the military establishment with off-budget financing. According to Karl Schoenberger, writing in Fortune magazine, off-budget military spending in 1997, including both profits from PLA enterprises and PLA arms sales, is conservatively estimated at $2 to $3 billion. Based on purchasing power parity, the Arms Control and Disarmament Agency, not known for exaggerating threats, estimated that 1994 Chinese military spending was nine times its announced budget.

To Chinese military spending is added the problems of weapons acquisition; for instance, fire sales from cash-strapped Russia. The Chinese arms proliferation problem involves what China buys as well as what it sells; is captured by its efforts to acquire the Sovremenny-class destroyers from Russia, not known for exaggerating threats, equipped with SS-N-22 supersonic anti-ship missiles. These Sunburn missiles were designed to evade defenses by hugging the surface of the ocean and then popping up to come straight down on the surface of ships. They are designed for destroying American aircraft carriers and Aegis cruisers, especially disturbing given our Navy's presence in the Taiwan Strait.

Instead of representing a stabilizing force in a generational leadership transition in China, some allege, that military establishment is China's chief enemy of freedom at home and abroad. The PLA is responsible for internal repression from Tibet's occupation to the Tiananmen Square massacre. It is responsible for external aggression from the seizure of Mischief Reef in the Spratly Islands to the firing of missiles to intimidate Taiwan.

The Communist Chinese military does not deserve to be treated like the world's private companies. I urge my colleagues to support this very fine piece of legislation.

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

Mrs. FOWLER. Madam Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Madam Speaker, I thank the gentlewoman from Florida for yielding this time to me, and first I want to commend her for her sponsorship of this very, very important legislation and her contribution on all of this legislation that has been before us for the last 2 days.

Madam Speaker, again we have a bill before us that brings to light a very serious problem with Communist China that has often been lost in our previous debates on China. It is especially lost when listening to the rhetoric of those who argue for the status quo called engagement with China. As my colleagues know, that word, "engagement," always gets this country of ours in trouble and always ends up with American soldiers in combat somewhere.

The problem is that we do not have true engagement or free trade with this Communist government. There is a barrier between us and them, and the barrier is the massive omnipresent Communist Chinese Government's apparatus dominated by the People's Liberation Army.

This is no ordinary army, Madam Speaker. No, it is also a vast commercial empire raking in profits of well over $2 billion a year, mostly financed by either low-interest or no-interest U.S. taxpayer dollars, 35 years in length, and sometimes with a 10-year waiver, a 10-year grace period, that may never even get paid back, and yet they keep doing this, Madam Speaker. They have got their fingers in everything, let me assure my colleagues.

Madam Speaker, half of the things people are wearing around here are probably made by firms either owned by or affiliated with the People's Liberation Army. See this shirt I am wearing here? Used to be made up in Troy, NY. Do my colleagues know where it is made now? It is made by the People's
Liberation Army in China, and all the people that I represent are now out of work. We used to have several thousand seamstresses and workers up in the Hudson Valley. Today we are lucky if we have 300 left.

And what does the PLA do with these huge profits? Well, for starters they dutifully carries out the totalitarian repression of the Chinese people as ordered by the Communist Party. The PLA is the instrument of terror in China. It was the PLA that rolled the tanks in Tiananmen Square, killing thousands of people. It is the PLA that occupies Tibet.

What else does it do, Madam Speaker? Well, for starters, they fired some missiles at Taiwan last year, and they are using their annual double-digit budget increases in their military to gobble up weapons at a breathtaking pace, SU-27 fighter jets, Kilo submarines like this destroyer right here purchased from the Russian Government, armed with a deadly anti-American SS-N-22 missile that is pictured here, that is somehow going to be used against U.S. soldiers and sailors stationed over in the Taiwan Straits. Just name it, the PLA is buying it.

And lastly, it is, of course, the PLA that is proliferating the endless list of deadly weapons and technology.

I urge all of my colleagues to support this legislation. I commend the gentlewoman from Florida. It is a great piece of legislation.

Mr. HAMILTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Madam Speaker, there is an excellent new book on the market. It is called Dereliction of Duty, and it talks about what went on in the Lyndon Johnson administration, starting about January of 1964 when he was telling the people of America that he was not going to get involved in a war in Vietnam, and yet behind the scenes was taking every step to do so.

That is what happens when you mislead the American people. That is what happens when you tell the American people you are doing one thing and yet another is going on.

That is what these six bills are about. I voted for them. They sound good; they feel good; they do absolutely nothing. This bill, I would say to the gentlewoman from Florida [Mrs. FOWLER], and you are my friend, does absolutely nothing.

And what does the PLA do with these opportunities now on this floor to do something. My friend, and I still call him my friend, although we quarrel on occasion, Mr. SOLomon, points out that the People's Army got $2 billion in profits from goods they sold in America last year. The people of China, the nation of China, got $40 billion because of their incredible trade surplus with our Nation. On two occasions, I have tried to address that. On two occasions, you people chose not to.

It is a dereliction of duty of this Congress to mislead the American people that we are somehow getting tough with the Chinese Communists when we are really nothing of the sort. Of this Congress to pass six bills, put out press releases, go up there, talk to the television, go out on the quad and talk to the reporters, say we are finally getting tough with the Communists, when we are not.

The only way we are ever going to get the Chinese Communists' attention, to get them to quit forcing abortions, to get them to quit selling missiles to our enemies, to get them to quit putting American businesses out of business with slave-labor-made goods, is when we hit them in the pocketbook, and we will never hit them in the pocketbook as long as we give them most-favored-nation status, when they get 2 percent tariffs on their products and yet we allow them to charge us anything they want when we sell our products there. And those tariffs can be from 30 to 40 percent, and those tariffs are the main reason why our Nation is at a $40 billion annual trade disadvantage with the Chinese.

I say to the gentlewoman from Florida [Mrs. FowLer], I am going to vote for her bill. It sounds nice. But if you are really serious, if the gentleman from New York [Mr. SOLOMON] is really serious about this, then let us address the trade inequity. Let us forget about the silly rules of the House. Let us forget about jurisdiction. For once, let us do what is right for America.

Mrs. FOWLER. Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Madam Speaker, I find it unfortunate that my friend, the gentleman from Mississippi [Mr. TAYLOR], would speak to us in such a condescending manner.

And I will just say this right off the bat. There have been people that have put a lot of time and effort into this issue of human rights and China. This Member in particular has spent years engaged in the issue of human rights in China. And for you to stand up here and act condescending to people who have worked so hard, like the gentlewoman from Florida [Mrs. FowLer] and the gentleman from New York [Mr. Cox,], who have worked and sweat and done their homework for months and even years to try to get legislation to this floor, when you, as a Member yourself, have not gone through the procedures necessary to work a piece of legislation, is a little bit too much.

I would like to commend the gentlewoman from Florida [Mrs. FowLer] and commend the gentleman from California [Mr. Cox] in particular for the hard work they do put in on this legislation. And it is not just a 1-day thing with these people, it is not a 1-day thing with this Congressman. We have worked for years trying to come to grips with a challenge to the United States of America, and that challenge is something that the public has not been able to recognize because there are American businessmen over making profit of Communist dictatorship, a group of thugs who threaten our national security and threatens the well-being of the people of this country.

We have got a package of bills before us today, and we have had to work to get them to the floor and work to perfect them, that will make a difference.

For example, we are not just talking about the People's Liberation Army, we are insisting that all companies that are associated with the People's Liberation Army, that are fronts for the People's Liberation Army, that a list be made and that it be made public, and that the President be given the discretion, which, of course, our distinguished ranking member on the Committee on International Relations opposes, that the President be given the discretion to act against these companies.

I am not afraid that the civil rights of these People's Liberation Army companies might get stepped upon. We are talking about the biggest abusers of human rights in the world, people who torture Christians, who put believers in God in prison, put them in forced labor camps, use them as slave labor to produce goods that will be sold, some of those goods, sold right here in the United States of America.

We are trying to come to grips with this problem, we are trying to alert the American people to it, and I, for one, deeply appreciate the gentlewoman from Florida [Mrs. FowLer] and especially the gentleman from California ([Mr. Cox] and all the other people who put time and effort into this package.

The People's Liberation Army is providing billions of dollars, billions of dollars, of revenue, by selling products to us, to do what? As the gentleman from New York [Mr. SOLOMON] stated, to build up their armed forces in a way by selling products to us.

What will they do with these weapons? This massive buildup that we see of the Chinese military, what will they do? Some day they may use those weapons to kill Americans.

Well, we are taking steps today to stop that. We are working for you with this incredible challenge. I, for one, am proud of the gentleman from New York [Mr. SOLOMON]. I am proud of the people involved in the effort.

One last thing about this particular bill, H.R. 2647. No, it does not do everything, but it takes a long step forward. It will alert the American people to what companies are nothing more than fronts for the military arm of the Chinese Communist regime, and it gives the American people and any government that we find these weapons or any technology or acting in a way that is totally inconsistent with the security needs of our country.

H10208

CONGRESSIONAL RECORD - HOUSE

November 7, 1997
Ms. PELOSI. Madam Speaker, I think the distinguished ranking member for yielding me this time, and I commend the gentlewoman from Florida [Mrs. FOWLER] for her leadership on this important issue.

I just want to return to the dialog where the gentleman from California [Mr. ROHRABACHER] started his remarks. I wanted to commend the gentleman from Mississippi [Mr. TAYLOR] though, too, for his comments, because it is true, we should be doing more. But this is the very least we should do, where we can come together and hopefully, stand on our own side and put these bills on the President's desk. This gives us a chance to demonstrate the need for this legislation and to make a statement of our national values and concerns in our relationship with China.

As I have said over and over, I believe we will have a brilliant relationship with China, economically, diplomatically, culturally, politically, and every way, but that can only happen when the Chinese government respects its own people, stops proliferating weapons of mass destruction to rogue states, and plays by the rule in our trade relationship.

I believe we should have engagement with China, but it must be effective engagement, that makes the trade fairer, the world safer, and people freer, and not the destructive engagement that we have now that not only coddles dictators but extends unwarranted hospitality to them.

For example, when President Clinton toasted President Jiang Zemin, he was toasting the leader of the Chinese military that at that very moment was brutally occupying Tibet, continuing its proliferation of weapons of mass destruction to rogue and unsafeguarded states, repressing dissent in China, and a military that had in the past year and a half threatened with missiles the election in Taiwan, a military that had exported AK-47 type rifles into the United States, selling them at a very cheap price on the streets here, making them the weapons of choice for gangs, all of this in violation of our law, but we again looked the other way or pulled the plug on the investigation too soon.

I want to call to my colleagues' attention a photograph that we have not had on the floor in a long time, because, frankly, I think it is too sacred to bring in this body, which has over and over again rejected our appeals for a change in U.S.-China policy because of repression in China and Tibet.

But, Mr. TAYLOR, respecting and admiring your dissatisfaction with what is going on here too, because, frankly, I am dissatisfied too, it is a cluster of fig leaves that we are dealing with, but they have more to them than that. As they have been critical of fig leaf approaches here, I commend our colleagues for the thoughtful attention they have paid and the reasonable solutions they have come up with so they can get almost unanimous support in this body for these initiatives.

But the question remains, I had the bill on this floor that would limit MFN, revoke MFN for products made by the People's Liberation Army. That is what we should be doing here today. We do not have the votes for it, the President will not sign it, it would not pass in the Senate probably, and that, I think, is the least we can do.

But I bring this photograph back today in hope that the gentleman from California [Mr. Cox] and the gentlewoman from Florida [Mrs. FOWLER] and the gentleman from New York [Mr. SOLOMON] and so many others who have worked on this package, that we can be serious about what we are doing and this is not perfunctory.

This is a photograph of the lone man before the tank. We all identified with him and admired him, and we immediately forgot the cause that he was standing there for. But I bring it here today in discussion of the People's Liberation Army, the People's Liberation Army. They rolled out the tanks against their own people in the streets of Beijing on June 3, 4 and 5 of 1989.

Fast forwarding to the present, this is the People's Liberation Army that, according to the Office of Naval Intelligence in a March 1997 report, an unclassified report, stated that discoveries after the Gulf War clearly indicate that Iraq maintained an aggressive defense procurement program. A similar situation exists today in Iran, in a steady flow of materials and technologies from China to Iran. This exchange is one of the most active weapons of mass destruction programs in the Third World and is taking place in a region of great strategic interest to the United States.

It is in our strategic interest to stop the proliferation by the Chinese military, the People's Liberation Army, of these weapons of mass destruction to Iran.

Between June of 1989, and we can go back further than that, but just taking from then to the present, and now, the Chinese military has been engaged in the activities that many of us have described. From Tibet, China itself, proliferation, et cetera.

They are the guardians of China's repressive dictatorial regime. They are the People's Armed Police, which are armed heavily, and stand guard atop the watch towers of the laogai, the Chinese gulag, and are executioners of prisoners, some of them for harvest of their organs for profit.

But, Mr. TAYLOR, respecting and admiring your dissatisfaction with what is going on here too, because, frankly, I am dissatisfied too, it is a cluster of fig leaves that we are dealing with, but they have more to them than that. As they have been critical of fig leaf approaches here, I commend our colleagues for the thoughtful attention they have paid and the reasonable solutions they have come up with so they can get almost unanimous support in this body for these initiatives.

But the question remains, I had the bill on this floor that would limit MFN, revoke MFN for products made by the People's Liberation Army. That is what we should be doing here today. We do not have the votes for it, the President will not sign it, it would not pass in the Senate probably, and that, I think, is the least we can do.

But I bring this photograph back today in hope that the gentleman from California [Mr. Cox] and the gentlewoman from Florida [Ms. PELOSI], for her leadership on this important issue.

I want to call to my colleagues' attention a photograph that we have not had on the floor in a long time, because, frankly, I think it is too sacred to bring in this body, which has over and over again rejected our appeals for a change in U.S.-China policy because of repression in China and Tibet.

The People's Liberation Army acts with swift brutality, as evidenced in Tiananmen Square as we see here, to crush any attempt to introduce democracy or promote basic human rights in China.

Indeed, when President Jiang, the leader of that military, who got a 21-gun salute from our administration by the military of this repressive regime, when he was here, he rejected the notion of economic reform leading to political reform and stated that political conformity and economic reform are complementary to each other. I was trying to get his exact words. He rejected the notion of people's evolution, and yet this administration and many in this body continue to say that this is what is happening in China.

Recently, huge worker demonstrations in Sichuan Province were brutally repressed by the People's Armed Police. Workers, believers, intellectuals, and students are rounded up and are being confined to reeducation camps in a continuing attempt by the Chinese authorities to break their spirit and prevent the establishment of independent organizations.

But this is why the legislation of the gentlewoman from Florida [Mrs. FOWLER] is so necessary. Chinese military-owned companies are selling huge amounts of goods in the United States, including toys, exercise weights, camping tents, and fish for fast food restaurants. Among American companies that buy products from wholesalers or distributors who get products from them, I will invite my colleagues to read the People's Liberation Army, where to find PLA companies in the United States, what products they sell, and who are the PLA's customers.

I think my colleagues would find this very informational and a compelling reason to support the legislation of the gentlewoman from Florida [Mrs. FOWLER], I thank the gentlewoman for presenting it.

Mrs. FOWLER. Madam Speaker, I thank the gentlewoman from California [Ms. PELOSI] for her support and her diligent work in this effort.

I yield 5 minutes to the gentleman from California [Mr. COX], the chairman of the Republican Policy Committee.

Mr. COX of California. Madam Speaker, I thank the author of this bill, the gentlewoman from Florida [Mrs. FOWLER], for her courage in bringing it to the floor, and for her hard work and making sure that 90 Members from its joint Committee of Defense, the CIA, the FBI and the Department of Justice will combine their resources to produce a list of People's Liberation Army fronts doing business in the United States.

The reason we are here today is because we love the peoples of China, and we know the difference between the Communist government in Beijing and the people. We know that the people are not the
regime. We also know that free enterprise is not communism and communism is not free enterprise, and we know that the People's Liberation Army, the largest standing military on Earth, is not a commercial enterprise. And we are for free enterprise, but we understand that free trade must take place between commercial actors, market forces, driven by a profit motive, and competition is what makes markets work.

The People's Liberation Army is not interested in that. The People's Liberation Army has very different aims, and we understand what armies are all about.

The money that is generated from the subsidized industries in which the People's Liberation Army is engaged as so-called profits provide off-budget financing for the People's Liberation Army to expand even more than it already has. In nominal terms, that is what they report, the People's Liberation Army has doubled its spending since the collapse of the Soviet empire. They have literally moved to fill the void created by the collapse of the Soviet Union militarily. But the Arms Control and Disarmament Agency tells us that is understated by a factor of probably 8 times. The People's Liberation Army is enormous, but it is also growing, and it is growing because of these rather unique and creative financial arrangements.

A good example of these financial arrangements is Poly Technologies, about which we have heard some in the course of this debate. Poly Technologies, Inc., which is engaged in everything from the sale of small arms to the latest weapons of mass destruction in the People's Liberation Army arsenal, has as its chairman a PLA officer. Bao Ping is none other than Deng Xiaoping's son-in-law.

This People's Liberation Army organization, using, for example, $2.5 billion that it earned in a single Middle East arms transaction, those were its net profits in that one deal, occupies almost one full city block near Beijing's Forbidden City. Poly Plaza comprises two large gleaming white marble towers connected by a 4-story high exhibition hall and theater. Across the face of the building in gold letters in English and Chinese characters, it says, Poly Plaza. They own property all over the People's Republic of China. Luxury villas in Beijing and a large piece of the Shanghai Securities Exchange building.

They also have commercial interests in California, where they were arrested for trying to smuggle into our country 300,000 machine guns for sale to street gangs. This is the indictment. They happen to be caught because there was an FBI sting operation, and in fact, a PLA agent offered to sell the FBI officers engaged in the sting operation Red Parasites, like Stinger missiles, the Chinese call theirs Red Parakeets, which he boasted, and it is written out here in the indictment, could take a 747 out of the sky. That is the kind of enterprise that the People's Liberation Army conducts.

Fortune Magazine, as has been added to earlier in the debate, reports that profits from People's Liberation Army enterprises, for example, the PLA front, yield about $2 billion to $3 billion in hard currency off-budget financing for the People's Liberation Army. The People's Liberation Army, more than anything, is the instrument of internal repression in the People's Republic of China. We ought not to pretend that when they are using their commercial fronts to do business in the United States that it looks anything like free trade. It is not.

What this bill does is very modest. It will produce a list and it will produce it in relatively short order so that we can then know who we are dealing with. That kind of information the American people need; that kind of information this bill will provide, and I congratulate the gentlewoman from Florida.

Mrs. FOWLER. Madam Speaker, I yield 30 seconds to the gentlewoman from California [Ms. Pelosi].

Ms. PELOSI. Madam Speaker, I thank the gentlewoman for yielding once again and commend her for her leadership.

I wanted to join the gentleman from California [Mr. Cox], and I did not have enough time to do so when I was enumerating all the kinds of products that the Chinese People's Liberation Army sells in the United States.

The point is that the point that the gentleman from California [Mr. Cox] made, and that is that this subsidizes the Chinese military apparatus, the same one that brutally occupies Tibet, sells weapons of mass destruction into the Third World. The toys you buy in the United States from Poly Technologies and the rest subsidize the Chinese military.

Mr. HAMILTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Madam Speaker, let me begin by agreeing with everything the gentleman from California [Mr. Cox] just said. All of those things really did happen. The company that shipped that container-load of AK-47's into our country is the Chinese Ocean Shipping Co. We on the Committee on National Security this year passed an amendment which would ban that company, or any state-owned shipping company, from leasing or operating an American port that used to be a military installation that has reverted back to a local community. Unfortunately, the Senators chose not to do so, and it was dropped out of the conference committee report.

I want to go back to some things that were said. I think that this bill is great because we authorize the President to do some things. One of the things we are as Members of Congress expected to do is read the Constitution of the United States, and any Member who reads the Constitution of the United States knows that in section 1 it talks about the powers of the Members of Congress. One of those powers will be debated tonight, because that translates Article I, section & clause 3 of the Constitution, which clearly gives Congress, and I am quoting, "the power to regulate commerce with foreign nations."

What the gentlewoman from Florida [Mrs. Fowler] is trying to do here is to regulate commerce with foreign nations, and I have no problem with that because she is trying to slap the Chinese for their wrongful deeds. The problem with it is that it is not doing that, and we should not be delegating our constitutionally mandated authority to the President.

We know they have done bad things. We know that they have tried to smuggle a container, a 40-foot container load of AK-47's into this country to sell to street gangs in this country and cause harm in this country. Let us not pretend that that is not going on. Let us not pretend that these measures that have absolutely no force at all are going to do anything about it.

I am going to say for the last time, if this Congress is serious about getting the Chinese' attention for their wrongdoings, we have to hit them in the pocketbook. They have unlimited access to the American market in most favored nation status which a majority of Members in this body, but not me, voted for, which allows them to have market access for 2 percent. They charge American goods anywhere up to 40 percent.

We have had two separate options, two separate opportunities to level the playing field. The sponsor of this bill did not vote to do so. I hope this Congress in the next session will address that. Because if we really think that the Chinese are doing wrong things and we want them to do something, this is a means to do so. It is called trade fairness. It is called basic fairness for the American working people.

I hope just once the Committee on Ways and Means will give the Members of this body to vote on something that will call for fairness in trade between ourselves and the People's Republic of China.

CONFERENCE REPORT ON H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. LIVINGSTON submitted the following conference report and statement on the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105-390)

The committee of conference on the disagreeing votes of the two Houses on the amendment
of the Senate to the bill (H. R. 2264) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, for other purposes." Having met, at full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the conference report be reprinted, with the following stricken and inserted by said amendment, inserted:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes described in section 315(a)(2) may be granted if necessary to facilitate the provision of needs-related technical assistance and training activities in the States, which includes a description of the process by which such service areas and substate areas may apply for and have waivers approved by the Secretary for the provision of workforce employment and training activities in the States, which includes a description of the process by which such service areas and substate areas may apply for and have waivers approved by the Secretary, for the purposes of the Wagner-Peyser Act to be waived, the outcomes to be achieved and other measures to be appropriate accountability for Federal funds.

For necessary expenses of Opportunity Areas of Out-of-School Youth, in addition to amounts otherwise provided herein, $250,000,000, to be available for obligation for the period October 1, 1998 through September 30, 1999, if job training reform legislation authorizing this or similar at-risk youth projects is enacted by July 1, 1998.

For payments for students at non-Title II institutions for Federal unemployment benefits and employment service operations, with respect to Title I and Title II, $1,481,640,000 (including not to exceed $1,000,000 for job search and relocation, and related State administrative expenses for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Higher Education Act of 1980, and including not to exceed $75,000 for transfer of funds from the Employment Security Administration for the retirement fund in the Department of Health and Human Services, the Employment Security Administration, and the State Services to the Federal Unemployment Trust Fund, to carry out older worker activities as subsequently authorized).

For payments for students at non-Title II institutions for Federal unemployment benefits and employment service operations, with respect to Title I and Title II, $1,481,640,000 (including not to exceed $1,000,000 for job search and relocation, and related State administrative expenses for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Higher Education Act of 1980, and including not to exceed $75,000 for transfer of funds from the Employment Security Administration for the retirement fund in the Department of Health and Human Services, the Employment Security Administration, and the State Services to the Federal Unemployment Trust Fund, to carry out older worker activities as subsequently authorized).

**Title I—Department of Labor Employment and Training Administration**

**Training and Employment Services**

For necessary expenses of the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, as amended, not to exceed $5,000,000 for the Department of Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

**Title II—Department of Labor Employment and Training Administration**

**Training and Employment Services**

For necessary expenses of the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, as amended, not to exceed $5,000,000 for the Department of Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

**Title III—Department of Labor Employment and Training Administration**

**Training and Employment Services**

For necessary expenses of the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, as amended, not to exceed $5,000,000 for the Department of Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

**Title IV—Department of Labor Employment and Training Administration**

**Training and Employment Services**

For necessary expenses of the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, as amended, not to exceed $5,000,000 for the Department of Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

**Title V—Department of Labor Employment and Training Administration**

**Training and Employment Services**

For necessary expenses of the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, as amended, not to exceed $5,000,000 for the Department of Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

**Title VI—Department of Labor Employment and Training Administration**

**Training and Employment Services**

For necessary expenses of the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, as amended, not to exceed $5,000,000 for the Department of Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

**Title VII—Department of Labor Employment and Training Administration**

**Training and Employment Services**

For necessary expenses of the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, as amended, not to exceed $5,000,000 for the Department of Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

**Title VIII—Department of Labor Employment and Training Administration**

**Training and Employment Services**

For necessary expenses of the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, as amended, not to exceed $5,000,000 for the Department of Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.
for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 1998, except that funds used for automation acquisitions shall be available for obligation through September 30, 2000, and of which $40,000,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period October 1, 1999 through September 30, 1999, for the purpose of assisting States to convert their automated State employment security agency systems to be year 2000 compliant; and of which $173,452,000, together with $298,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 1998 through June 30, 1999, to fund automation acquisitions as amended, including the cost of penalty mail authorized under section 3 U.S.C. 320a(1)(3)(E) made available to States in lieu of allotments for such purpose, and of which $200,000,000 shall be available solely for the purpose of assisting States to convert their automated State employment security agency systems to be year 2000 complaint, and of which $196,335,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the national unemployment insurance assessment filed and claims paid or changes in a State law: Provided, that to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1998 is less than the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated under this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Unemployment Trust Fund as authorized by the Act, as amended, and title III of the Social Security Act, as amended, and of which $201,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation, and other benefits for any period subsequent to August 15 of the current year, as authorized by law to be collected, and may utilize such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation, and other benefits for any period subsequent to August 15 of the current year.
November 7, 1997

CONGRESSIONAL RECORD — HOUSE

H10213

Labor is authorized, during the fiscal year ending September 30, 1998, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of section 9a of the Mine Safety and Health Act of 1977 or to carry out that portion of section 115 of the Federal Mine Safety and Health Act of 1977 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: Provided, That no funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: Provided, Further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate and the most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except:

(1) to conduct inspections or investigations in response to an employee complaint, to issue a citation for violations found during such inspection, or to impose a penalty for any of such violations which are not corrected within a reasonable abatement period and for any willful violations found;

(2) to conduct any action authorized by such Act with respect to imminent dangers;

(3) to take any action authorized by such Act with respect to accidents;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

For necessary expenses for the Mine Safety and Health Administration, $203,334,000, including purchase and bestowal of certificates and awards in connection with mine rescue and survival operations in the event of a mine disaster: Provided, That the appropriations committee of Congress may appropriate by an act of Congress, in addition to the funds made available under this heading, not to exceed $250,000, which may be expended for the employment of personal services to conduct and maintain investigations and studies; to design and develop a program to implement and administer the mine rescue and survival training program authorized by the Department of Labor's Committee on Employment of People With Disabilities and the Mine Safety and Health Act; to paint, maintain, repair, and operate training facilities; and to provide personal services to provide training services; and to conduct surveys and studies; and to provide research services; and to contract with private organizations for the provision of personal services for the purpose of performing services designated for the Mine Safety and Health Administration and its field offices; and to provide personal services to provide technical assistance, educational and training services, and to conduct surveys and studies; and to conduct research studies; and to provide services for the purposes of revising the Consumer Price Index and the Unemployment Trust Fund.

For necessary expenses of the Mine Safety and Health Administration, $3,645,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

Department of Labor

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three secretaries, and including up to $4,421,000 for the President's Committee on Employment of People With Disabilities, $152,253,000, together with not to exceed $282,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Director of the Bureau of Labor Statistics for any purpose other than as authorized by such Act; Provided, Further, That no funds made available by this Act may be used by the Secretary of Labor to carry out a private review of a decision by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is prohibited by the terms of any pending appeal before the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.).

For necessary expenses of the Mine Safety and Health Administration, $227,609,000, of which $15,430,000 shall be for expenses of the Consumer Price Index and shall remain available until September 30, 1999, being used by the United States Department of Labor to administer or enforce the Occupational Safety and Health Act of 1970, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

For necessary expenses for the Mine Safety and Health Administration, the Bureau of Labor Statistics, and the Department of Labor, $203,334,000, including purchase and bestowal of certificates and awards in connection with mine rescue and survival operations in the event of a mine disaster: Provided, That the Secretary of Labor may transfer annually an amount not to exceed $3,000,000 from unobligated balances in the Department's salaries and expenses accounts, to the unobligated balance of the Working Capital Fund, to be merged with such funds and used for the acquisition of capital equipment, development of financial management, information technology, and other support systems, and to remain available until expended: Provided, Further, That the unobligated balance of the Fund shall not exceed $20,000,000.

Assistant Secretary for Veterans' Employment and Training

Not to exceed $101,955,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of sections 38 U.S.C. 4100-4101a and 4321-4327, and Public Law 103-353, and which shall be available for the duration of the fiscal year ending September 30, 1998.

Office of Inspector General

For salaries and expenses of the Office of Inspector General of the Department of Labor, $42,605,000, together with not to exceed $3,645,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

General Provisions

Sec. 101. None of the funds appropriated in this Act for the Job Corps shall be available to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

Sec. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) made available in the fiscal year for the Department of Labor in this Act may be transferred between appropriations, but not more than 1 percent of any such transfer: Provided, That the Appropriations committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

Sec. 103. Funds shall be available for carrying out title IV-B of the Job Training Partnership Act, notwithstanding section 427(c) of that Act, if a Job Corps center fails to meet national performance standards established by the Secretary.

Sec. 104. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate or issue any proposed or final standard regarding ergonomic protection before September 30, 1998: Provided, That no provision shall be construed to limit the Occupational Safety and Health Administration from issuing voluntary guidelines on ergonomic protection or from developing a proposed standard regarding ergonomic protection: Provided further, That no funds made available in this Act may be used by the Occupational Safety and Health Administration to enforce voluntary guidelines or proposed or final standards: Provided further, That no funds made available in this Act may be used by the Occupational Safety and Health Administration to enforce voluntary guidelines or proposed or final standards, or to issue any final standard regarding ergonomic protection, in any proceeding under the Occupational Safety and Health Act.

Sec. 105. Section 13(b)(12) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(12)) is amended by striking "water for agricultural purposes" and inserting in lieu thereof "water, at least 90 percent of which was ultimately delivered for agricultural purposes during the preceding calendar year".

This title may be cited as the "Department of Labor Appropriations Act, 1998".

Title II—Department of Health and Human Services

Health Resources and Services Administration

Health Resources and Services Administration

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427a(b) of the Public Health Service Act, and sections 330, 331, and 332 of the Public Health Service Act, as amended, and the National Cancer Act of 1965, the Department of Health and Human Services, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, and the Native Hawaiian Health Care Act of 1988, as amended, section 327 of the Balanced Budget Act of 1997, and the Native Hawaiian Health Care Act of 1988, as amended, $3,618,137,000, of which $225,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1998, and not to exceed $125,000 shall be available for the construction and renovation of health care facilities: Provided, That the appropriation made available in this Act for the purchase of personal services to provide construction and renovation of health care facilities, including the construction of health care facilities in rural areas, the acquisition, lease, construction, renovation, and operation of health care facilities, and the purchase of land, building, equipment, and other items shall be available until expended for the construction and renovation of health care facilities, including the construction of health care facilities in rural areas, the acquisition, lease, construction, renovation, and operation of health care facilities, and the purchase of land, building, equipment, and other items: Provided further, That no provision shall be construed to limit the Occupational Safety and Health Administration from promulgating or enforcing any final or proposed standard regarding ergonomic protection, or from promulgating or enforcing any final or proposed standard regarding ergonomic protection, or from promulgating or enforcing any final or proposed standard regarding ergonomic protection, or from promulgating or enforcing any final or proposed standard regarding ergonomic protection.
For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $274,588,000.

NATIONAL INSTITUTE ON AGING
For carrying out sections 301 and title IV of the Public Health Service Act with respect to aging, $519,729,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES
For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $274,760,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS
For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $200,695,000.

NATIONAL INSTITUTE OF NURSING RESEARCH
For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $63,597,000.

NATIONAL INSTITUTE OF ALCOHOL ABUSE AND ALCOHOLICS DISORDERS
For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $227,175,000.

NATIONAL INSTITUTE ON DIETARY AND NUTRITIONAL SCIENCES
For carrying out section 301 and title IV of the Public Health Service Act with respect to dietary and nutritional sciences, $122,588,000.

NATIONAL INSTITUTE ON MENTAL HEALTH
For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $750,241,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE
For carrying out the activities at the John E. Fogarty International Center, $217,704,000.

NATIONAL INSTITUTE ON CANCER
For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,547,314,000.

NATIONAL CANCER INSTITUTE
For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,547,314,000.

NATIONAL INSTITUTE ON DENTAL RESEARCH
For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to dental diseases, $209,415,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES
For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $973,860,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE
For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $780,713,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIONOUS DISEASES
For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,351,655,000.

NATIONAL INSTITUTE OF MENTAL HEALTH
For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $750,241,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES
For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $274,588,000.

NATIONAL INSTITUTE OF AGING
For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $519,729,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES
For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $274,760,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS
For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $200,695,000.

NATIONAL INSTITUTE OF NURSING RESEARCH
For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $63,597,000.

NATIONAL INSTITUTE OF ALCOHOL ABUSE AND ALCOHOLICS DISORDERS
For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $227,175,000.

NATIONAL INSTITUTE ON DIETARY AND NUTRITIONAL SCIENCES
For carrying out section 301 and title IV of the Public Health Service Act with respect to dietary and nutritional sciences, $122,588,000.

NATIONAL INSTITUTE ON MENTAL HEALTH
For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $750,241,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE
For carrying out the activities at the John E. Fogarty International Center, $217,704,000.

NATIONAL INSTITUTE ON CANCE
For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,547,314,000.

NATIONAL CANCER INSTITUTE
For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,547,314,000.

NATIONAL INSTITUTE ON DENTAL RESEARCH
For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to dental diseases, $209,415,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES
For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $973,860,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE
For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $780,713,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIONOUS DISEASES
For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,351,655,000.

NATIONAL INSTITUTE OF MENTAL HEALTH
For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $750,241,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES
For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $274,588,000.

NATIONAL INSTITUTE OF AGING
For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $519,729,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES
For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $274,760,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS
For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $200,695,000.

NATIONAL INSTITUTE OF NURSING RESEARCH
For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $63,597,000.

NATIONAL INSTITUTE OF ALCOHOL ABUSE AND ALCOHOLICS DISORDERS
For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $227,175,000.

NATIONAL INSTITUTE ON DIETARY AND NUTRITIONAL SCIENCES
For carrying out section 301 and title IV of the Public Health Service Act with respect to dietary and nutritional sciences, $122,588,000.

NATIONAL INSTITUTE ON MENTAL HEALTH
For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $750,241,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE
For carrying out the activities at the John E. Fogarty International Center, $217,704,000.

NATIONAL INSTITUTE ON CANCE
For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,547,314,000.

NATIONAL CANCER INSTITUTE
For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,547,314,000.

NATIONAL INSTITUTE ON DENTAL RESEARCH
For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to dental diseases, $209,415,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES
For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $973,860,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE
For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $780,713,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIONOUS DISEASES
For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,351,655,000.

NATIONAL INSTITUTE OF MENTAL HEALTH
For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $750,241,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES
For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $274,588,000.
party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Research Fund: Provided further, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they were credited: Provided further, That up to $500,000 shall be available to carry out section 409 of the Public Health Service Act: Provided further, That such amounts as may be required during the fiscal year 1999, such sums as may be necessary. For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1999, $27,800,689,000, to remain available until expended.

For making, after May 31, 1998, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1998 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary. For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1999, $27,800,689,000, to remain available until expended.

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $206,957,000, to remain available until expended.

For construction of the Vaccine Facility may be em- ployed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 2.232-18.

For making payments under title XXVI of the Public Health Service Act, to be made, after May 31, 1997, to Federal entities under titles I, IV±D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV±D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the first quarter of fiscal year 1999, $27,800,689,000, to remain available until expended.

For making payments to States or other non-Federal entities under titles I, IV±D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the first quarter of fiscal year 1999, $660,000,000, to remain available until expended.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,100,000,000, to be available for obligation in the period October 1, 1998 through September 30, 1999.

For making payments under title XXVI of such Act, $50,000,000, to be available: Provided, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emer- gency Deficit Control Act of 1985. Further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act.

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1989 (Public Law 96-422) are hereby appropriated, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act

HEALTH MAINTENANCE ORGANIZATION LOAN AND GUARANTEE FUND

For making payments for the Transitional Shelter and Job Assistance Programs of the Health and Human Services, $30,000,000, to be made available after May 31, 1997.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,100,000,000, to be available for obligation in the period October 1, 1998 through September 30, 1999.

For making payments under title XXVI of such Act, $50,000,000, to be available: Provided, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emer- gency Deficit Control Act of 1985. Further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act.

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1989 (Public Law 96-422) are hereby appropriated, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act

HEALTH MAINTENANCE ORGANIZATION LOAN AND GUARANTEE FUND

For making payments for the Transitional Shelter and Job Assistance Programs of the Health and Human Services, $30,000,000, to be made available after May 31, 1997.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,100,000,000, to be available for obligation in the period October 1, 1998 through September 30, 1999.

For making payments under title XXVI of such Act, $50,000,000, to be available: Provided, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emer- gency Deficit Control Act of 1985. Further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act.

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1989 (Public Law 96-422) are hereby appropriated, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,100,000,000, to be available for obligation in the period October 1, 1998 through September 30, 1999.

For making payments under title XXVI of such Act, $50,000,000, to be available: Provided, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emer- gency Deficit Control Act of 1985. Further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act.
under Public Law 104-134 for fiscal year 1996 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1997 and 1998.

CHILD CARE AND DEVELOPMENT BLOCK GRANT (INCLUDING TRANSFER OF FUNDS)

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), in addition to amounts already appropriated for fiscal year 1998, $65,672,000: Provided, That of funds appropriated for each of fiscal years 1998 and 1999, $19,120,000 shall be available for child care resource and school-age care activities, of which for fiscal year 1998 $3,000,000 shall be derived from an amount that shall be transferred from the amount appropriated under section 452(j) of the Social Security Act (42 U.S.C. 652(j)) for fiscal year 1997 and remaining available for expenditure: Provided further, That the funds provided for fiscal year 1998, $50,000,000 shall be reserved by the States for activities authorized under section 658G of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), in addition to the amounts required to be reserved by States under such section 658G.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,299,000,000: Provided, That notwithstanding section 658A(e) of the Social Security Act, as amended, the amount specified for allocation under such section for fiscal year 1998 shall be $2,299,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING RESCISSION)

For the carryout of, and except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, part B (title IV and sections 413, 424A and 1110 of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and the Individuals with Disabilities Education Assistance Act of 1988, and section 501 of the Higher Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100-485, $5,682,916,000, of which $542,165,000 shall be for making payments under the Community Services Block Grant Act, and of which $4,355,000,000 shall be for making payments under such Act: Provided, That of the funds made available for the Head Start Act, $279,250,000 shall be set aside for the Head Start Program for Families with Infants and Toddlers (Early Head Start): Provided further, That funds to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $255,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV-E of the Social Security Act, $3,200,000,000.

For making payments to States or other non-Federal entities, under title IV-E of the Social Security Act, for the first quarter of fiscal year 1999, $1,157,500,000.

ADJUSTMENT ON AGING AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $865,050,000: Provided, That notwithstanding section 2002 of the Social Security Act, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount for such purpose for fiscal year 1995: Provided further, That of the funds appropriated to carry out section 303(a)(1) of such Act, $4,449,000 shall be available for carrying out section 702(a) of such Act and $4,732,000 shall be available for carrying out section 702(b) of such Act: Provided further, That in considering grant applications for nutrition services and emergency services under section 658A of the Social Security Act from the Hospital Insurance Trust Fund, the Assistant Secretary shall provide maximum flexibility to applicants who seek to take into account subsistence, local customs, and other relevant characteristics of the community served, including unique cultural, regional, and geographic needs of the American Indian, Alaskan and Hawaiian native communities to be served.

OFFICE OF INSPECTOR GENERAL

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out sections 501 and 503 of the Social Security Act, the United States-Mexico Border Health Commission Act, $71,631,000, of which $500,000 shall remain available until expended, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out part XVII of the Public Health Service Act, $1,500,000 shall be available until expended for extramural construction.

OFFICE OF INSPECTOR GENERAL


OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,345,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $14,000,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for use for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Department of Health and Human Services, and for the purpose of the report to be made in accordance with section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Reorganization Act of 1993.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health shall be transferred under the Emergency Deficit Control Act, as amended, or used by the National Institutes of Health or any institution or agency funded or supported by the National Institutes of Health for other than the particular purposes stated in the Act of 1980 relative to the transfer of funds to the newly established National Cancer Institute.

SEC. 205. None of the funds appropriated in this Act shall be available for administrative expenses to carry out section 702(a) of the Social Security Act, for making payments under the Head Start Act, or for making grants to States or other non-Federal entities under title IV-E of the Social Security Act, for the first quarter of fiscal year 1999, $1,157,500,000.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Reorganization Act of 1993.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds appropriated specifically provided for or for other tests and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 207. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

TRANSFER OF FUNDS

SEC. 208. The Director of the National Institute of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, that amount for research pertaining to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research Account. The Director of the Office of AIDS Research shall transfer from such accounts amounts necessary to carry out section 255(d)(3) of the Public Health Service Act.

SEC. 210. Funds appropriated in this Act for the National Institutes of Health may be used to provide transit subsidies in amounts consistent with the transportation subsidy programs authorized under section 629 of Public Law 101-509 to non-FTE bearing positions including trainees, visiting fellows and volunteers.

(a) The spending plan for Health and Human Services may in accordance with this section provide for the relocation of the Federal facilities known as the Gillis W. Long National Hansen's Disease Center (located in the vicinity of Carville, in the State of Louisiana), including the relocation of the patients of the Center.

(b) In relocating the Center the Secretary may on behalf of the United States transfer to the State of Louisiana, without charge, title to the real property and improvements that at the date of the enactment of this Act constitute the Center. Such real property is a parcel consisting of approximately 330 acres. The exact acreage and legal description of such parcel shall be determined prior to such transfer.

(c) In relocation of the Center the Secretary shall provide assurance satisfactory to the Secretary.
(2) Any conveyance under paragraph (1) is not effective unless the deed or other instrument of conveyance contains the conditions specified in subsection (d); the instrument specifies that the owner of the transferred property agrees to such conditions; and the instrument specifies that, if the State engages in a material breach of the conditions, title to the real property and facilities involved reverts to the United States at the election of the Secretary.

(c)(1) With respect to Federal equipment and other items of Federal personal property that are in the possession or use of the Federal Government as of the date of the enactment of this Act, the Secretary may, subject to paragraph (2), transfer to the State such items as the Secretary determines to be appropriate.

(d) In subsection (b)(2), the conditions specified in this subsection with respect to a transfer of title are the following:

(1) During the 30-year period beginning on the date on which the transfer under subsection (b) is made, the items will be used exclusively for purposes that promote the health, education of the public, except that the Secretary may authorize such exceptions as the Secretary determines to be appropriate.

(2) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the transferred property, the items will be available for the performance of the same public service, which the individual performed in his or her most recent position, subject to the concurrence of the Governor of the State.

(3) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the transferred property who is not a Federal employee at the transferred property as of the date of the enactment of this Act:

(A) If as of the date of the transfer under subsection (b) the individual is eligible for an annuity under section 8336 or 8412 of title 5, United States Code, then once the individual separates from the service not later than the expiration of the 90-day period beginning on the date of the transfer under subsection (b), the annuity is reduced by the pay differential referred to in subparagraph (A).

(B) In the case of each individual who as of the date of the transfer under subsection (b) is not eligible for an annuity as of the date of the transfer under subsection (b), but subsequently becomes entitled to an annuity as of the date of the transfer under subsection (b), then once the individual separates from the service and thereby becomes entitled to receive the annuity, the pay differential referred to in subparagraph (A) is removed and the individual is entitled to the annuity as of the date of the transfer under subsection (b) the same as if the individual separated from the service not later than the expiration of the 90-day period beginning on the date on which the individual first became eligible for the annuity.

(C) For purposes of this paragraph, the individual is eligible for the annuity if the individual meets all conditions under such section 8336 or 8412 to be entitled to the annuity, except that the condition that the individual be separated from the service does not apply.

(4) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the transferred property, the items will be transferred to the State for purposes that promote the health, education of the public, except that the Secretary may authorize such exceptions as the Secretary determines to be appropriate.

(5) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the transferred property, the items will be made under paragraph (1) only if the State agrees that, during the 30-year period beginning on the date on which the transfer under subsection (b) is made, the items will be used exclusively for purposes that promote the health, education of the public, except that the Secretary may authorize such exceptions as the Secretary determines to be appropriate.

(e) In subsection (b)(3), the conditions specified in this subsection with respect to a transfer of title are the following:

(1) During the 30-year period beginning on the date on which the transfer under subsection (b) is made, the real property and improvements referred to in subsection (b)(1)(I) (referred to in this subsection as the "transferred property") will be used exclusively for purposes that promote the health, education of the public, with such incidental exceptions as the Secretary may approve.

(2) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the transferred property, the items will be available for the performance of the same public service, which the individual performed in his or her most recent position, subject to the concurrence of the Governor of the State.

(3) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the transferred property who is not a Federal employee at the transferred property as of the date of the enactment of this Act:

(A) If as of the date of the transfer under subsection (b) the individual is eligible for an annuity under section 8336 or 8412 of title 5, United States Code, then once the individual separates from the service not later than the expiration of the 90-day period beginning on the date of the transfer under subsection (b), the annuity is reduced by the pay differential referred to in subparagraph (A).

(B) In the case of each individual who as of the date of the transfer under subsection (b) is not eligible for an annuity as of the date of the transfer under subsection (b), but subsequently becomes entitled to an annuity as of the date of the transfer under subsection (b), then once the individual separates from the service and thereby becomes entitled to receive the annuity, the pay differential referred to in subparagraph (A) is removed and the individual is entitled to the annuity as of the date of the transfer under subsection (b) the same as if the individual separated from the service not later than the expiration of the 90-day period beginning on the date on which the individual first became eligible for the annuity.

(6) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the transferred property with facilities and services available for the individual, the Secretary may, subject to paragraph (2), transfer the transferred property and facilities involved to the State and the Secretary shall provide for the long-term care of the individual, which may include the renovation of facilities at the transferred property.

(7) The Federal Government may, consistent with the intended uses by the State of the transferred property, carry out at such property activities regarding the long-term-care patient (referred to in this subsection as the "eligible patient") to the extent the Secretary determines to be necessary to protect the interests of the United States.

(8) Such additional conditions as the Secretary determines to be necessary to protect the interests of the United States.

(9) The Secretary may require the advance approval of the Secretary of the Treasury for the transfer of such property to the State.

(10) The Secretary will have access to such documents as the Secretary determines to be necessary for the Secretary of the Treasury to carry out the provisions of this subsection.

(f) The following provisions apply if under section 663 does not apply:

(1) The site to which the Center is relocated shall be in the vicinity of Baton Rouge, in the State of Louisiana.

(2) The facility involved shall continue to be designated as the Gillis W. Long Hansen's Disease Center.

(3) The Secretary shall make reasonable efforts to inform the patients of the Center with respect to the planning and carrying out of the relocation.

(4) In the case of each individual who as of October 1, 1996, was a patient of the Center and is entitled to an annuity under section 663 does not apply, the Secretary shall continue to provide for the long-term care of the eligible patient, at no charge, for the remainder of the life of the patient.

(5) (A) For purposes of paragraph (4), an eligible patient who is legally competent has the following options with respect to the cost of care, maintenance and other nonmedical expenses:

(i) For the remainder of his or her life, the patient may receive payments each year at an annual rate of $33,000 (adjusted in accordance with the Consumer Price Index for All Urban Consumers: All Items, as published by the Bureau of Labor Statistics).
with subparagraphs (C) and (D), and may not reside at the Center. Payments under this clause are in complete discharge of the obligation of the Federal Government under paragraph (4) for support and maintenance and other nonmedical expenses of the patient.

(B) The choice by an eligible patient of the option under subparagraph (A) may not at any time be revoked by the patient, and the patient may instead choose the option under clause (ii) of such subparagraph. The choice by an eligible patient of the option under such clause (ii) is irrevocable.

(C) Payments under subparagraph (A)(ii) shall be made on a monthly basis, and shall be pro rata for any month. In any Fiscal Year, the monthly amount of such payments shall be increased by a percentage equal to the percentage increase taking effect under section 13(c) of the Social Security Act (relating to a cost-of-living increase) for benefits under title I of such Act (relating to Federal old-age, survivors, and disability insurance benefits). Any such percentage increase in monthly payments under subparagraph (A)(ii) shall take effect in the same month as the percentage increase under such section 215(i) takes effect.

(D) With respect to the provision of outpatient and inpatient medical care for Hansen's disease and related complications to an eligible patient:

(i) The choice made under subparagraph (A) does not affect the responsibility of the Secretary for providing to the patient such care at or through the Center.

(ii) The option under subparagraph (A)(ii) and receives inpatient care at or through the Center, the Secretary may reduce the amount of payments under such subparagraph, except to the extent that reimbursement for the expenses of such care is available to the provider of the care through the program under title II of such Act, in the case of a patient referred to in subsection (a), or the program under title XIX of such Act. Any such reduction shall be made on the basis of the number of days for which the patient received the inpatient care.

(E) The Secretary shall provide to each eligible patient such information and time as may be necessary for the patient to make an informed decision regarding the options under paragraph (5)(A).

(F) After the date of the enactment of this Act, the Center may not provide long-term care for any individual with Hansen's disease and related complications to any person determined by the Secretary to be in need of such care and treatment. The Secretary may not at any time be required to provide long-term care for any individual with Hansen's disease and related complications to any person determined by the Secretary to be in need of such care and treatment.

(G) The Secretary shall conduct training in the diagnosis and management of Hansen's disease and related complications, and shall conduct and promote the coordination of research (including clinical research), investigations, demonstrations, and dissemination of the results of such research, control, and prevention of Hansen's disease and other mycobacterial diseases and complications related to such diseases.

H10218

CONGRESSIONAL RECORD — HOUSE

November 7, 1997

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1998."

TITLe III—DEPARTMENT OF EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act, the School-to-Work Opportunities Act, and sections 3132, 3136, and 3141 and parts B, C, and D of title IV of the Elementary and Secondary Education Act of 1965, $1,275,035,000, of which $464,500,000 for the Goals 2000: Educate America Act and $200,000,000 for the School-to-Work Opportunities Act shall be available on July 1, 1998, and remain available through September 30, 1999. Provided, That none of the funds appropriated under this section shall be available to carry out any activities under section 314(a)(2) of the Goals 2000: Educate America Act, except that no more than $1,500,000 may be used to carry out any activities under section 314(a)(2) of that Act: Provided further, That section 315(a)(2) of the Goals 2000 Act shall not apply: Provided further, That up to one-half of any percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of section 3131 and any further legislation: Provided further, That if any State educational agency does not apply for a grant under section 3132, that State’s allotment under section 3131 shall be reseeded to the Secretary of Education for re-allocation in the mid-Atlantic region, $7,300,000 shall be for the "I Can Learn" project to integrate technology into eighth grade classrooms and $2,200,000 shall be provided to the education network involving a consortium of nine school districts and Nicolet Area Technical College. Provided further, That the amount available for title I, part B of the Elementary and Secondary Education Act of 1965, as amended, $8,000,000 shall be awarded to continue and expand the Iowa Communication Network statewide fiber optic demonstration project.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, section 418A of the Higher Education Act, $8,021,827,000, of which $6,553,249,000 shall become available on July 1, 1998, and shall remain available through September 30, 1999, for the purpose of providing, in any year for which funds are appropriated under this heading, a Federal program of educational services for disadvantaged children: Provided further, That of the funds made available under section 3136, $5,000,000 shall be provided to the Hospitals, Universities, Businesses, and Schools program to develop regional initiatives: Provided further, That $1,102,020,000 shall be available for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register: Provided further, That of the funds made available under section 3136, $5,000,000 shall be provided to the Hospitals, Universities, Businesses, and Schools program to develop regional initiatives in the mid-Atlantic region, $7,300,000 shall be for the "I Can Learn" project to integrate technology into eighth grade classrooms and $2,200,000 shall be provided to the education network involving a consortium of nine school districts and Nicolet Area Technical College. Provided further, That the amount available for title I, part B of the Elementary and Secondary Education Act of 1965, as amended, $8,000,000 shall be awarded to continue and expand the Iowa Communication Network statewide fiber optic demonstration project.

EDUCATION REFORM

SEC. 320. (a)(1) At or through the Gillis W. Long Hansen's Disease Center. (2) The term "Secretary" means the Secretary of Health and Human Services. (3) The term "State" means the State of Louisiana.

(b) The term "GHDC" means the Gillis W. Long Hansen’s Disease Center. (c) The term "Secretary" means the Secretary of Health and Human Services. (d) The term "State" means the State of Louisiana.

SEC. 321. (a) STUDY BY THE INSTITUTE OF MEDICINE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine to conduct a comprehensive study of the policies and procedures for the conduct of research. (b) MATTERS TO BE ASSESSED.—The study under subsection (a) shall assess—

(1) the factors or criteria used by the National Institutes of Health to determine funding allocations for disease research; (2) the process by which research funding decisions are made; (3) the mechanisms for public input into the priority setting process; and (4) the impact of statutory directives on research funding decisions.

SEC. 322. (a) REPORT.—(1) IN GENERAL.—Not later than 6 months after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit a report concerning the study to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate, and the Committee on Commerce and the Committee on Appropriations of the House of Representatives.

(b) REQUIREMENTS.—The report under paragraph (1) shall set forth the findings, conclusions, and recommendations of the Institute of Medicine for improvements in the National Institutes of Health research funding policies and processes and for any necessary congressional action.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, section 418A of the Higher Education Act, $8,021,827,000, of which $6,553,249,000 shall become available on July 1, 1998, and shall remain available through September 30, 1999, for the purpose of providing, in any year for which funds are appropriated under this heading, a Federal program of educational services for disadvantaged children: Provided further, That of the funds made available under section 3136, $5,000,000 shall be provided to the Hospitals, Universities, Businesses, and Schools program to develop regional initiatives: Provided further, That the amount available for title I, part B of the Elementary and Secondary Education Act of 1965, as amended, $8,000,000 shall be awarded to continue and expand the Iowa Communication Network statewide fiber optic demonstration project.
provisions under Public Law 105-18, or equivalent amounts provided for in this Act, will not be taken into account in determining State allocations:

Provided further, That $120,000,000 shall be available under section 1002(g) for fiscal year 1997, or fiscal years 1995 or 1996, the amount of any payment under section 803(f) of the Elementary and Secondary Education Act of 1965:

Provided further, That the Secretary of Education shall determine that the Federal agency serving the Clinton County School District in Albany, Kentucky, to meet the eligibility requirements of section 8002(a)(1)(C) of the Elementary and Secondary Education Act of 1965.

FEDERAL PROPERTY ACQUISITION. - For carrying out school improvement activities authorized by titles I, IV±A, and the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; of $1,538,188,000, of which $1,246,300,000 shall become available on July 1, 1998, and remain available through September 30, 1999: Provided, That of the amount appropriated, $535,000,000 shall be for the Department of Education Organization Act, to be merged with amounts available under section 8007, the Secretary shall, under such regulations as he may prescribe, provide to New York City Public Schools for innovative anti-drug and anti-violence activities.

CHILD LITERACY INITIATIVE

INCLUDING TRANSFER OF FUNDS

For carrying out a literacy initiative, $210,000,000, which shall become available on October 1, 1998 and shall remain available through September 30, 1999 only if specifically authorized by subsequent legislation enacted by the Congress.

INDIAN EDUCATION

For expenses necessary to carry out the provisions of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, $62,600,000.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act, without regard to section 7103(b), $354,000,000: Provided, That State educational agencies may use such amounts for the same purposes for which that account is available; Provided further, That the transferred funds shall become available for obligation on July 1, 1998, and remain available through September 30, 2000 for academic year 1999-2000.

For expenses necessary to carry out, to the extent not otherwise provided, parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, $62,600,000.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, not to exceed $4,565,185,000, of which $4,565,185,000 shall become available for obligation on July 1, 1998, and shall remain available through September 30, 1999: Provided, That of the amount appropriated, $535,000,000 shall be available for fiscal year 1999: Provided, That the initiative is not authorized by such date, the funds shall be transferred to “Special Education” to be merged with amounts available under the same purposes for which that account is available: Provided further, That the transferred funds shall become available for obligation on July 1, 1998, and remain available through September 30, 2000 for academic year 1999-2000.
Grants in award year 1998±99 with a $3,000 max-

amounts at which Pell Grant awards calculated

Secretary may increase the income protection al-

mum award of $3,000 for that award year, the

Grants for award year 1998±99 exceed the

purpose: Provided further, That if the Secretary

award shall be reduced by either a fixed or vari-

401(b) of the Act, the amount paid for each such

funds available from the fiscal year 1997 appro-

Grant awards in such award year, and any

included within this appropriation for Pell

schedule for such award year, that the amount

mines, prior to publication of the payment

section 401(g) of the Act, if the Secretary deter-

$8,978,934,000, which shall remain available

Education Act of 1965, as amended,

Carl D. Perkins Vocational and Applied Tech-

ted to a State Council under section 112(f) of the

Provided further, That no funds shall be award-

section 313(d) of the Adult Education Act for ac-

Secretary may reserve up to $4,998,000 under

Act, $13,497,000 shall be used by the Secretary

main available through September 30, 1999; and

become available on July 1, 1998 and shall re-

available, the University may at its discretion use funds for the endowment program as au-

section 702 of the Higher Education Act, as amended, $698,000.

The total amount of bonds insured pursuant
to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and

For carrying out the Act of March 3, 1879, as

That of the amount provided for section 10101 of

For carrying out subparts 1, 3, and 4 of part

A, part C and part E of title IV of the Higher

Education Act of 1965, as amended, $8,978,000,000, which shall remain available through September 30, 1999.

The maximum Pell Grant for which a student

shall be eligible during award year 1998-1999 shall

be $2,000. That amount, as determined by subsec-

tion 401(g) of the Act, if the Secretary deter-

monies, except that the income protection allow-

sions in sections 476(b)(2)(D) and

476(b)(1)(A)(i)(iv)(I), (II), and (III) up to the

amounts at which Pell Grant awards calculated using

those minimum income protection allow-

ances equal the funds available to make Pell

Grants in award year 1998-99 with a $3,000 max-

imum award, except that the income protection

allowance in section 475(g)(2)(D) may not exceed

$2,200, the income protection allowance in sec-

tions 476(b)(1)(A)(i)(ii) and (ii) may not exceed

$2,450, and the income protection allowance in

section 476(b)(1)(A)(i)(III) may not exceed

$7,250.

FEDERAL FAMILY EDUCATION LOAN PROGRAM

For Federal administrative expenses to carry out
guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $46,492,000.

For partial support of Howard University (20

U.S.C. 121 et seq.), $210,000,000: Provided, That
from the amount available, the University may at its discretion use funds for the endowment program as au-

quired to operate such a Council.

For carrying out, to the extent not otherwise

provided, the Carl D. Perkins Vocational and

Applied Technology Education Act, the Adult

Education Act, and the National Literacy Act

of 1991, such sums as may be necessary, shall

become available on July 1, 1998 and shall re-

main available through September 30, 1999; and

of which $5,491,000 from amounts available

under the Adult Education Act shall be for the

National Institute for Literacy under section

384(c): Provided, That, of the amounts made available for title II of the Carl D. Perkins Vo-

cational and Applied Technology Education Act, $13,497,000 shall be used by the Secretary for

national programs under title IV, without regard to section 451: Provided further, That the Secretary

may reserve up to $4,998,000 under section 313(d) of the Adult Education Act for ac-

tivities carried out under section 383 of that Act: Provided further, That no funds shall be award-

ed to a State under section 132(f) of the Carl D. Perkins Vocational and Applied Tech-

ology Education Act, and no State shall be re-

quired to operate such a Council.

For carrying out the Act of March 3, 1879, as

amended, $2,591,195,000. Provided further, That Ð

(1) of the amount appropriated under this heading and notwithstanding any other provi-

sion of law, the Secretary may award $1,000,000 to a State educational agency as a grant for the

Improvement Act of 1994, including

educational Research, Development, Dissemina-

tion, and Library Services Act, $146,340,000.

For carrying out, to the extent not otherwise

provided, the Department of Education Organiza-

tion Act, including rental of conference rooms

in the District of Columbia and hire of two pas-

cenger motor vehicles, $241,064,000.

For purposes necessary for the Office of Civil

Rights, as authorized by section 203 of the De-

partment of Education Organization Act, $61,500,000.

For purposes necessary for the Office of the

Inspector General, as authorized by section 212 of

the Department of Education Organization Act, $30,242,000.

For carrying out to the extent not otherwise

provided, the Department of Education Organi-

zation Act, including rental of conference rooms

in the District of Columbia and hire of two pas-

cenger motor vehicles, $241,064,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out subtithe B of the Museum and Library Services Act, $146,340,000.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise

provided, the Department of Education Organiza-

tion Act, including rental of conference rooms

in the District of Columbia and hire of two pas-

cenger motor vehicles, $241,064,000.

OFFICE FOR CIVIL RIGHTS

For purposes necessary for the Office of Civil

Rights, as authorized by section 203 of the De-

partment of Education Organization Act, $61,500,000.

OFFICE OF THE INSPECTOR GENERAL

For purposes necessary for the Office of the

Inspector General, as authorized by section 212 of

the Department of Education Organization Act, $30,242,000.

GENERAL PROVISIONS

Sec. 301. No funds appropriated in this Act

may be used for the transportation of students or

teachers (or for the purchase of equipment for

transportation) in any school or school system, or

for the transportation of students or teachers (or
for the purchase of equipment for such trans- position in order to carry out a plan of racial desegregation of any school or school system. Sec. 302. None of the funds contained in this Act shall be used, directly or indirectly, for the transportation of any student to a school other than the school which is nearest the student’s home, except for a student requiring special educational services. The term includes the trans- portation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of educational services such as special education, self- redirection, tracking, graduation or promotion of students. Sec. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

Sec. 304. Not to exceed 1 percent of any discre- tionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the Department of Education or to an applicable program (as defined in section 400(c)(10) of the General Education Provisions Act (20 USC 1221c(11))). In this Act or any other Act in fiscal year 1998, may be used to field test, pilot test, implement, administer or distribute in any way, any national study.

(b) EXCEPTION.—Subsection (a) shall not apply to the Third International Math and Study Science or the National Assessment of Educational Progress.

Sec. 306. (a) STUDY.—The National Academy of Sciences, in consultation with the National Governors Association, the National Conference of State Legislatures, the White House, the National Assessment Governing Board, and the Congress, shall conduct a feasibility study to determine if an equivalency scale can be developed that is based on results from comparable standardized tests and State assessments to be compared with each other and the National Assessment of Educational Progress.

(b) REPORTING TO CONGRESS.—(1) The National Academy of Sciences shall submit a written report to the White House, the Committee on Education and the Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the Committee on Appropriations of the House of Representatives and the Senate that evaluates all test items developed or funded by the Department of Education or any other agency of the Federal government pursuant to contract RJ 9735001, any subsequent contract related thereto, or any contract related thereto, without the written consent of the parents or legal guardians of the student or individual.

(TRANSFER OF FUNDS)

Sec. 307(a). National Assessment Governing Board. Notwithstanding any other provision of law, the exclusive authority over all policies, direc- tion, and guidelines for developing voluntary national tests pursuant to contract RJ 9735001 previously entered into between the United States Department of Education and the American Institutes for Research and executed on August 15, 1997, shall be transferred to the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 USC 9011); Provided, That within 90 days of the date of enactment of this Act, the Board shall review the national test devel- opment contract in effect on the date of enact- ment of this Act, and modify the contract as the Board determines necessary and not inconsis- tent with this Act or applicable laws: Provided further, That if the contract cannot be modified by the Board, the contract shall be terminated and the Board shall negotiate a new contract, under the Board’s exclusive control, for the tests, not inconsistent with this Act or applicable laws.

(b) In carrying out its exclusive authority for developing voluntary national tests pursuant to contract RJ 9735001, any subsequent contract related thereto, or any contract related thereto, without the written consent of the parents or legal guardians of the student or individual.

(TRANSFER OF FUNDS)

Sec. 308. Sec. 308. STUDY.—The National Academy of Sciences shall, not later than September 1, 1998, submit a written report to the Committee on Education and the Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the Committee on Appropriations in the House and Senate that evaluates all test items developed or funded by the Department of Education or any other agency of the Federal government pursuant to contract RJ 9735001, any subsequent contract related thereto, or any contract related thereto, pursuant to subsection (a), the National Assessment Governing Board shall determine—

(1) the extent to which test items selected for use on the tests are free from racial, cultural, or gender bias; and,

(2) whether the test development process and test items adequately assess student reading and mathematics comprehension in the form most likely to yield accurate information regarding student achievement in reading and mathem- atics;

(3) whether the test development process and test items take into account the needs of disad- vantaged, English proficient and dis- abled students;

(4) whether the test development process takes into account how parents, guardians, and stu- dents will appropriately be informed about any testing content.

Sec. 309. STUDY.—The National Academy of Sciences shall, not later than September 1, 1998, submit a written report to the Committee on Education and the Workforce in the House of Representatives, the Committee on Appropriations in the House and Senate that evaluates all test items developed or funded by the Department of Education or any other agency of the Federal government pursuant to contract RJ 9735001, any subsequent contract related thereto, or any contract related thereto, pursuant to subsection (a), the National Assessment Governing Board shall determine—

(1) the technical quality of any test items for grade reading and 8th grade math;

(2) the validity, reliability, and adequacy of developed test items;

(3) the validity of any developed design which links test results to student performance;

(4) the degree to which any developed test items provide valid and useful information to the public;

(5) whether the test items are free from racial, cultural, or gender bias;

(6) whether the test items address the needs of disadvantaged, English proficient and disabled students; and,

(7) whether the test items can be used for tracking, graduation or promotion of students.

Sec. 310. (a) STUDY.—The National Academy of Sciences shall conduct a study and make written recommendations on appropriate meth- ods, practices, and safeguards to ensure that—

(1) existing and new tests that are used to assess student performance are not used in a dis- criminatory manner or inappropriately for stu- dents with disabilities; and,

(2) existing and new tests adequately assess student reading and mathematics comprehen- sion in the form most likely to yield accurate in- formation regarding student achievement of reading and mathematics skills.

(b) REPORT TO CONGRESS.—The National Academy of Sciences shall submit a written report to the White House, the National Assess- ment Governing Board, the Committee on Edu- cation and the Workforce in the House of Rep- resentatives, the Committee on Labor and Human Resources in the Senate, and the Com- mittee on Appropriations in the House and Senate not later than September 1, 1998.

Sec. 311. (a) The Federal Government shall not require any State or local educational agen- cy or school to administer or implement any pilot or field test in any subject or grade, nor shall the Federal government require any stu- dent to take any national test in any subject or grade.

(b) Nothing in section 309(a) shall be con- strued as affecting the National Assessment of Educational Progress or the Third International Math and Science Study.

Sec. 312. Notwithstanding any other provision of law, any institution of higher education which receives funds under title III of the High- er Education Act, except for grants made under section 326, may use up to twenty percent of its award under part A or part B of the Act for en- dowment building purposes authorized under section 331, and an institution seeking to use part A or part B funds for endowment building pur- poses shall indicate such intention in its appli- cation to the Secretary and shall abide by de- partmental regulations governing the endow- ment challenge grant program.
CONGRESSIONAL RECORD — HOUSE

November 7, 1997

H10222

“(g) TRIBALLY CONTROLLED SCHOOLS.—Each State that receives a grant under this part and designates a tribally controlled school as a charter school shall not consider payments to a school under the Tribally Controlled Schools Act of 1986 (25 U.S.C. 2007) in determining—

“(1) the eligibility of the school to receive any other Federal, State, or local aid; or

“(2) the amount of State and local aid.

This title may be cited as the “Department of Education Appropriations Act, 1998.”

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers’ and Airmen’s Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Fund, $7,586,699, of which $13,217,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers’ and Airmen’s Home and the United States Naval Home: Provided, That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction at the United States Soldiers’ and Airmen’s Home, to include renovation of the Sheridan building, may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ‘availability of funds’ found at 48 CFR 22.322-18 and 252.223-7007 Limitation of Government Obligation.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $256,604,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2000, $300,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or other entertainment fees or expenses for any person: Provided further, That none of the funds contained in this paragraph shall be available to be used or to support any program or activity from which any person is excluded on the basis of race, color, national origin, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Office to carry out the functions vested in it by the Civil Service Reform Act of 1978 (5 U.S.C. 95–95d; 28 U.S.C. chapter 71), $33,481,000, including $1,500,000, to remain available through September 30, 1999, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and for arbitration services shall be credited to, and may be merged with, this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept, on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director’s jurisdiction.

FEDERAL MINISTRY SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES


NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For expenses necessary for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–945, as amended by Public Law 102–95), $1,000,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,795,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title 11, part A of the Goals 2000: Educate America Act, $2,000,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167, and other laws, $174,661,000: Provided, That no part of this appropriation shall be used for any purpose contrary to the policies and principles of the American Federation of Labor and Congress of Industrial Organizations or any labor organization composed of agricultural laborers, or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 9(f) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 160), and as defined in part A of the Goals 2000: Educate America Act, $5,000,000.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Mediation Board to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $5,500,000: Provided, That unobligated balances at the end of fiscal year 1998 not needed for emergency boards shall remain available for other statutory purposes through September 30, 2000.

NATIONAL OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,900,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $7,035,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

SUPPLEMENTAL MEDICAL INSURANCE TRUST FUND

For expenses necessary to carry out section 1865 of title XVIII of the Social Security Act, $5,163,000.

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $205,500,000, which shall include amounts becoming available in fiscal year 1998 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition to the amount not to exceed $4,500,000: Provided, That the total amount provided herein shall be available proportionally to the amount by which the product of recipients and the average benefit received exceeds $4,500,000: Provided further, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

SPECIAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act of 1974, $50,000, to be invested in U.S. obligations.

LIMITATION ON ADMINISTRATION

For expenses necessary for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $87,228,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the Railroad Unemployment Insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,794,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers, or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers, or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(b), and 113(b)(1) of the Social Security Act, $20,308,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $720,000,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals entitled to benefits under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1999, $360,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 252 of Public Law 93–66, section 191 of the Railroad Retirement Act, section 95 of Public Law 95–214, and section 95 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses
incurred pursuant to section 201(g)(1) of the Social Security act, $16,160,000,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the Social Security Act for the first quarter of fiscal year 1999, $8,680,000,000, to remain available until September 30, 1999, for payment to the Social Security trust funds for administrative expenses for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $190,000,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and non-payroll administrative expenses associated solely with this network: Provided, That an amount not to exceed $38,260,000, together with not to exceed $20,000,000, to be derived from administrative fees in excess of $5.00 per supplementary payment collected pursuant to section 1611(d) of the Social Security Act or section 1619(b) of title 42, which amount shall be available until expended, to the extent that the amounts collected pursuant to such sections exceed the amounts available in fiscal year 1998 only to the extent provided in advance in appropriations Acts.

OFFICE OF INSPECTOR GENERAL

For expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $10,164,000, together with not to exceed $5,580,000,000, to be derived from administrative fees in excess of $5.00 per supplementary payment collected pursuant to section 1611(d) of the Social Security Act or section 1619(b) of title 42, which amount shall be available until expended, as authorized by section 201(g)(1)(A) of the Social Security Act.

In addition, $35,000,000 to be derived from administrative fees in excess of $5.00 per supplementary payment collected pursuant to section 1611(d) of the Social Security Act or section 1619(b) of title 42, which amount shall be available until expended, as authorized by section 201(g)(1)(A) of the Social Security Act.

That not less than $1,600,000 shall be for the Social Security Administration, which shall be subject to the same conditions and terms and conditions, $190,000,000, which shall be subject to the same conditions and terms and conditions, $16,160,000,000, to remain available until expended for a state-of-the-art computing network, including related equipment and non-payroll administrative expenses associated solely with this network: Provided, That an amount not to exceed $38,260,000, together with not to exceed $20,000,000, to be derived from administrative fees in excess of $5.00 per supplementary payment collected pursuant to section 1611(d) of the Social Security Act or section 1619(b) of title 42, which amount shall be available until expended, to the extent that the amounts collected pursuant to such sections exceed the amounts available in fiscal year 1998 only to the extent provided in advance in appropriations Acts.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, for the Secretary of the Treasury, with interest, from funds provided under the previous paragraph, to remain available until expended, as authorized by section 201(g)(1)(A) of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 1999, $8,680,000,000, to remain available until expended.

For necessary expenses of the United States Institute of Peace for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to supplement public assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency shall provide to such entity a notice describing the state-and conditions of such contract, and the percentage of the total costs of the program or project, and (3) percentage of the total costs of the program or project that will be financed by non-Federal sources.

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, equipment and products purchased with funds made available in this Act shall be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency shall provide to such entity a notice describing the state-and conditions of such contract, and the percentage of the total costs of the program or project, and (3) percentage of the total costs of the program or project that will be financed by non-Federal sources.

SEC. 508. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the program or project that will be financed by non-Federal sources.

SEC. 509. (a) None of the funds appropriated under this Act shall be expended for any abortion.

(b) None of the funds appropriated under this Act shall be expended for health benefits coverage that includes coverage of abortion.
CONGRESSIONAL RECORD — HOUSE  
November 7, 1997

H10224

(1) If the pregnancy is the result of an act of rape or incest; or
(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that, as certified by a physician, places the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, its political subdivisions, life-care provider, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State’s or locality’s contribution of Medicaid matching funds).

SEC. 511. Notwithstanding any other provision of law—
(1) a payment may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation Act or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than a State or political subdivision of a State, shall be eligible to receive funds for the purpose of which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code;

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee or contractor for performing the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such funds, separately with such a purpose for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code;

(4) a payment may be transferred from an appropriation account for the Department of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation Act or in the Act establishing the program or activity for which funds are contained in this Act;

(b) Exceptions.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance that is Federally-sponsored clinical trials are being conducted to determine therapeutic advantage.

(c) Sec. 511. None of the amounts available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States that is required to satisfy the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 516. (a) Fees for Federal Administration of State Supplementary SSI Payments.—
(1) Optional State Supplementary Payments.—
(A) In general.—Section 1616(d)(2)(B) of the Social Security Act (42 U.S.C. 1382e(d)(2)(B)) is amended by striking “(ii)(IV)” and inserting “(B)(x)(II)”.

(B) Conforming Amendment.—Section 1616(d)(2)(C) of such Act (42 U.S.C. 1382e(d)(2)(C)) is amended by striking “(B)(iv)” and inserting “(B)(x)(II)”.

(c) Optional State Supplementary Payments.—
(1) In general.—Section 1616(d)(2)(B) of the Social Security Act (42 U.S.C. 1382e(d)(2)(B)) is amended by striking “(ii)(IV)” and inserting “(B)(x)(II)”.

(b) Use of New Fees to Defer the Social Security Administration’s Administrative Expenses.—

(1) Credit to Special Fund for Fiscal Year 1998 and Each Subsequent Year.—(A) Optional State Supplementary Payment Fees.—Section 1616(d)(4) of the Social Security Act (42 U.S.C. 1382e(d)(4)) is amended to read as follows:

(4)(A) The first $5 of each administration fee assessed pursuant to paragraph (2), upon collection, shall be deposited in the general fund of the United States as miscellaneous receipts.

(8) That portion of each administration fee in excess of $5, and 100 percent of each additional fee charged pursuant to subparagraph (C), upon collection for fiscal year 1998 and each subsequent fiscal year, shall be credited to a special fund established in the Treasury of the United States for State supplementary payment fees. The amount so credited, to the extent that the amounts provided in advance in appropriation Acts, shall be available to defray expenses incurred in carrying out this title and related laws.

(B) Mandatory State Supplementary Payment Fees.—Section 1616(d)(3)(D) of Public Law 93-66 (42 U.S.C. 1382 note) is amended to read as follows:

(3)(D) The first $5 of each administration fee assessed pursuant to subparagraph (C), upon collection, shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

(5) The portion of each administration fee in excess of $5, and 100 percent of each additional fee charged pursuant to subparagraph (C), upon collection for fiscal year 1998 and each subsequent fiscal year, shall be credited to a special fund established in the Treasury of the United States for State supplementary payment fees. The amount so credited, to the extent that the amounts provided in advance in appropriation Acts, shall be available to defray expenses incurred in carrying out this section and title XIX of the Social Security Act and related laws.

(2) Limitation on Authorization of Appropriations.—From amounts credited pursuant to section 1616(d)(4)(B) of the Social Security Act and section 221(b)(3)(D)(ii) of Public Law 93-66 to the special fund established in the Treasury of the United States for State supplementary payment fees, there is authorized to be appropriated $50,000 for fiscal year 1998, and such sums as may be necessary for each fiscal year thereafter, for administrative expenses in carrying out the supplementary security income program under title XVI of the Social Security Act and related laws.

SEC. 517. Section 520(c)(2)(D) of the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, is amended by striking “December 31, 1997”.

SEC. 518. None of the funds made available in this Act may be used for the payment of any fee charged pursuant to section 1616(d)(4)(B) of the Social Security Act and section 221(b)(3)(D)(ii) of the Act, that exceeds the Consumer Price Index for the month of June, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 519. (a) Limitation on Use of Funds for Promotion of Legalization of Controlled Substances.—None of the funds made available in this Act may be used for any activity which is authorized by the Controlled Substances Act (21 U.S.C. 812).

(b) Exceptions.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) Use of New Fees to Defer the Social Security Administration’s Administrative Expenses.—

(1) Credit to Special Fund for Fiscal Year 1998 and Each Subsequent Year.—(A) Optional State Supplementary Payment Fees.—Section 1616(d)(4) of the Social Security Act (42 U.S.C. 1382e(d)(4)) is amended to read as follows:

(4)(A) The first $5 of each administration fee assessed pursuant to paragraph (2), upon collection, shall be deposited in the general fund of the United States as miscellaneous receipts.

(8) That portion of each administration fee in excess of $5, and 100 percent of each additional fee charged pursuant to subparagraph (C), upon collection for fiscal year 1998 and each subsequent fiscal year, shall be credited to a special fund established in the Treasury of the United States for State supplementary payment fees. The amount so credited, to the extent that the amounts provided in advance in appropriation Acts, shall be available to defray expenses incurred in carrying out this title and related laws.

(B) Mandatory State Supplementary Payment Fees.—Section 1616(d)(3)(D) of Public Law 93-66 (42 U.S.C. 1382 note) is amended to read as follows:

(3)(D) The first $5 of each administration fee assessed pursuant to subparagraph (C), upon collection, shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

(5) The portion of each administration fee in excess of $5, and 100 percent of each additional fee charged pursuant to subparagraph (C), upon collection for fiscal year 1998 and each subsequent fiscal year, shall be credited to a special fund established in the Treasury of the United States for State supplementary payment fees. The amount so credited, to the extent that the amounts provided in advance in appropriation Acts, shall be available to defray expenses incurred in carrying out this section and title XIX of the Social Security Act and related laws.

(2) Limitation on Authorization of Appropriations.—From amounts credited pursuant to section 1616(d)(4)(B) of the Social Security Act and section 221(b)(3)(D)(ii) of Public Law 93-66 to the special fund established in the Treasury of the United States for State supplementary payment fees, there is authorized to be appropriated $50,000 for fiscal year 1998, and such sums as may be necessary for each fiscal year thereafter, for administrative expenses in carrying out the supplementary security income program under title XVI of the Social Security Act and related laws.

(2) Limitation on Authorization of Appropriations.—From amounts credited pursuant to section 1616(d)(4)(B) of the Social Security Act and section 221(b)(3)(D)(ii) of Public Law 93-66 to the special fund established in the Treasury of the United States for State supplementary payment fees, there is authorized to be appropriated $50,000 for fiscal year 1998, and such sums as may be necessary for each fiscal year thereafter, for administrative expenses in carrying out the supplementary security income program under title XVI of the Social Security Act and related laws.

SEC. 519. Subsection (k) of section 9302 of the Balanced Budget Act of 1997, as added by section 1604(f)(3) of the Taxpayer Relief Act of 1997, is repealed.

TITLE VI—OTHER PROVISIONS

SEC. 601. The amount of the DSH allotment for the State of Minnesota for fiscal year 1998, specified in the table under section 1923(f)(1) of the Social Security Act, is amended by section 4721(a)(1) of Public Law 105-33 is deemed to be $33,000,000.

SECTION 604. (a) Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended by striking “fiscal year 1995, fiscal year 1996, and fiscal years 1997 and 1998” and inserting “each of fiscal years 1999 and 2000”.

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.


(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(c) The Director of the National Institutes of Health shall establish a program for the conduct and support of research and training with respect to Parkinson’s disease. The program shall establish one or more centers to conduct research and training with respect to Parkinson’s disease. Each center shall be a multidisciplinary research and training center that provides for the expansion and coordination of research, education, care and assistance for afflicted individuals and their families.

(d) The Director of the National Institutes of Health shall establish a program for the conduct and support of research and training with respect to Parkinson’s disease. The program shall establish one or more centers to conduct research and training with respect to Parkinson’s disease. The program shall establish one or more centers to conduct research and training with respect to Parkinson’s disease. Each center shall be a multidisciplinary research and training center that provides for the expansion and coordination of research, education, care and assistance for afflicted individuals and their families.

(e) The Director of the National Institutes of Health shall establish a program for the conduct and support of research and training with respect to Parkinson’s disease. The program shall establish one or more centers to conduct research and training with respect to Parkinson’s disease. Each center shall be a multidisciplinary research and training center that provides for the expansion and coordination of research, education, care and assistance for afflicted individuals and their families.

(f) The Director of the National Institutes of Health shall establish a program for the conduct and support of research and training with respect to Parkinson’s disease. The program shall establish one or more centers to conduct research and training with respect to Parkinson’s disease. Each center shall be a multidisciplinary research and training center that provides for the expansion and coordination of research, education, care and assistance for afflicted individuals and their families.

(g) The Director of the National Institutes of Health shall establish a program for the conduct and support of research and training with respect to Parkinson’s disease. The program shall establish one or more centers to conduct research and training with respect to Parkinson’s disease. Each center shall be a multidisciplinary research and training center that provides for the expansion and coordination of research, education, care and assistance for afflicted individuals and their families.

(h) The Director of the National Institutes of Health shall establish a program for the conduct and support of research and training with respect to Parkinson’s disease. The program shall establish one or more centers to conduct research and training with respect to Parkinson’s disease. Each center shall be a multidisciplinary research and training center that provides for the expansion and coordination of research, education, care and assistance for afflicted individuals and their families.

(i) The Director of the National Institutes of Health shall establish a program for the conduct and support of research and training with respect to Parkinson’s disease. The program shall establish one or more centers to conduct research and training with respect to Parkinson’s disease. Each center shall be a multidisciplinary research and training center that provides for the expansion and coordination of research, education, care and assistance for afflicted individuals and their families.

(j) The Director of the National Institutes of Health shall establish a program for the conduct and support of research and training with respect to Parkinson’s disease. The program shall establish one or more centers to conduct research and training with respect to Parkinson’s disease. Each center shall be a multidisciplinary research and training center that provides for the expansion and coordination of research, education, care and assistance for afflicted individuals and their families.

(k) The Director of the National Institutes of Health shall establish a program for the conduct and support of research and training with respect to Parkinson’s disease. The program shall establish one or more centers to conduct research and training with respect to Parkinson’s disease. Each center shall be a multidisciplinary research and training center that provides for the expansion and coordination of research, education, care and assistance for afflicted individuals and their families.

(l) The Director of the National Institutes of Health shall establish a program for the conduct and support of research and training with respect to Parkinson’s disease. The program shall establish one or more centers to conduct research and training with respect to Parkinson’s disease. Each center shall be a multidisciplinary research and training center that provides for the expansion and coordination of research, education, care and assistance for afflicted individuals and their families.

SEC. 608. The amendment made by subsection (c) of section 421 of the Emergency Student Loan Consolidation Act of 1997 and ending on October 1, 1998, as made under part D of this title, except that loans made under such part shall be eligible student loans only for consolidation loans for which the application is received by an eligible lender before the date of enactment of the Emergency Student Loan Consolidation Act of 1997 and on or after October 1, 1998, is amended—

(1) by striking “or” at the end of subclause (I);

(2) by striking “or” before the semicolon at the end of subclause (II);

(3) by striking “or” at the end of clause (II), and by inserting “or (II)” before the semicolon at the end of clause (II);

(4) by redesignating clause (II) as clause (III), and by inserting “or (II)” before the semicolon at the end of clause (II);

(5) by inserting “or (II)” before the semicolon at the end of clause (II); and

(6) by striking “or (II)” before the semicolon at the end of clause (II).

SEC. 609. Title—This section may be cited as the “Emergency Student Loan Consolidation Act of 1997.”

SEC. 610. Title—This section may be cited as the “Emergency Student Loan Consolidation Act of 1997.”

References—Except as otherwise expressly provided, whenever in this section an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of this Act, such reference shall be understood to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1091 et seq.).
this subparagraph if the recalculation is applied retroactively to the date on which the loan is made.

(f) Amendments Effective for Pending Applications. The consolidation loans authorized by the amendments made by this section shall be available notwithstanding any pending application by a student for a consolidation loan under part D, subpart IV of the Higher Education Act of 1986 (20 U.S.C. 1087a et seq.), upon withdrawal of such application by the student at any time prior to receipt of such a consolidation loan.

(g) Family Contribution for Dependent Students.—

(1) Parents' Available Income. —Section 475(c)(1) (20 U.S.C. 1087oo(c)(1)) is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(C) by adding at the end of the following new subparagraph:

"(F) the amount of any tax credit taken by the parents under section 25A of the Internal Revenue Code of 1986.";

(2) Student Contribution from Available Income.—Section 477(b) (20 U.S.C. 1087pp(b)(1)(A)) is amended—

(A) by striking "and" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "and"; and

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) the amount of any tax credit taken by the student under section 25A of the Internal Revenue Code of 1986.";

(h) Family Contribution for Independent Students Without Dependents Other Than a Spouse. —Section 476(b)(1)(A) (20 U.S.C. 1087qq(b)(1)(A)) is amended—

(1) by striking "and" at the end of clause (iv); and

(2) by inserting after clause (v) the following new clause:

"(vi) the amount of any tax credit taken under section 25A of the Internal Revenue Code of 1986;"

(i) Family Contribution for Independent Students With Dependents Other Than a Spouse. —Section 476(b)(1)(B) (20 U.S.C. 1087qq(b)(1)(B)) is amended—

(1) by striking "and" at the end of subparagraph (D); and

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) the amount of any tax credit taken under section 25A of the Internal Revenue Code of 1986;"

(j) Total Income. —Section 478(a)(2) (20 U.S.C. 1087vv(a)(2)) is amended—

(1) by striking "individual," and inserting "individual,"; and

(2) by inserting "and no portion of any tax credit taken under section 25A of the Internal Revenue Code of 1986" before "shall be included;"

(k) Other Financial Assistance. —Section 480(j) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding paragraph (1), a tax credit taken under section 25A of the Internal Revenue Code of 1986 shall not be treated as estimated financial assistance for purposes of section 471(1)."

(l) In General.—Section 475(a)(1) (20 U.S.C. 1087oa(a)(1)) is amended by striking "$532,000,000" and inserting "$507,000,000".

(m) Construction.—Nothing in this Act or an amendment made by this Act shall be construed to prohibit the Secretary of Education from using funds that are returned or otherwise recovered by the Secretary under section 422(g) of the Higher Education Act of 1965 (20 U.S.C. 1072(g)) including the balances of returned reserve funds, formerly held by the Higher Education Assistance Foundation, that are currently held in Higher Education Assistance Foundation Claims Reserves, Treasury account number 912 6192, for expenditure for expenses pursuant to section 458 of such Act (20 U.S.C. 1087h).

TITLE VII—NATIONAL HEALTH MUSEUM

SEC. 701. SHORT TITLE. —This title may be cited as the "National Health Museum Authorization Act for Fiscal Year 1995.

SEC. 702. NATIONAL HEALTH MUSEUM AUTHORIZATION ACT FOR FISCAL YEAR 1995.

Section 1067 of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 176 note) is amended—

(1) in subsection (a)—

(IA) in paragraph (1), by adding "and" at the end;

(II) in paragraph (2), by striking "; and"; and

(III) by inserting a period; and

(2) by striking paragraph (3) and inserting the following new paragraph:

"(3) by striking subsection (b) through (e)."

SEC. 703. NATIONAL HEALTH MUSEUM SITE.

(a) Site.—The facility known as the National Health Museum shall be located on or near the Mall on land owned by the Federal Government or the District of Columbia (or both) in the District of Columbia.

(b) Rule of Construction.—Nothing in this section shall be construed as limiting the authority or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts.

(c) Definition.—In this section, the term "the Mall" means—

(1) the land designated as "Union Square", United States Reservation 6A; and

(2) the land designated as the "Mall", United States Reservations 3, 4, 5, and 6.

SEC. 704. NATIONAL HEALTH MUSEUM COMMISSION.

(a) Establishment of Commission.—There is established a commission to be known as the National Health Museum Commission (hereafter referred to in this title as the "Commission") that shall be comprised of 8 members.

(b) Membership.—

(1) In General.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) 2 members shall be appointed by the President;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 1 member shall be appointed by the Minority Leader of the House of Representatives;

(D) 2 members shall be appointed by the Majority Leader of the Senate;

(E) 1 member shall be appointed by the Majority Leader of the Senate;

(F) Persons Eligible.—The members of the Commission shall be individuals who have knowledge or expertise in matters to be studied and all that follows through "shall" in paragraph (1) and including "Pathology shall";

(G) by striking subsections (c) through (e).

(j) Joint Explanatory Statement of the Committee of Conference.

The managers on the part of the House and Senate at the conference on the disagreeing votes of the 104th Congress, in amendment of the Senate to the bill (H.R. 2254) making appropriations for the Department of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 1998".

And the Senate agree to the same.]
Congressional budget justifications accompanying the fiscal year 1998 budget or the under-lying authorizing statute and should give careful consideration to the items allocating specifically in the House and Senate reports. With respect to the provisions in the House and Senate reports that specifically allocate funds the conference has reviewed and required the necessary and duplicative submissions.

The conference expects the Departments and agencies covered by this directive to meet with the House and Senate Committees as soon as the enactment of this appropriation to develop a methodology to assure adequate and timely information on the allocation of funds within accounts within this conference report and the need for unnecessary and duplicative submissions.

TITLE I—DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
TRAINING AND EMPLOYMENT SERVICES

The conference agreement appropriates $5,238,226,000, instead of $5,141,601,000 as proposed by the House and $5,260,053,000 as proposed by the Senate.

The conference agreement provides that $525,000,000 in Youth Opportunity Areas and $25,000,000 for Out-of-School Youth is appropriated as an advance appropriation for fiscal year 1999 if job training reform legislation specifically authorizing this type of youth initiative is enacted by july 1, 1998. If such legislation is not enacted by that date, the funds will not become available. This is substantially similar to the Senate's approach that the House had no similar language. In conjunction with this, the conference expects the Department to examine options for serving more at-risk youth through job Corps. In addition to considering the establishment of new Job Corps centers, the Department should also consider lowering-cost and expanding slots at existing high performing centers and constructing satellite centers in proximity to existing high-performing centers. In planning for increased capacity, the Department should give priority to States that are not currently have a Job Corps campus and should also prioritize to suit-able facilities that can be provided to Job Corps at little or no cost, including facilities made available through military base closings. The conference agreement includes $4,000,000 for these purposes. The Department should include funds in its FY 1999 budget request to compete the facility expansion.

The conferees are aware that employment-related skills development is an essential component of sustained recovery from addiction. From within the funds provided for pilot projects and demonstration, the conferees urge the Secretary to collaborate with treatment providers who have successfully infused employment-related skills services into their recovery programs to design a curriculum which will successfully prepare addicts to make the transition from addiction to employment.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

The conference agreement appropriates $440,200,000 as proposed by the House instead of $453,000,000 as proposed by the Senate.

STATEMENT UNEMPLOYMENT INSURANCE AND STATE UNEMPLOYMENT FEDERATION

The conference agreement appropriates $3,495,928,000, instead of $3,478,028,000 as proposed by the House and $3,461,928,000 as proposed by the Senate. Included in the total is $200,000,000 for Year 2000 computer conversion costs, of which $40,000,000 is provided as an advance appropriation for fiscal year 1999. The conferees have included language that is indexed and easily searchable by the public through the Internet. The Senate had no such provision.

The conferees are concerned about the difficulty the public has obtaining full and complete information on these reports. Further, the conferees expect many state agencies to continue pursuing this project by including funding for it in future budget requests. As part of the FY 1999 hearing process, the Department should be prepared to present its multi-year implementation plan for this initiative to the Committees.

The General Accounting Office is expected to issue a report for the Department with a report plan and other activities to determine whether these efforts will achieve the goal of improving the timeliness, accuracy and availability of the information contained in the reports filed under the Labor-Management Reporting and Disclosure Act. The General Accounting Office shall report its findings to the Appropriations Committees after it has made its review.

The conferees urge the Department to resolve by the end of the year all outstanding labor-management issues related to the community. The Department needs to take into account the special needs of this community. The conferees urge the Inspector General of both the Department of Labor and the Social Security Administration to prepare a joint report to the House and Senate Appropriations Committees relative to the Memorandum of Understanding between the agencies providing for DOL administrative services with respect to Part B of the Labor-Management Reporting and Disclosure Act. This report shall include narrative and statistical information concerning the number of beneficiaries served, benefits disbursed, quality of service provided, and an assessment of whether the objectives of the MOU to provide enhanced services at reduced costs are being achieved. The first report shall include activity from the date the MOU was signed to the end of fiscal year 1998 and shall be due to the Committees by April 30, 1999. Subsequent reports shall be due on April 30 of each year.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
SALARIES AND EXPENSES

The conference agreement appropriates $336,480,000, instead of $336,205,000 as proposed by the House and the Senate.

The conference reports included directives to OSHA field officers to facilitate compliance with the new methylene chloride
standard. As a matter of clarification, the conferees note that the covered facilities are engaged primarily in furniture stripping, urethane form manufacturing and urethane foam processing. The conferees understand the compliance assistance efforts by OSHA to extend to facilities with fewer than 150 employees in these industries.

Public Law 105-62, fiscal year 1998 Energy and Water Development Appropriations Act, transferred responsibility for administering the Federal Utilized Sites Remedial Action Program (FUSRAP) from the Department of Energy to the U.S. Army Corps of Engineers. The conferees are aware that the Occupational Safety and Health Administration has indicated that the transfer of FUSRAP may have resource and programmatic implications for the agency. As outlined in House Report 105-62, the conference report to accompany Public Law 105-62, fiscal year 1998 will be a year of transition as the program continues and DOE will move toward the full assumption of safety and health within the existing contractual framework established by the Department of Energy. Any issues pertaining to the regulatory framework of the program will be identified during this transition period and will be addressed during the fiscal year 1999 budget deliberations.

MINE SAFETY AND HEALTH ADMINISTRATION SALARIES AND EXPENSES

The conference agreement appropriates $203,334,000, instead of $199,159,000 as proposed by the House and $205,804,000 as proposed by the Senate. The conference report identifies $3,607,068,000 as proposed by the Senate and $3,449,071,000 as proposed by the Senate.

The conference agreement includes bill language identifying $203,452,000 for the family planning program instead of $208,452,000 as proposed by the Senate. The conference agreement includes language designating $103,863,000 of the funds provided for the Maternal and Child Health block grant for special projects of regional national significance (SPRANS). This designation provides $3,000,000 more for SPRANS activities than would otherwise be the case under the statutory formula. The House and Senate bills had similar provisions. The conferees intend that this amount be used for the continuation of the traumatic brain injury State demonstration projects supported last year under this authority. The conferees also expect the agency to allocate $500,000 of the SPRANS set-aside to continue the demonstration program begun last year in States with fluoridation levels below 25 percent. The conferees urge the agency to use a risk assessment model to allocate the planning and development grant prior to a multi-year study examining research integration for children with special medical needs.

The conferees are concerned about children with special health care needs and the ability of their families to obtain sufficient and appropriate health care for them in the current rapidly changing health care environment. The Secretary is urged to develop ongoing mechanisms for providing information and services to these families. Such mechanisms are necessary to make well-informed decisions and obtain appropriate health care for their children.

The conferees are concerned about the wide variation in State ADAP’s and Medicaid policies regarding eligibility, benefits, and formularies. The conferees are also concerned about the wide range of State contributions to funding of ADAP's and urge that States receiving more than $1,000,000 under the targeted formula match no less than twenty percent of their current contribution. The conferees direct the program to use all means necessary to reduce the purchase price of AIDS drugs and encourage HRSAs to use funds for the purpose of providing grants to help address the increased program needs that have been identified in the current program year.

The conferees reiterate that Department of Veterans Affairs facilities are eligible to receive Ryan White Title I funding through local Title I health services planning councils. The conferees are concerned about recent attempts by agency contracting officials to deny funding for important HIV services provided at the facilities.

The conference agreement includes bill language designating $3,618,137,000 instead of $3,607,068,000 as proposed by the House and $3,449,071,000 as proposed by the Senate.

The conferees commend the Department on the recent release of draft guidelines for the use of antiretroviral agents in treating HIV-infected individuals. These recommendations reflect the significant advances in treatment options for individuals with HIV disease that have resulted from the substantial investment in AIDS research. The conferees are concerned that policies adopted by some State AIDS Drug Assistance Programs (ADAP) are inconsistent with these recommended standards of care. In particular, restricting access to recommended therapy options until late stage disease or until failure of this class of medications to actually predispose patients to failure once appropriate therapy is initiated. Therefore, the

ERGONOMICS-TECHNICAL

The conference agreement includes a general provision (section 104) as proposed by the House that restricts the use of funds for OSHA ergonomics standards and guidelines. The conferees are concerned that the omission of this provision with only minor technical changes.

FAIR LABOR STANDARDS ACT

The conference agreement includes a general provision (section 105) as proposed by the Senate modified to amend the Fair Labor Standards Act to ensure that nonprofit organizations that deliver water for agricultural purposes are exempt from the maximum hour requirements of the Act if at least 90 percent of the water delivered by these organizations during the preceding calendar year was for agricultural purposes.

The House bill contained no similar provision.

HEALTH RESOURCES AND SERVICES

HEALTH RESOURCES AND SERVICES

The conference agreement includes bill language including $152,413,000 as proposed by the House and $46,750,000 as proposed by the Senate. Further, the conferees recognize the billions of dollars that this industry contributes to the national economy. In an effort to protect the integrity of this important domestic market, the conferees strongly encourage the Department of Agriculture to continue providing assistance and support for technical assistance and research.

The conference agreement includes bill language creating a broader authority to accelerate the award of 1998 program grants to projects of national significance (SPRANS). This language designates $103,863,000 for SPRANS activities than would otherwise be the case under the statutory formula. The House and Senate bills had similar provisions. The conferees believe that this amount be used for the continuation of the traumatic brain injury State demonstration projects supported last year under this authority. The conferees also expect the agency to allocate approximately $500,000 of the SPRANS set-aside to continue the demonstration program begun last year in States with fluoridation levels below 25 percent.

The conferees urge the agency to use a risk assessment model to allocate the planning and development grant prior to a multi-year study examining research integration for children with special medical needs.

The conferees are concerned about children with special health care needs and the ability of their families to obtain sufficient and appropriate health care for them in the current rapidly changing health care environment. The Secretary is urged to develop ongoing mechanisms for providing information and services to these families. Such mechanisms are necessary to make well-informed decisions and obtain appropriate health care for their children.

The conferees are concerned about the wide variation in State ADAP’s and Medicaid policies regarding eligibility, benefits, and formularies. The conferees are also concerned about the wide range of State contributions to funding of ADAP's and urge that States receiving more than $1,000,000 under the targeted formula match no less than twenty percent of their current contribution. The conferees direct the program to use all means necessary to reduce the purchase price of AIDS drugs and encourage HRSAs to use funds for the purpose of providing grants to help address the increased program needs that have been identified in the current program year.

The conferees are concerned about the wide range of State contributions to funding of ADAP’s and urge that States receiving more than $1,000,000 under the targeted formula match no less than twenty percent of their current contribution. The conferees direct the program to use all means necessary to reduce the purchase price of AIDS drugs and encourage HRSAs to use funds for the purpose of providing grants to help address the increased program needs that have been identified in the current program year.

The conferees are concerned about the wide range of State contributions to funding of ADAP’s and urge that States receiving more than $1,000,000 under the targeted formula match no less than twenty percent of their current contribution. The conferees direct the program to use all means necessary to reduce the purchase price of AIDS drugs and encourage HRSAs to use funds for the purpose of providing grants to help address the increased program needs that have been identified in the current program year.

The conferees are concerned about the wide range of State contributions to funding of ADAP’s and urge that States receiving more than $1,000,000 under the targeted formula match no less than twenty percent of their current contribution. The conferees direct the program to use all means necessary to reduce the purchase price of AIDS drugs and encourage HRSAs to use funds for the purpose of providing grants to help address the increased program needs that have been identified in the current program year.

The conferees are concerned about the wide range of State contributions to funding of ADAP’s and urge that States receiving more than $1,000,000 under the targeted formula match no less than twenty percent of their current contribution. The conferees direct the program to use all means necessary to reduce the purchase price of AIDS drugs and encourage HRSAs to use funds for the purpose of providing grants to help address the increased program needs that have been identified in the current program year.

The conferees are concerned about the wide range of State contributions to funding of ADAP’s and urge that States receiving more than $1,000,000 under the targeted formula match no less than twenty percent of their current contribution. The conferees direct the program to use all means necessary to reduce the purchase price of AIDS drugs and encourage HRSAs to use funds for the purpose of providing grants to help address the increased program needs that have been identified in the current program year.
The conferees encourage the agency to carefully examine existing models for 24-hour ambulatory care sites. The conferees intend that the funding provided for rural health research be allocated for the three projects identified in the Senate report.

The conference agreement includes bill language designating a total of $28,000,000 for the construction and renovation of health care facilities. These funds are to be used for the facilities described in the Senate report, as well as for facilities for the Mississippi County, Kentucky health department; the Clearwater Free Clinic in Florida; the Tuskegee University Bioethics Center in Alabama; the National Center for Nanofabrication and Molecular Self-Assembly at Northwestern University, Evanston, Illinois; the Greater Houston Community Health Network in Houston, Texas; the Barbara Bush Children's Hospital of the Maine Medical Center in Portland, Maine; and the hospital and primary care site in the Tuskegee University Bioethics Center in Alabama.

The conferees concur with the Senate report indicating that funds are included within the AIDS program line to maintain and strengthen hemophilia and other hematologic program activities. The conference agreement includes $133,671,000 for the sexually transmitted diseases program, a $7,468,000 increase over fiscal year 1997, to provide funds for both the chlamydia prevention program and the syphilis in the South initiative.

The conference agreement includes $30,997,000 over the Administration request for the following chronic and environmental disease prevention program priorities: pfiesteria; the diabetes prevention and control priorities mentioned in the House and Senate reports; cancer registries; birth defects; cardiovascular disease; limb loss; the health effects of radioactive fallout; the health effects of inadequate provision of safe drinking water in remote arctic communities; oral health activities; and prevention of iron overload diseases. The conferees urge CDC to give consideration to integrating these priorities into a single initiative State. The conference agreement supports increases above the 1997 level for tobacco control programs.

The conferees are aware of current conditions in eastern seaboard waterways that have triggered the microorganism pfiesteria or pfiesteria-like organisms to convert into at least 24 different forms, some of which are toxic. Several of these forms lead to fish kills of over a billion in North Carolina and in the tens of thousands in Maryland. The human effects may include skin lesions, respiratory problems, memory loss, and immune suppression. CDC is in a unique position to lead the public health response to the emerging threat of human exposure to this newly recognized marine toxin. The conferees have provided an increase within the chronic and environmental disease program to support the development of a multi-State plan to address public health impact of pfiesteria and pfiesteria-like conditions in the seven most impacted coastal States, presently Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, and Florida. The conferees expect that the funding will be used to develop and implement a multi-State disease surveillance system that will identify and monitor health effects in people who may have been exposed to estuarine waters likely to contain pfiesteria or pfiesteria-like organisms, to initiate case-control studies when new incidents of illness purported to be due to exposure to the toxin are identified, and to develop a biological test of human exposure so that when the structure of this toxin is identified, a rapid response can be assembled between the CDC and State health departments.

The house has been directed to reduce these carryover amounts so that the resources provided by Congress can be used as intended for important immunization activities.

The conferees concur in language designating a total of $25,504,000 for Centers for Disease Control and Prevention (CDC) and oral health activities; and prevention of syphilis in the South initiative.

The conference agreement includes $50,000 for violence against women programs financed from the Violent Crime Reduction Trust Fund as proposed by the Senate. The conference agreement includes the legal citation for the community demonstration programs as proposed by the Senate. The House bill contained language designating only for the State block grant program.

The conferees are aware that States carried over $109,000,000 in immunization infrastructure funds from 1996 to 1997 and that $60,000,000 to $65,000,000 is estimated to be carried over at the end of calendar year 1997. The conference agreement includes $51,000,000 for violence against women programs financed from the Violent Crime Reduction Trust Fund as proposed by the Senate. The conference agreement includes the legal citation for the community demonstration programs as proposed by the Senate. The House bill contained language designating only for the State block grant program.

The conferees are aware that States carried over $109,000,000 in immunization infrastructure funds from 1996 to 1997 and that $60,000,000 to $65,000,000 is estimated to be carried over at the end of calendar year 1997. The conference agreement includes $51,000,000 for violence against women programs financed from the Violent Crime Reduction Trust Fund as proposed by the Senate. The conference agreement includes the legal citation for the community demonstration programs as proposed by the Senate. The House bill contained language designating only for the State block grant program.
The conferees support the recent effort by CDC to develop a national plan for addressing the large and growing public health problem of arthritis. The conferees encourage CDC to expand the arthritis knowledge base necessary to better identify an appropriate public health response for the nation's leading cause of disability.

The agreement provides increases above the 1997 level within the infectious disease program for Lyme disease, food safety, and emerging and reemerging infectious diseases. The conferees expect the 1997 funding level for the E. coli pylon public education program to be maintained in 1998 to complete the project.

The conferees encouraged the CDC as part of the food safety initiative outlined in the budget request to consider supporting applied research to improve the reliability and effectiveness of electronic pasteurization to reduce food borne diseases. The conferences are particularly concerned about recent reports of E. coli and encourage the CDC to enhance its focus on improving public health strategies to better educate the public and improve the prevention of foodborne diseases such as E. coli.

The conferees concur with the Senate report language concerning the need to recognize thalassemia patients in the implementation of food safety and public health strategies.

The agreement provides increases above the 1997 level for the following activities within the injury control program: fire and burn injury prevention; community-based strategies against youth violence and suicide; domestic violence prevention; traumatic brain injury; suicide prevention among high-risk individuals; and prevention of accidental injury among older Americans.

The agreement provides increases above the 1997 level for occupational safety and health, including the following activities: intramural research at the Morgantown, West Virginia facility; the fire fighter safety initiative; and the national occupational research agenda.

The conferees are pleased with the progress made in the national health nutrition examination survey (NHANES). Within the funds made available to the National Center for Health Statistics, sufficient funds are included to fully fund this important survey at the requested level.

The conferees encourage the CDC to develop a plan of action to ascertain whether children of mothers exposed to environments that may be experiencing adverse health effects, including childhood cancers, birth defects, and neurobehavioral disorders. The conferences encourage the CDC to build upon relevant ongoing studies when formulating this plan of action.

The conferees concur with House report language indicating that CDC administrative costs as defined in the budget request should not increase by more than one percent from 1997 to 1998.

NATIONAL INSTITUTES OF HEALTH
NATIONAL CANCER INSTITUTE

The conference agreement includes $2,547,314,000 instead of $2,513,020,000 as proposed by the Senate.

The conferences are aware of the extraordinary opportunities that exist for cancer genetics, preclinical models of cancer, detection technologies, developmental diagnostics and investigator-initiated research. The conferees recognize the importance today as a result of progress in cancer research. These advances have allowed Congress to address the critical role of early detection technologies available within the amounts provided for the Institute to expand research on Parkinson's disease.

Approximately 2,500,000 people suffer from epilepsy, a chronic brain disorder characterized by spontaneous, recurrent seizures which, in a substantial number of cases, cannot be controlled. The conferences encourage the Institute to enhance its research in the areas of novel applications of new scientific opportunities in genetics, brain imaging and surgery, and clinical trials.

The conferences support the recent effort by CDC to develop a national plan for addressing the large and growing public health problem of arthritis. The conferees encourage CDC to expand the arthritis knowledge base necessary to better identify an appropriate public health response for the nation's leading cause of disability.

The agreement provides increases above the 1997 level within the infectious disease program for Lyme disease, food safety, and emerging and reemerging infectious diseases. The conferees expect the 1997 funding level for the E. coli pylon public education program to be maintained in 1998 to complete the project.

The conferees encouraged the CDC as part of the food safety initiative outlined in the budget request to consider supporting applied research to improve the reliability and effectiveness of electronic pasteurization to reduce food borne diseases. The conferences are particularly concerned about recent reports of E. coli and encourage the CDC to enhance its focus on improving public health strategies to better educate the public and improve the prevention of foodborne diseases such as E. coli.

The conferees concur with the Senate report language concerning the need to recognize thalassemia patients in the implementation of food safety and public health strategies.

The agreement provides increases above the 1997 level for the following activities within the injury control program: fire and burn injury prevention; community-based strategies against youth violence and suicide; domestic violence prevention; traumatic brain injury; suicide prevention among high-risk individuals; and prevention of accidental injury among older Americans.

The agreement provides increases above the 1997 level for occupational safety and health, including the following activities: intramural research at the Morgantown, West Virginia facility; the fire fighter safety initiative; and the national occupational research agenda.

The conferences are pleased with the progress made in the national health nutrition examination survey (NHANES). Within the funds made available to the National Center for Health Statistics, sufficient funds are included to fully fund this important survey at the requested level.

The conferences encourage the CDC to develop a plan of action to ascertain whether children of mothers exposed to environments that may be experiencing adverse health effects, including childhood cancers, birth defects, and neurobehavioral disorders. The conferences encourage the CDC to build upon relevant ongoing studies when formulating this plan of action.

The conferences concur with House report language indicating that CDC administrative costs as defined in the budget request should not increase by more than one percent from 1997 to 1998.

NATIONAL INSTITUTES OF HEALTH
NATIONAL CANCER INSTITUTE

The conference agreement includes $2,547,314,000 instead of $2,513,020,000 as proposed by the Senate.

The conferences are aware of the extraordinary opportunities that exist for cancer genetics, preclinical models of cancer, detection technologies, developmental diagnostics and investigator-initiated research. The conferees recognize the importance today as a result of progress in cancer research. These advances have allowed Congress to address the critical role of early detection technologies available within the amounts provided for the Institute to expand research on Parkinson's disease.

Approximately 2,500,000 people suffer from epilepsy, a chronic brain disorder characterized by spontaneous, recurrent seizures which, in a substantial number of cases, cannot be controlled. The conferences encourage the Institute to enhance its research in the areas of novel applications of new scientific opportunities in genetics, brain imaging and surgery, and clinical trials.
in order to allow broader information services.

NATIONAL INSTITUTE OF DEAFNESS AND OTHER COMMUNICATION DISORDERS

The conference agreement includes $200,656,000 instead of $198,373,000 as proposed by the House and $202,462,000 as proposed by the Senate.

NATIONAL INSTITUTE ON NEUROSCIENCE

The conference agreement includes $63,597,000 instead of $62,451,000 as proposed by the House and $64,016,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ALCOHOL ABUSE AND ALCOHOLISM

The conference agreement includes $277,175,000 instead of $263,206,000 as proposed by the House and $228,585,000 as proposed by the Senate.

NATIONAL INSTITUTE ON DRUG ABUSE

The conference agreement includes $527,175,000 instead of $525,641,000 as proposed by the House and $531,751,000 as proposed by the Senate.

NATIONAL INSTITUTE OF MENTAL HEALTH

The conference agreement includes $750,421,000 instead of $744,235,000 as proposed by the House and $753,934,000 as proposed by the Senate.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

The conference agreement includes $217,704,000 instead of $211,772,000 as proposed by the House and $218,851,000 as proposed by the Senate.

NATIONAL CENTER FOR RESEARCH RESOURCES

The conference agreement includes $453,883,000 instead of $436,961,000 as proposed by the House and $455,905,000 as proposed by the Senate.

The conferees are aware of concerns regarding shortages in the available supply of human cell cultures used in disease and drug testing. They direct NIH to work with the Cell Culture and Other Cell Molecular Resources Center to give full and fair consideration to an application from the Institute.

JOHN E. FOGARTY INTERNATIONAL CENTER

The conference agreement includes $28,289,000 instead of $27,620,000 as proposed by the House and $28,468,000 as proposed by the Senate.

NATIONAL LIBRARY OF MEDICINE

The conference agreement includes $161,915,000 instead of $161,171,000 as proposed by the House and $162,925,000 as proposed by the Senate.

The conferees understand from the NIH that they intend to provide a $7,000,000 increase for high performance computing and communications within the total provided for the Library.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $296,373,000 instead of $296,339,000 as proposed by the House and $292,196,000 as proposed by the Senate.

The conference agreement includes a designation in bill language of $40,000,000 for the Office of AIDS Research. The Senate bill designated $40,266,000 for the Office; the House bill had no similar provision. The conferees understand that within the total provided for NIH provided in the conference agreement, NIH would intend to spend $1,595,453,000 on AIDS research. The conferees understand that this total may be modified depending on changing scientific opportunities and the recommendations of various advisory bodies. The conference agreement includes a designation in bill language of $20,000,000 for the Office of Alternative Medicine. The Senate bill designated $13,000,000 for this activity. The House bill contained no similar provision. The conference agreement also includes language not included in either the House or Senate bill providing that not less than $7,000,000 of the $20,000,000 made available for the Office of Alternative Medicine shall be for peer reviewed competitive and alternative medicine research grants and contracts that respond to program announcements and requests for proposals issued by the Office. The conferees encourage the Office to use these mechanisms to solicit and support high quality clinical trials that will validate promising alternative and complementary medicine therapies. The conferees understand that the Office has existing authority to issue program announcements and requests for proposals. The conference agreement includes a provision permitting the National Foundation for Biomedical Research to transfer funds to the National Institutes of Health. The House and Senate bills had no similar provision.

The conferees understand from the NIH that a total of $38,500,000 has been provided for the various Institutes, centers and divisions of the NIH. The conferees understand that these funds are primarily allocated directly to the Institutes through the NIH Areas of Special Emphasis, which target areas of research opportunity that the NIH feels are a high priority. The conferees further understand that these funds are made available to separately competing Institutes and to the National Center for Research Resources as long as they are consistent with program mission. The House and Senate bills had no similar provision to the provision to provide funding for the National Institutes of Health. The Senate and House bills had no similar provision.

The conferees understand from the NIH that a total of $22,000,000 has been made available for the institutes, centers and divisions of the NIH. The conferees understand that these funds are primarily allocated directly to the Institutes through the NIH Areas of Special Emphasis, which target areas of research opportunity that the NIH feels are a high priority. The conferees further understand that these funds are made available to separately competing Institutes and to the National Center for Research Resources as long as they are consistent with program mission. The House and Senate bills had no similar provision to the provision to provide funding for the National Institutes of Health. The Senate and House bills had no similar provision.

The conferees understand from the NIH that within the total funding provided for the various Institutes, centers and divisions of the NIH it is estimated that it will support $22,000,000 in funding for the neurodegenerative disease initiative. The funds are allocated directly to the Institutes through the NIH Areas of Special Emphasis, which target areas of research opportunity most likely to yield the greatest return on the Federal investment in biomedical research. The conferees expect the Director to provide overall leadership for and coordination of these research activities. The conferees expect the NIH to provide overall leadership for and coordination of these research activities. The conferees note that the research focused on the biology of brain disorders in highlighted in the NIH Areas of Special Emphasis. The conferees expect the Director to provide overall leadership for and coordination of these research activities. The conferees note that the research focused on the biology of brain disorders in highlighted in the NIH Areas of Special Emphasis. The conferees expect the Director to provide overall leadership for and coordination of these research activities. The conferees note that the research focused on the biology of brain disorders in highlighted in the NIH Areas of Special Emphasis.

The conferees provide funding for this new initiative with the understanding that it must be used by the agency to improve the provision of treatment and prevention services in States with high incidence of substance abuse.

The conferees believe that minority programs at NIH should be supported at a level commensurate with the increases provided for NIH as a whole.

The conferees parallel House report language regarding the definition of administrative costs and the limitation of fiscal year 1998 administrative costs to no more than one percent above the fiscal year 1997 level.

BUILDINGS AND FACILITIES

The conference agreement includes $206,957,000 instead of $223,100,000 as proposed by the House and $203,500,000 as proposed by the Senate.

The conference agreement includes language not contained in either the House or Senate bills providing for the construction of the Vaccine Research Center. The conferees believe that the Senate bill providing for the construction of the Vaccine Research Center is in the process of expanding its cell culture storage capacity and urge the Center to complete the study in an expeditious fashion.

CONGRESSIONAL RECORD Ð HOUSE

November 7, 1997

H10231

The conference agreement includes $336,977,000 instead of $334,730,000 as proposed by the House and $337,670,000 as proposed by the Senate.

The conference agreement includes $339,783,000 instead of $335,512,000 as proposed by the House and $340,433,000 as proposed by the Senate.

The conference agreement includes $350,415,000 instead of $344,235,000 as proposed by the House and $347,934,000 as proposed by the Senate.

The conference agreement includes $436,961,000 instead of $429,961,000 as proposed by the House and $435,905,000 as proposed by the Senate.

The conference agreement includes $453,883,000 instead of $446,961,000 as proposed by the House and $455,905,000 as proposed by the Senate.

The conference agreement includes a language not included in either the House or Senate bills providing that not less than $7,000,000 of the $20,000,000 made available for the Office of Alternative Medicine shall be for peer reviewed competitive and alternative medicine research grants and contracts that respond to program announcements and requests for proposals issued by the Office. The conferees encourage the Office to use these mechanisms to solicit and support high quality clinical trials that will validate promising alternative and complementary medicine therapies. The conferees understand that the Office has existing authority to issue program announcements and requests for proposals.

The conference agreement includes a provision permitting the National Foundation for Biomedical Research to transfer funds to the National Institutes of Health. The House and Senate bills had no similar provision.

The conferees understand that the Office has existing authority to issue program announcements and requests for proposals.

The conference agreement includes a provision permitting the National Foundation for Biomedical Research to transfer funds to the National Institutes of Health. The House and Senate bills had no similar provision.

The conferees understand that the Office has existing authority to issue program announcements and requests for proposals.

The conference agreement includes a provision permitting the National Foundation for Biomedical Research to transfer funds to the National Institutes of Health. The House and Senate bills had no similar provision.

The conferees direct SAMHSA to report to the Appropriations Committees no later than January 15, 1998 regarding its plans to require changes in the State Improvement Grant and substance abuse block grant processes. In addition, the conferees direct the Administration to provide the conferees with the results of the data initiative to be distributed to each State and that all States shall analyze their relative performance in preventing substance abuse block grant application.
with rates of substance abuse above the median for all States to provide a plan to improve their performance in preventing substance abuse as part of the block grant application.

The conferees intend that SAMHSA comply fully with the House report directive regarding monitoring of youth access to tobacco and enforcement of the Synar amendment.

The conferees concur with the Senate report directive regarding allocation of funds set aside for rural and Native American grants.

The conferees have included funds to continue and expand the supplemental demonstration projects for community-based substance abuse services of children’s services as part of the Residential Women and Children and Pregnant and Postpartum Women programs.

The conferees intend that SAMHSA comply with the Senate report directive regarding the State Incentive Grant program.

The conferees direct SAMHSA to comply with House report instructions regarding St. Elizabeth’s Hospital.

The conferees have included sufficient funds for planning, implementation, and evaluation of an initiative to prevent tobacco use by 12- to 17-year-olds, and to develop strategies for enhanced efforts to decrease tobacco use and to fund the future dissemination of information to schools.

The conferees are aware of a successful public service crime prevention advertising campaign sponsored by the National Crime Prevention Council and encourage SAMHSA to give full consideration to this organization’s experience during implementation of the agency’s public service advertising campaign.

The conferees concur that SAMHSA should give priority consideration to successful community school grantees that have been effective in providing substance abuse prevention services to at-risk youth. The agency shall provide the Committees with ninety days notice prior to terminating any Community Schools grantee funded in fiscal year 1997.

The conferees intend that SAMHSA comply with the Senate report directive regarding the operational and allocation plans for fiscal year 1998.

The conference agreement provides $60,904,000,000 instead of $63,581,000,000 as proposed by the Senate. This funding level reflects the most recent estimates of the cost of this entitlement program.

PAYMENTS TO THE HEALTH CARE TRUST FUNDS

The conference agreement provides $60,904,000,000 instead of $63,581,000,000 as proposed by the Senate. This funding level reflects the most recent estimates of the cost of this entitlement program.

PROGRAM MANAGEMENT

The conference agreement makes available $1,743,065,000 instead of $1,679,435,000 as proposed by the House and $1,719,241,000 as proposed by the Senate. An additional appropriation of $400,000 has been provided for this activity in the Health Insurance Portability and Accountability Act of 1996.

The conference agreement includes funds for the Health Care Financing Administration (HCFA) administrative fees collected related to Medicaid overpayment recovery activities. The House bill had no similar provision.

The conference agreement includes with slight modification bill language proposed by the Senate identifying $900,000 of the funds provided for the costs of the National Bipartisan Commission on the Future of Medicare. The language uses the Commission to examine the impact health research has on Medicare costs as well as the potential for coordinating Medicare with cost-effective long-term care services. The House bill had no similar provision.

The conference agreement includes bill language identifying $40,000,000 for the transition to a single Part B process, and Part B prospective payment system and makes that funding available until expended. The Senate bill contained similar language providing $54,100,000 for the Medicare Transition. The House Transition bill did not provide funding for this activity. The conferees expect HCFA to refrain from obligating any additional funding for the Medicare Transition Transaction System aside from the $40,000,000 and contract closeout activities until they have notified the Committees on Appropriations of their plan to redesign the system.

The conference agreement adds language not contained in either the House or Senate conference report for HCFA to collect $95,000,000 in user fees for the costs of beneficiary enrollment and dissemination of information for the managed care programs approved under the Medicare+Choice program. This provision fulfills the intent of the Balanced Budget Act of 1997. The conferees understand that there are several activities specified in this language that believe that HCFA’s first priority for these funds should be to publish a comparative booklet to be mailed to beneficiaries describing Medicare+Choice options and comparing these options to fee-for-service Medicare and Medigap policies. The agency should determine whether it is more cost-effective to mail the booklet individually to Medicare beneficiary or to identify shared dwellings and mail one to each household. The conferees believe that HCFA’s second priority should be to do toll-free number and to implement and maintain an Internet site for inquiries regarding Medicare+Choice options. As a third priority, the conferees encourage HCFA to operate Medicare+Choice health information fairs and to fund the future dissemination of information regarding Medicare+Choice options through traditional media, information centers and other forms of public relations.

While the conference agreement authorizes the Secretary to develop guidelines on the use of information resources on a pro-rata basis, with the understanding that the amount may be reduced after the Appropriations Committees have the opportunity to conduct hearings to review the need for resources to implement this program.

The conference agreement does not include language contained in the Senate bill regarding demonstration projects of Medicaid coverage of community-based attendant care services for people with disabilities which ensures maximum control by the States to select and manage their attendant care services. The conferees are agreed, however, that $2,000,000 is included for this purpose within funds provided.

The conference agreement does not include language contained in the Senate bill directing HCFA to obligate any additional funds to be obligated in 1997 to implement Medicare provider audits and to implement the corrective action plan to the HCFA Chief Financial Officer’s audit. The House bill contained no similar provision. The Senate language could not be implemented because 1997 funds had not been operating and would be the same of the 1996 conference agreement. The conferees have instead included bill language allowing HCFA to use Program Management funds to implement the Department’s corrective action plan to the Chief Financial Officer’s audit. The conferees are concerned about the funding of the 1996 Chief Financial Officer’s audit, most specifically the reported payment error rate. In response to this concern, the conferees in conference agreement for HCFA will reallocate funds within the Peer Review Organization funding for medical and utilization review activities. Peer review organizations determine whether services provided to Medicare beneficiaries are reasonable and medically necessary and meet professionally-recognized standards of care.

The conferees concur in the language contained in the Senate report relating to continuing the telemedicine pilot sites.

The conferees strongly urge HCFA to extend the chronic ventilator-dependent unit demonstration projects that are currently funded which have produced superior clinical outcomes according to independent evaluation.

The conferees share the Senate report language indicating that sufficient funds are included to demonstrate and evaluate model programs developed by nonprofit community service agencies and to help vulnerable populations understand how to use managed care.

The conference agreement includes $1,000,000 within research to conduct a demonstration of residential treatment facilities at the AIDS Healthcare Foundation in Los Angeles.

The conferees concur with House report language indicating that funds have been included above the amount requested for research and demonstrations to support the costs of studies and demonstration projects that are mandated in the Balanced Budget Act of 1997.

The conferees recognize that the forthcoming study by the Secretary of Health and Human Services regarding coverage of medicare nutrition therapy by registered dietitians in the part B portion of Medicare needs to be comprehensive in documenting the value of this service for applicable diseases or medical conditions. Such costs, if approved, should be prepared for conditions for which the Secretary expects significant utilization of such services, and should be prepared separately for therapy in individual as well as group settings. The conferees recommend that the Secretary take care not to confuse medical conditions of malnutrition and obesity from the study, recognizing that obesity is the second leading
prevention of coronary artery disease as a leading cause of morbidity and mortality, the conferees recommend that ORR comply with the directives in the House report regarding communities with large concentrations of refugees whose cultural differences make it particularly difficult, refugees and communities impacted by recent changes in Federal assistance programs relating to welfare reform, and Cuban and Haitian refugees. The conferees intend that ORR comply with the directives in the Senate report regarding the Voluntary Agency Grant program.

CHILD CARE AND DEVELOPMENT BLOCK GRANT (INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $65,672,000 as a supplement to the fiscal year 1998 appropriation that was enacted last year, instead of $26,120,000 as proposed by the Senate and no additional funding as proposed by the House. In addition, the agreement appropriates $451,000,000 for Refugee and Entrant Assistance programs as proposed by the Senate in the fiscal year 1999 as proposed in both the House and Senate bills. The agreement further provides that of the $19,120,000 that would be available in fiscal year October 1, 1997 for child care resources and referral and school-based child care activities, $3,000,000 shall be derived by transfer from funds appropriated in the fiscal year 1998 report regarding the Voluntary Agency Grant program. The conferees intend that ORR comply with the directives in the Senate report regarding the Voluntary Agency Grant program.

The conference agreement appropriates $1,299,000,000 instead of $1,245,000,000 as proposed by the Senate. The House bill included no similar provision.

The conference agreement includes $100,000,000 for Medicare contractors and allowing claims timely filed if received within one year from the date of the contractor's response to the request for status change to Medicare payer or conclusion of enrollment in Part B by the Social Security Administration. The conferees are concerned that HCA's new health payment policy for erythropoietin may negatively impact the quality of care received by patients with end-stage renal disease and may increase overall health care costs. The conferees urge the Secretary to carefully expedite review of the policy to ensure continued quality care for ESRD patients.

The conference agreement includes increases in Federal administration for the costs of converting computer systems to accommodate the millennium date change and the administrative burdens associated with the new agency activities mandated by the Balanced Budget Act of 1997.

ADMISSION FOR CHILDREN AND FAMILIES

The conference agreement includes a provision as proposed by the Senate and not included in the House bill that would allow for implementation and oversight of the tribal Temporary Assistance for Needy Families (TANF) and Native Employment Works (NEW) programs. Within the amount provided for Runaway and Homeless Youth, the conference agreement includes the fiscal year 1997 funding level for Center County Youth Services of The Pennsylvania State College and Three Rivers Youth of Pittsburgh.

ADMINISTRATION ON AGING

The conference agreement appropriates $865,050,000, instead of $815,270,000 as proposed by the House and $894,074,000 as proposed by the Senate. The agreement includes statutory earmarks of $4,448,000 for the State and community disability prevention and elimination of elder abuse proposed by the Senate; the House bill included no earmarks. The agreement includes a legislative provision as proposed by the Senate that requires the Assistant Secretary for Aging when considering grant applications for nutrition services for older Indian recipients to provide maximum funding for Indian Tribal programs. The conferees recognize the Council of Senior Centers and Services of New York City, Inc. for its grassroots model program to detect and report inaccurate Medicare billings and strongly urge the Department to continue to work with CSCS on this effort. In view of the regional office consideration, the conferees expect the Administration on Aging to ensure that States will experience no decline in policy and procedural direction or technical assistance and support related to the needs of the elderly and to be met in a timely and comprehensive fashion.

OFFICE OF THE SECRETARY

The conference agreement appropriates $177,482,000 instead of $165,487,000 as proposed by the House and $180,439,000 as proposed by the Senate. The agreement includes a legal citation proposed by the Senate for the United States-Mexico Border Health Commission but does not include a legal citation proposed by the Senate that includes under section 1110 of the Social Security Act. The conferees concur with the Senate Report language concerning the human services transportation technical assistance program. The conference agreement contains an increase of $3,712,000 over the President's budget request for traditional departmental management activities. These funds are not intended to be used for any other activity. Should the Secretary decide to use any part of these funds for a different purpose, she may first submit a letter requesting such a use to the Appropriations Committees.

The conference agreement includes $580,000 to continue the Public Health Service investigation of the link between chemical and biological exposures and the illnesses suffered by thousands of Persians Gulf War veterans. The conference agreement concurrent budget resolution language with respect to the conduct of this research.
The conference agreement includes $800,000 to support the activities of the United States-Mexico Border Health Commission as authorized by Public Law 105-400. The Commission is responsible for assessing and resolving current and potential health problems that affect the general population of the United States-Mexico border area. The conference agreement also appropriates funds provided to the agencies of the Public Health Service to support the activities of the Commission. The conference agreement strongly urges the Congress to focus upon the identification, evaluation, and potential resolution of current and possible health problems affecting the population of the area. The conference agreement also appropriates $5,000,000 for a study on the outcomes of welfare reform. The conference recommends that this study involve state-specific surveys and data sets, survey data on the impacts of state waiver programs, and administrative data such as Food Stamp, Social Security and Internal Revenue Service records. The study should measure outcomes in both low and high economic growth areas of the country. The conference agreement includes a provision for the potential impact of each proposal. Consequently, the conferees strongly urge the Department to spend an interim report to be submitted to the Appropriations Committees within six months. In addition, the conference agreement includes $500,000 for carrying out the HELP DESK initiative described in the Senate Report.

GENERAL PROVISIONS
TRANSFER OF HANSEN'S DISEASE FACILITY

The conference agreement includes a provision in the House bill transferring the Gillis W. Long Hansen's disease facility in Carville, Louisiana. The Senate bill had no similar provision.

PARENTAL PARTICIPATION IN FAMILY PLANNING SERVICE

The conference agreement includes a provision in the House bill prohibiting the funding of family planning grantees unless the grantee certifies that it encourages family participation in educational activities and not as a consortium. The conference agreement includes a provision to provide information regarding employer contributions on all personal earnings and reported income estimates (PEBES)

INSTITUTE OF MEDICINE STUDY OF NIH PRIORITY SETTING

The conference agreement includes modified form language contained in the Senate bill directing the Secretary of Health and Human Services to contract with the Institute of Medicine to conduct a comprehensive study of priorities used by the National Institutes of Health to determine funding allocations for biomedical research. The conference agreement drops the $300,000 earmark for the study contained in the Senate bill. The House bill contained no similar provision.

FETAL ALCOHOL SYNDROME AUTHORIZATION

The conference agreement includes a provision (section 604) proposed by the Senate requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement contains a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PEBES EMPLOYER STUDY

The conference agreement includes a provision (section 605) proposed by the Senate requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement contains a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PEBES EMPLOYER STUDY

The conference agreement includes a provision (section 605) proposed by the Senate requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement contains a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PEBES EMPLOYER STUDY

The conference agreement includes a provision (section 605) proposed by the Senate requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement contains a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PERICLARUS

The conferees have deleted without prejudice to the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of prenatal exposure to alcohol on human infants. The conference agreement includes a provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.
The conference agreement does not include language in the Senate bill expressing the sense of the Senate urging hospitals to improve organ and tissue procurement. The House bill contained no similar provision. The conferees encourage the Secretary to conduct such a study and to report to the Committees on the best practices for identifying donors and communicating with relatives of potential donors.

**SENSE OF THE SENATE ON ORGAN PROCUREMENT**

The conference agreement does not include language in the Senate bill expressing the sense of the Senate urging hospitals to improve organ and tissue procurement. The House bill contained no similar provision. The conferees concur in the sentiment expressed by this sense of the Senate resolution.

**FAMILY VIOLENCE WAIVER UNDER WELFARE REFORM**

The conference agreement deletes without prejudice a provision included in the Senate bill amending the Social Security Act to clarify that the welfare reform statute does not limit the provision of waivers to victims of domestic violence. The House bill contained no similar provision.

**E. COLI RESEARCH AND PUBLIC EDUCATION**

The conference agreement has deleted without prejudice language included in the Senate bill approving $5,000,000 for research, public education and evaluation relating to the E. coli health threat. The House bill had no similar provision. The conferees have included in the subcommittee of the managers for the National Institutes of Health and the Centers for Disease Control and Prevention language expressing their concern about the E. coli health threat and urging these agencies to strengthen their research and surveillance in this area.

**MEDICAID DISPROPORTIONATE SHARE PAYMENTS**

The conference agreement includes sections 601 and 602 of the bill not contained in either the House or Senate bill correcting an error in the Balanced Budget Act of 1997 which displayed incorrect information about the level of Medicaid disproportionate share hospital payments for the States of Minnesota and Wyoming. The bill corrects these errors only for fiscal year 1998. The conferees expect to work with committees to enact the correction on a permanent basis.

**TITLE III—DEPARTMENT OF EDUCATION REFORM**

The conference agreement includes $1,275,035,000 for Education Reform, instead of the $50,000,000 proposed by the Senate and $310,035,000 as proposed by the Senate. For Goals 2000, the conference provides $491,000,000 instead of the $530,000,000 proposed by the Senate and $287,165,000 provided by the House. The conference agreement also provides $25,000,000 for parental assistance instead of $15,000,000 proposed by the House and $30,000,000 as proposed by the Senate. The conferees agree that the increase provided will permit expansion of voluntary parent centers. The conferees are impressed by gains in student performance in the number of States and Territories participating in the program to at least 52. It has been brought to the conferees’ attention that many States and Territories providing funding under the parental assistance program are making only minimal efforts to implement Parents as Teachers (PAT) or Home Instruction for Young Preschoolers (HIPPY) programs. The conferees urge the Department to provide at least 50 percent of each grant award for PAT or HIPPY and to report to the Committees on the progress of Senate and House Appropriations Committees by April 1, 1998, on steps being taken to assure that the dollars are being spent in accordance with PAT and HIPPY program requirements.

For education technology, the agreement provides $584,035,000 instead of $520,000,000 as proposed by the House and $580,035,000 as proposed by the Senate. The President’s fiscal year 1998 budget requested $830,035,000 for the Technology Literacy Challenge Fund in the Education Reform account and, as in previous years, proposed to fund all other educational technology programs within the Education Reform and Improvement (OERI). The House bill followed this structure. The Senate bill included both the Technology Literacy Challenge Fund and the Innovation Grants within the Education Reform Account with other programs being funded within OERI. The conference agreement includes all educational technology funds within the Education Reform Account including the Challenge Fund and Challenge Grants within the Innovation Grants. The conferees agree that the increase provided by the House will permit expansion of voluntary parent conferences and that many of the grantees currently receiving funds are making only minimal efforts to involve all parents in the program to at least 52. It is expected that this increase will permit expansion of voluntary parent conferences. The conferees agree that the increase provided by the House will permit expansion of voluntary parent conferences at least 52. They expect the authorizing committees to enact language without prejudice to fund an effort to integrate technology with access to science and medical technology with broad-based consortia that have developed exemplary programs for technology programs and the ability of LEAs to absorb these funds and spend them wisely. The conferees therefore instruct the Department of Education to fund a demonstration project relating to educational Technology outlined in the Conference Report on the fiscal year 1997 Departments of Labor, Health and Human Services Appropriations Act.

For Technology Innovation grants, the conference agreement includes $316,000,000, instead of $85,000,000 as proposed by the House. Included within the funds provided is $30,000,000, as proposed by the Senate, for a competitive grants program to provide grants to consortia that have developed exemplary programs to train new and current teachers, administrators and other educators to use advanced technology and to integrate education technology into teaching methods that improve instruction. The House bill contained no similar provision.

The conference agreement includes $5,000,000 for a demonstration project for hospitals, universities, businesses and schools for the Delaware Valley Region of Pennsylvania. Funds would be used for a demonstration project to develop a supercomputer infrastructure with broad-based networking applications with elementary and secondary schools, colleges, and universities with access to science and medical technology. The conference agreement also includes $7,300,000 to allow the Secretary of Education to fund an initiative to integrate technology into eighth grade algebra classrooms. The conferees believe that this level of funding will support three years of funding for the "I Can Learn" program.

The conference agreement also includes $300,000 to allow the Secretary of Education to fund an initiative to provide technology training to teachers through a distance education network involving nine school districts and Nicolet Area Technical College. This level of funding will support three years of funding for a three-tiered training program in which teachers in grades K through eight in the nine participating school districts.

**EDUCATION FOR THE DISADVANTAGED**

The conference agreement includes $8,021,827,000 for Education for the Disadvantaged, instead of the $8,204,217,000 included in the House and $7,807,346,000 as proposed by the Senate. Of the funds available for basic grants, $1,448,396,000 becomes available on October 1, 1998 for the academic year 1998-99. The agreement includes $56,273,212,000 for basic state grants and $1,102,020,000 for concentration grants.

The conferees have provided no funding for the targeted grants program. The House bill provided $400,000,000 for this purpose. The Senate bill contained no similar provision.

The conferees have included a provision proposed by the Senate which provides that in allocating the fiscal year 1998 appropriation for basic and concentration grants among States, the Secretary of Education shall comply with Public Law 105-18. The conferees agree with the language outlined in the Senate report regarding this issue. The House bill contained no similar provisions.

The conference agreement provides $150,000,000 for comprehensive school reform, including $120,000,000 under the title I program and $30,000,000 under the fund for the improvement of education, and $4,000,000 under the fund for the improvement of education, and $4,000,000 under the fund for comprehensive education. The House bill contained no similar provisions.

The conferees agree that the purpose of this initiative is to provide financial incentives for schools to develop comprehensive school reform programs based on exemplary research and effective practices and including an emphasis on basic academics and parental involvement, so that all children can meet the goals of the reauthorization of the Elementary and Secondary Education Act of 1965 as amended. The conferees agree that this decision is best left to the Secretary of Education to continue to provide the reports required by law, including supplemental appropriations provided under Public Law 105-18. The conferees include a provision that the Secretary of Education shall apply a 100 percent health insurance cost offset to the funds made available under the program. The conferees agree that this decision is best left to the Secretary of Education to continue to provide the reports required by law, including supplemental appropriations provided under Public Law 105-18. The conferees agree that the purpose of this initiative is to provide financial incentives for schools to develop comprehensive school reform programs based on exemplary research and effective practices and including an emphasis on basic academics and parental involvement, so that all children can meet the goals of the reauthorization of the Elementary and Secondary Education Act of 1965 as amended. The conferees agree that this decision is best left to the Secretary of Education to continue to provide the reports required by law, including supplemental appropriations provided under Public Law 105-18. The conferees include a provision that the Secretary of Education shall apply a 100 percent health insurance cost offset to the funds made available under the program.
The conference agreement provides $808,000,000 for the Impact Aid programs instead of $796,000,000 as proposed by the House and $1,542,293,000 as proposed by the Senate. The conference agreement includes legislative provisions regarding eligibility for assistance for heavily impacted districts, the use of fund balances, property, timely filing of applications, overpayments, and construction.

**School Improvement Programs**

The conference agreement provides $1,538,188,000 for School Improvement Programs, instead of $1,507,388,000 as proposed by the House and $1,542,293,000 as proposed by the Senate. The conferees encourage the Secretary of Education to establish a program to protect student victims and witnesses of violence in school. The conferees also encourage the Secretary to provide technical assistance to State and local educational agencies to assist them in establishing and implementing programs designed to protect victims and witnesses of violence in elementary and secondary schools.

The conferees have also set aside $450,000 for school safety training. The funds are to be provided for pilot programs to provide students in elementary and secondary schools with confidential assistance regarding school crime, violence, drug dealing, and threats to personal safety. Also within the Safe and Drug Free Schools National Programs, the conferees have included an additional $25,000,000 to improve professional development activities relating to literacy and expect that these funds will be used for teacher training which is based on reliable, replicable research to improve student performance in reading.
November 7, 1997

CONGRESSIONAL RECORD — HOUSE

H10237

will not be fully and completely determined until it actually opens. The conferences direct the Secretary to report to the Congress within six months on the steps taken to implement this directive. The report should address the timing problem that accompanies the expansion of enrollment in a school’s subsequent years of operation.

The conference deletes language proposed by the Senate earmarking $3,000,000,000 for continuation costs for innovative programs for magnet schools. The conferences include it is the Department’s intent to provide continuation costs for this purpose.

For training and advisory services the agreement provides $2,100,000,000 instead of $260,000,000 proposed by the House and Senate bills. The funds are provided to continue the 10 regional desegregation centers. No funds are included for civil rights units in State education agencies.

CHILDLIT EREATIVE INITIATIVE
(INCLUDING TRANSFER OF FUNDS)

For fiscal year 1998, the conference agreement includes $85,000,000 for child literacy initiatives under existing statutory authorities: Easy Start Program, Eisenhower Professional Development, Fund for the Improvement of Education, and The Corporation for National and Community Service. The conferences agree that funds are to be used for child literacy initiatives consistent with applicable statutory authorities, and the goals of a child literacy initiative described in House Report 105-116. Where funds are used for training teachers how to teach reading, the conferences expect such training to be based on reliable, replicable research.

The conference agreement includes language to provide $20,000,000 for the child literacy initiative for fiscal year 2000, in addition to the amount provided for 1999. The conference agreement also provides $10,000,000 for a project to develop, refine, and disseminate information on adaptive technologies. Funds would be used to conduct research, develop state-of-the-art paper-to-screen programs and for a pilot project to use technology to link parents and their children with disabilities to public school districts and community service providers.

The conference agreement includes $6,000,000 for Recordings for the Blind and the Low Vision Program as noted in the House and Senate Reports. The increase provided will finance services to an increasing number of visually impaired students and will allow the use of the technology to provide the conversion of its analog tape system to a digital format. The conference agreement also provides $1,500,000 for the Readline Program as proposed by the Senate, and the $2,500,000 for the Readline Project as proposed by the House.

The conference agreement includes $2,591,195,000 for Rehabilitation Services and Disability Research, instead of $2,589,176,000 as proposed by the Senate. The House and Senate bills provide $8,978,934,000 for Student Financial Assistance, $345,339,000, instead of the $340,339,000 provided in both the House and Senate bills.

The conferences also endorse language contained in the Senate report under the national programs account regarding a demonstration project to develop new work force skills for this nation’s expanding audio-visual communications industry.

STUDENT FINANCIAL ASSISTANCE

The conference agreement provides $8,978,934,000 for Student Financial Assistance instead of $9,046,407,000 as proposed by the House and $8,591,641,000 as proposed by the Senate. The conference agreement sets the floor for the final amount for 1999-2000 school year. The conference agreement includes $345,339,000, instead of the $340,339,000 provided in both the House and Senate bills.

The conference agreement provides a program level of $7,154,000,000 for current law Pell Grants which includes $7,058,000,000 in new appropriations and $97,000,000 of carryover in excess of the amount needed to fund the maximum $3,000 Pell Grant according to the latest available estimates at the time the Pell Grant schedules are published, to increase the income protection allowances (IPAs) for independent and dependent students in the need analysis formula used for all need-based student financial assistance programs.

American Printing House for the Blind

The conference agreement provides $8,186,000 for the American Printing House for the Blind as proposed by the House instead of $7,906,000 as proposed by the Senate.

National Technical Institute for the Deaf

The conference agreement provides $1,015,500,000 for Rehabilitation Services and Disability Research for the American Printing House for the Blind as proposed by the Senate instead of $1,035,550,000 as proposed by the House.

Gallaudet University

The conference agreement provides $81,000,000 for Gallaudet University as proposed by the Senate instead of $80,682,000 as proposed by the House.

Vocational and Adult-Education

The conference agreement includes $3,507,696,000 for Vocational and Adult Education instead of the $3,506,975,000 as proposed by the Senate. Included in the agreement are $1,027,550,000, instead of the $1,027,550,000 proposed by the Senate and $2,591,195,000 for Rehabilitation Services and Disability Research, instead of the $2,589,176,000 as proposed by the Senate.

The conference agreement includes $1,507,698,000 for Vocational and Adult Education instead of the $1,506,975,000 as proposed by the Senate. Included in the agreement are $1,027,550,000, instead of the $1,027,550,000 proposed by the Senate and $2,591,195,000 for Rehabilitation Services and Disability Research, instead of the $2,589,176,000 as proposed by the Senate.

The conference agreement includes $1,035,550,000 as proposed by the House and $1,027,550,000 instead of $43,841,000 as proposed by the Senate for the Institute for Disability and Rehabilitation Research.

The conference agreement includes $81,000,000 for the American Printing House for the Blind as proposed by the Senate instead of $79,000,000 as proposed by the House.

The conference agreement provides $1,035,550,000 as proposed by the House and $1,027,550,000 instead of the $43,841,000 as proposed by the Senate for the Institute for Disability and Rehabilitation Research.

The conference agreement includes $1,035,550,000 as proposed by the House and $1,027,550,000 instead of the $43,841,000 as proposed by the Senate for the Institute for Disability and Rehabilitation Research.

The conference agreement provides $1,035,550,000 as proposed by the House and $1,027,550,000 instead of the $43,841,000 as proposed by the Senate for the Institute for Disability and Rehabilitation Research.

The conference agreement provides $1,035,550,000 as proposed by the House and $1,027,550,000 instead of the $43,841,000 as proposed by the Senate for the Institute for Disability and Rehabilitation Research.

The conference agreement provides $1,035,550,000 as proposed by the House and $1,027,550,000 instead of the $43,841,000 as proposed by the Senate for the Institute for Disability and Rehabilitation Research.
The conferees have included $1,000,000 for the State Student Incentive Grant program in the distribution of these funds should be by the Secretary to notify the Appropriations Committee of the Senate of the full concurrence of the authorizing committees. The conferees further direct the Secretary to establish permanent IPAs in a reauthorization of the Higher Education Act.

The conference agreement deletes a provision proposed by the House to permit Howard University to allocate funds for the endowment as authorized by law. The Senate bill designated for the endowment and made available until expended not less than $3,530,000. The conferees intend that Howard University and the Department comply with the prior-year matching requirement. The inequities in the distribution of these funds should be addressed in the reauthorization of the Higher Education Act.

HOWARD UNIVERSITY

The conference agreement provides $210,000,000 for Howard University as proposed by the House instead of $198,000,000 as proposed in the Senate. As noted in the section of this Statement on Education Reform, all of the separate technology activities formerly funded in this account are now funded as part of Education Reform.

The conferees note that section 931 of P.L. 103-205 relating to the Jump Start Education and Mentoring of children who are at-risk. The After school program of the St. Stephen Life Center in Louisville, Kentucky provides assistance to at-risk students with homework, tutoring, computer literacy, humanities instruction and personal finance skills through structured, innovative, quality and respect of life for students.

The conferees have also provided $350,000 for the White Plains Co. to direct the expansion of the program to the summer months.

The conferees have included within the funding available for the fund the minus appropriated amounts and other expenses associated with the exchange of this land.

The Young Performance series, which affords six to eighteen-year-old musicians the opportunity to air their talents, would be especially suited to document how different types of support systems promote the development and learning of young children.

The conferees encourage the Department to conduct a competition for a project to document the educational readiness of at-risk children from birth to age six which could identify at-risk pregnant mothers who would be especially suited to document how different types of support systems promote the development and learning of young children.

The conferees have included in the House bill making available full and fair consideration to the potential applicants designated in the Senate report under the heading "Funding for the Improvement of Postsecondary Education". The conference agreement includes a provision proposed by the Senate for the American Overseas Research Center Program and commend the Department for its support of the Centers. However, the conferees are concerned that qualified applicants with high-capacity voice, video and data line connections to couple the facilities to each other and to satellite up-links. Funds will also be used for training of vocal, instrumental, and community college faculty.

The conferees encourage the Department to provide the amount suggested and to provide full consideration for potential applications. The conference agreement provides $929,752,000 as proposed by the Senate. The agreement includes a provision proposed by the House to reduce Pell Grant award levels below $3,000.

The conferees have included $1,000,000 instead of the $80,000,000 as proposed by the Senate and $50,000,000 as proposed by the House. Except as modified below, the conferees have reviewed and concur in the items identified in the House and Senate reports.

The funds provided, the conferees encourage the Department to conduct a competition for a project to document the educational readiness of at-risk children from birth to age six which could identify at-risk pregnant mothers who would be especially suited to document how different types of support systems promote the development and learning of young children.

The conferees have included within the funding available for the fund the minus appropriated amounts and other expenses associated with the exchange of this land.

The Young Performance series, which affords six to eighteen-year-old musicians the opportunity to air their talents, would be especially suited to document how different types of support systems promote the development and learning of young children.

The conferees encourage the Department to conduct a competition for a project to document the educational readiness of at-risk children from birth to age six which could identify at-risk pregnant mothers who would be especially suited to document how different types of support systems promote the development and learning of young children.

The conferees have included in the House bill making available full and fair consideration to the potential applicants designated in the Senate report under the heading "Funding for the Improvement of Postsecondary Education". The conference agreement includes a provision proposed by the Senate for the American Overseas Research Center Program and commend the Department for its support of the Centers. However, the conferees are concerned that qualified applicants with high-capacity voice, video and data line connections to couple the facilities to each other and to satellite up-links. Funds will also be used for training of vocal, instrumental, and community college faculty.

The conferees encourage the Department to provide the amount suggested and to provide full consideration for potential applications. The conference agreement provides $929,752,000 as proposed by the Senate. The agreement includes a provision proposed by the House to reduce Pell Grant award levels below $3,000.

The conferees have included $1,000,000 instead of the $80,000,000 as proposed by the Senate and $50,000,000 as proposed by the House. Except as modified below, the conferees have reviewed and concur in the items identified in the House and Senate reports.

The funds provided, the conferees encourage the Department to conduct a competition for a project to document the educational readiness of at-risk children from birth to age six which could identify at-risk pregnant mothers who would be especially suited to document how different types of support systems promote the development and learning of young children.

The conferees have included in the House bill making available full and fair consideration to the potential applicants designated in the Senate report under the heading "Funding for the Improvement of Postsecondary Education". The conference agreement includes a provision proposed by the Senate for the American Overseas Research Center Program and commend the Department for its support of the Centers. However, the conferees are concerned that qualified applicants with high-capacity voice, video and data line connections to couple the facilities to each other and to satellite up-links. Funds will also be used for training of vocal, instrumental, and community college faculty.

The conferees encourage the Department to provide the amount suggested and to provide full consideration for potential applications. The conference agreement provides $929,752,000 as proposed by the Senate. The agreement includes a provision proposed by the House to reduce Pell Grant award levels below $3,000.
CONGRESSIONAL RECORD — HOUSE
H10239

these programs which will include multi-
disciplinary cultural programming that inte-
grates the arts and humanities with mathe-

matics and science.

With the funds provided for FIE, the con-
ferences have included $8,000,000 for a demo-
stration of public school facilities repair and
costs awarded to the Department of Education. Also included within the funds provided for FIE is $100,000 for a project in Montgomery County Penn-
sylvania to expand and install computer networking and telecommunications.

The conferences have included $500,000 for en-
hanced teacher training for longitudinal projects on “Children’s Development on Reading and Reading Problems” involving nine pub-
lic elementary schools in the District of Co-
lumbia. Such a project will focus upon re-
search and evaluation of critical success in learning to read and spell (phonemic awareness, alphabetic and orthographic knowledge, and comprehension strategy instruction) within a literature-rich envi-
ronment. The Teacher training component will include five activities; general coordina-
tion/training, generic teacher training, com-
prehensive teacher processes and curriculum-based assessments.

The conference agreement includes $26,000,000 for comprehensive school reforms instead of $50,000,000 proposed by the House and no funding proposed by the Senate. The agreement also provides for extended availability of $5,000,000.

The conferences direct that the $25,000,000 be awarded by the Secretary of Education to SEAs for grants to LEAs, to be used in con-
junction with $120,000,000 provided under title I. These funds shall be allocated based on each state’s relative share of the school-age (ages 5-17) population to SEAs, upon ap-
lication. The Secretary, except that the Secretary may utilize other reasonable cri-
teria to determine state allocations. In cases where a SEA declines to apply for its for-
mula-based allocation, the Secretary shall reallocate the funds to other states that have a need for additional funds to imple-
ment comprehensive school reform pro-
grams. The Secretary may reserve up to one percent of the funds for grants to Indian schools and the territories, and up to one percent of the funds, that combined with the $25,000,000, shall be used for national evaluation activities.

The conferences intend that schools receiving financial assistance under this act de-
velop or develop comprehensive school reform approaches that meet the criteria outlined under title I—demonstration of innovative practices, financial requirements for LEA applications under title I—demonstration of innovative practices also apply, except that any school within an LEA may be eligible for the LEA’s application for

financial assistance provided under this ac-
count. The conferences further agree that the Secretary shall administer the comprehen-
sive school reform program as a unified pro-

gram, and that each SEA and LEA may de-
velop a consolidated application for funds provided under both this and the title I ac-
count.

In awarding competitive grants to LEAs using FIE funds, the conferences direct SEAs to make awards that are of sufficient size and scope to support the initial start-up costs for the particular comprehensive re-
form plan selected or designed by the schools identified in the LEA application, but that are not less than $50,000 per school and re-
newable for two additional years after the initial award. The conferences encourage SEAs to award grants to LEAs in different parts of the state, including rural commu-
nitites, and to LEAs proposing to serve schools at different grade levels (elementary/middle/high school), and to LEAs that dem-

onstrate a commitment to assisting schools with budget reallocation strategies nec-

essary to ensure that comprehensive school reforms are properly imple-
mented and sustained in the future. SEAs may reserve up to five percent of these funds for administra-
tive, evaluation and technical assistance ex-
penses, to enhance LEAs’ ability to imple-
ment LEAs and schools about research-based comprehensive school reform approaches.

The conferences have also included $1,000,000 that the department shall use to iden-
tify research-based approaches to com-
prehensive school reforms that show the most promise of meeting the objectives of this initiative, and disseminate that infor-
mation to SEAs, LEAs, and schools so that they can make informed choices about what strategies will work best in their commu-
nitites. In identifying such approaches, the Department shall consult with outside ex-

perts in disciplines relevant to school-wide transformation, which may include effective teaching and learning methods, child de-
velopment, assessment, school finance, school organization and management, and evalua-
tion, and strategies are based on reliable research and effective practices. The Department shall report to the appro-
priate congressional committees on the process and criteria used to determine

whether such approaches are based on rigor-

ous, reliable research and effective practices.

The conference agreement includes $40,000,000 for 21st Century Community Learning Centers, instead of $50,000,000 as proposed by the House and $1,000,000 as pro-
posed by the Senate. The conferences agree that the 21st Century Community Learning Centers program presents an excellent oppor-
tunity to engage at-risk young people pro-
ducient success and spending during their non-school hours. The conferences urge the Department of Education and the Cor-
nexion for National and Community Serv-

erice to seek ways to use volunteers to help in the process of identifying and developing a cadre of local community volunteers to maximize and leverage community resources to the fullest extent.

For Eisenhower professional development in Indian national activities, the conferences provide $23,300,000 in lieu of the $21,000,000 as pro-
posed by the House. The conferences have agreed that the Eisenhower Professional Development Centers are critical to success in learning to read and spell (phonemic awareness, alphabetic and orthographic knowledge, and comprehension strategy instruction) within a literature-rich envi-
ronment. Such a project will focus upon re-

search-based components critical to success in learning to read and spell (phonemic awareness, alphabetic and orthographic knowledge, and comprehension strategy instruction) within a literature-rich envi-
ronment. The Teacher training component will involve five activities; general coordina-
tion/training, generic teacher training, com-
prehensive teacher processes and curriculum-based assessments.

The conference agreement provides $1,000,000,000 for the Institute of Museum and Library Services instead of $1,342,000 as pro-
posed by the Senate. The conferences provide $1,000,000 that the department shall use to

provide $1,100,000 for the Millennium 2000

Recognition Week. The conferences endorse the language outlined in the Senate report regarding research-based improvements to Safe and Drug Free Schools and Communi-


DEFINITION OF ELIGIBLE LENDERS

The conference agreement deletes two provisions proposed by the House and not in-
cluded in the Senate bill to clarify the defi-
nition of “eligible lender” for the purposes of the Federal Family Education Loan pro-

gram.

STUDENT LOAN GUARANTY AGENCY RESERVE RECAPTURE

The conference agreement provides for the recapture of $828,000,000 in student loan guaran-

ty agency reserves previously held by the Higher Education Assistance Fund.

SCHOOL VIOLENCE

The conferrenes have deleted Section 305 of the Senate bill without prejudice. The con-
ferences have indicated in this Statement that funds for elementary and secondary school

witnesses and victims of violence is included in Safe and Drug Free Schools and Commu-
nities National Programs.

SCHOOL VIOLENCE HOTLINES

The agreement deletes Section 306 of the Senate bill without prejudice. The confer-
ences have included funding for school violence hotlines in Safe and Drug Free Schools and Communities National Programs.

80% OF FUNDS TO LOCAL SCHOOLS

The conference agreement deletes section 307 as proposed by the Senate regarding cer-

ification from the Department of Education that 95 percent of the funds provided be used di-
rectly for teachers and students. The House bill contained no similar provision.

The conference directs the Secretary of Educa-
tion to provide to the Committee on Labor

and Human Resources Committee on Educa-
tion and the Workforce, and the House

and Senate Committees on Appropriations...
by April 1, 1998, a certification that not less than 95 percent of the amount appropriated to the Department of Education is being used directly for teachers and students. If the Secretary determines that less than 95 percent of such amount is being used directly for teachers and students, the Secretary shall certify the percentage of such amount that is being used for this purpose.

**SMALLER CLASS SIZE**

The conference agreement deletes section 308 as proposed by the Senate requiring the Secretary of Education to conduct a study regarding smaller class sizes. The House bill contained no similar provision.

The conferees direct the Secretary to conduct a study examining the economic, educational, and social costs of the increase in enrollment of secondary school students during the period 1998-2003, the creation of smaller class sizes for students enrolled in grades 1 through 3, and the increase in enrollments in relation to the creation of smaller class sizes. The study should also include the cost to state and local school districts. The conferees further direct the Secretary to report to the Congress within 9 months of enactment of this Act. This report should include recommendations regarding what steps, if any, the Federal Government can do to address the issue of increased enrollments of secondary school students and the need for smaller class sizes in grades 1 through 3.

**PELL GRANTS**

The conference agreement deletes a provision proposed by the Senate and not included in the House bill expressing the sense of the Senate regarding Pell Grants.

**TITLE IV—RELATED AGENCIES**

**ARMED FORCES RETIREMENT HOME**

The conference agreement provides $68,669,000 for the Armed Forces Retirement Home instead of the $70,277,000 as proposed by the Senate. The conference agreement includes a provision not contained in the House or Senate bills which permits the Armed Forces Retirement Home to contract for planned renovation activities specified in the budget request. Due to budgetary constraints, the conferees have not included the full amount requested in the Senate bill but have provided legislative authority to the Home to contract for the completion of the requested capital activities pending future appropriations.

**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

**DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES**

The conference agreement provides $256,604,000 for the Domestic Volunteer Service programs instead of $227,547,000 as proposed by the House and $232,604,000 as proposed by the Senate.

**FEDERAL MEDIATION AND CONCILIATION SERVICE**

**SALARIES AND EXPENSES**

The conference agreement includes the citation for the Federal Mediation and Conciliation Service proposed by the House.

**NATIONAL MEDIATION BOARD**

**SALARIES AND EXPENSES**

The conference agreement includes $8,600,000 as proposed by the Senate instead of $8,400,000 as proposed by the House.

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

**SALARIES AND EXPENSES**

The conference agreement provides $7,900,000 for the Occupational Safety and Health Review Commission as proposed by the Senate.

**MEDICARE PAYMENT ADVISORY COMMISSION**

**SALARIES AND EXPENSES**

The conference agreement provides $7,015,000 for the consolidated Medicare Payment Advisory Commission. The House bill provided $3,258,000 for the Physician Payment Review Commission and $3,257,000 for the Prospective Payment Assessment Commission. The Senate bill provided $3,908,000 for the Physician Payment Review Commission and $3,507,000 for the Prospective Payment Assessment Commission. The Prospective Payment Review Commission and the Physician Review Commission were consolidated into the Medicare Payment Advisory Commission pursuant to section 1805 of P.L. 105-33, the Budget Reconciliation Act for 1997.

**RAILROAD RETIREMENT BOARD**

**DUAL BENEFITS PAYMENTS ACCOUNT**

The conference agreement provides $193,500,000 for dual benefits payments as proposed by the Senate instead of $194,000,000 as proposed by the House.

**LIMITATION ON ADMINISTRATION**

The conference agreement includes a limitation on transfers from the railroad trust fund of $87,000,000 as proposed by the House and $85,728,000 as proposed by the Senate.

**LIMITATION ON THE OFFICE OF INSPECTOR GENERAL**

**OFFICE OF INSPECTOR GENERAL**

**INCLUDING TRANSFER OF FUNDS**

**DISTRIBUTION OF STERILE NEEDLES**

Both the House and Senate bills contained restrictions on the use of federal funds for the distribution of sterile needles for the injection of any illegal drug. The Conference report repeated language from previous appropriations bills allowing the Secretary to waive the prohibition if she determined that such programs are effective in preventing the spread of HIV, are not encouraging the use of illegal drugs, and do not increase the number of needles and syringes in communities. The conference agreement also includes bill language limiting the use of federal funds for sterile needle and syringe exchange projects during March 1998. After that date such projects may proceed if (1) the Secretary of Health and Human Services determines that exchange projects are effective in preventing the spread of HIV and do not encourage the use of illegal drugs; and (2) the project is operated in accordance with criteria established by the Office of National AIDS Policy and the Secretary's criteria for preventing the spread of HIV and for ensuring that the project does not encourage the use of illegal drugs. This provision is consistent with the goal of allowing the Secretary maximum authority to protect public health while not increasing the overall number of needles and syringes in communities.

With respect to the first criteria, the conferees expect the Secretary to make a determination based on a review of the relevant science. If the Secretary makes the necessary determination, the conferees expect the Secretary to require the chief public health officer of the State or political sub-division proposing to use federal funds for exchange projects to notify the Secretary that, at a minimum, all of the following conditions are met: (1) a program for preventing HIV transmission is operating in the community; (2) the State or local health officer has determined that an exchange project is likely to be an effective component of such a prevention program; (3) the exchange project provides referrals for drug abuse and for other appropriate health and social services; (4) such project provides information on reducing the risk of transmission of HIV; (5) the project is consistent with established standards for the disposal of hazardous medical waste; and (6) the State or
local health officer agrees that, as needs are identified by the Secretary, the officer will collaborate with federally supported programs of research and education that relate to exchanged tobacco settlement.

It is hoped that the delay in implementation of the provision with regard to exchange projects will allow the authorizing committees to complete their deliberations, review and evaluation of the scientific evidence, as well as any conditions proposed by the Secretary, and consider the need for legislation. The conferees believe that the intent of the conferences that the Appropriations Committees refrain from further restrictions on the Secretary’s authority over exchange after March 31, 1996.

The conference agreement inserts the word “the” before the word “Departments” in section 516 as proposed by the House.

The conference agreement deletes section S17 of the Senate bill that would have reduced salaries and expenses appropriations for all agencies in the bill by a total of $75,500,000 to be allocated by the Office of Management and Budget. The House had no similar provision.

The conference agreement deletes section S16 of the Senate bill which included a related provision. The conferees are aware that the U.S. District Court is currently supervising the election that U.S. attorneys pursuant to a consent decree between the IITF and the Department of Justice. This consent decree provided, in part, a Federal government option to order supervision of the 1996 election at the expense of the parties. The conferees believe that this provision will be partially borne by the university. The Department of Labor contribution is provided in this bill.

The conference agreement includes a general provision (section S16) proposed by the House regarding the use of funding under the Immigration Act for the election of officers of the International Brotherhood of Teamsters. The conference agreement deletes section 106 of the Senate bill which included a related provision. The conferees believe, however, that any national tobacco settlement should include a provision requiring public disclosure of all private attorneys’ fees paid by all parties in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related costs imposed by any federal tobacco settlement. Furthermore, the conferees recognize that the authorizing committees with jurisdiction over the implementing legislation should consider whether these matters should be debated and resolved during consideration of tobacco settlement implementing legislation. The conferees believe that the National Tobacco Settlement should include a provision requiring the disclosure of all private attorneys’ fees paid by all parties in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related costs imposed by any federal tobacco settlement. Furthermore, the conferees recognize that the authorizing committees with jurisdiction over the implementing legislation should consider whether these matters should be debated and resolved during consideration of tobacco settlement implementing legislation.

The conference agreement includes a general provision (section S16) proposed by the House regarding the use of funding under the Immigration Act for the election of officers of the International Brotherhood of Teamsters. The conference agreement deletes section 106 of the Senate bill which included a related provision. The conferees believe that this provision will be partially borne by the university. The Department of Labor contribution is provided in this bill.

The conference agreement includes a general provision (section S16) proposed by the House regarding the use of funding under the Immigration Act for the election of officers of the International Brotherhood of Teamsters. The conference agreement deletes section 106 of the Senate bill which included a related provision. The conferees believe that this provision will be partially borne by the university. The Department of Labor contribution is provided in this bill.
the White House, National Assessment Governing Board, the Committee on Education and the Workforce in the House of Representatives and the Committee on Labor and Human Services in the Senate, and the Committees on Appropriations in the House of Representatives and Senate not later than September 1, 1998.

The conferees encourage the National Assessment Governing Board and the National Academy of Sciences, in convening any advisory committees or expert panels needed to carry out the requirements of this Act, to take into account racial, ethnic and gender diversity and balance.

The conference agreement further provides that the federal government shall not require any state, local educational agency or school district to require any child, or any portion thereof, to take a pilot or field test in any subject or grade, or require any student to take any national test in any subject or grade. In addition, no federal, state or local educational agency or school district may require any pupil to attend an educational or disciplinary session outside of the school facilities initiative.

LIMITATION ON PENALTIES UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

The agreement deletes section 521 of the House bill limiting the penalties the Secretary of Education may impose on states not providing special education services to individuals 18 years or older who are incarcerated in adult state prisons.

ABORTION FUNDING RESTRICTION

Both the House and Senate bills contain a revised version of the Hyde amendment. This updated version clarifies the intent of that amendment, approved annually since 1976 by Congress. Since 1993 the Hyde amendment has prohibited federal funding of abortions in Medicaid and other programs operated by the Departments of Labor, Health and Human Services, and Education and Related Agencies appropriations bill, except when the relevant federal agency is notified that the pregnancy is due to rape or incest or that the mother's life would be endangered if the fetus were carried to term. A technical clarification is deemed necessary because many states are now arranging for delivery of health benefits through managed care, using federal funds to help pay for premiums for health benefits packages instead of suing them to reimburse for specific procedures after the fact. The words "managed care" in subsections 509(c) and 510(c) are intended to cover any arrangement that involves contracting for a package of health benefits, as opposed to providing reimbursement for specific procedures.

The intent of section 509 is to ensure that no federal funds are used to pay for abortions, or to contract with a provider or insurer for a package of health benefits that includes abortions, beyond those abortions specified in subsection 509(a). The amendment specifies that separate state, local, or private funds, other than Medicaid matching funds, to pay for abortions or to contract for abortion coverage, so long as such coverage is contracted for separately from the federally subsidized contract. It does not bar a state or locality from contracting separately with a managed care provider or insuring organization for abortions or abortion coverage for patients who use a federal program, so long as the State's or locality's contribution of Medicaid matching funds is not used for this purpose. Federal agencies or entities of the federal government shall not require any state, local educational agency or school district to require any student to take a pilot or field test developed under this Act without the written consent of the parents or legal guardians.

The conferees understand that the Administration will submit legislation for a revised school facilities initiative.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TITLE I - DEPARTMENT OF LABOR</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>EMPLOYMENT AND TRAINING ADMINISTRATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TRAINING AND EMPLOYMENT SERVICES (1)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants to States:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Training</td>
<td>895,000</td>
<td>1,063,990</td>
<td>1,042,990</td>
<td>955,000</td>
<td>965,000</td>
<td>+60,000</td>
<td>-87,990</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Youth Training</td>
<td>126,672</td>
<td>129,965</td>
<td>129,965</td>
<td>129,965</td>
<td>129,965</td>
<td>+3,293</td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Summer Youth Program (2)</td>
<td>871,000</td>
<td>871,000</td>
<td>871,000</td>
<td>871,000</td>
<td>871,000</td>
<td>---</td>
<td>---</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Dislocated Worker Assistance</td>
<td>1,286,200</td>
<td>1,350,510</td>
<td>1,350,510</td>
<td>1,350,510</td>
<td>1,350,510</td>
<td>+64,310</td>
<td>---</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Federally administered programs:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Native Americans</td>
<td>52,502</td>
<td>52,502</td>
<td>52,502</td>
<td>55,127</td>
<td>53,815</td>
<td>+1,313</td>
<td>+1,313</td>
<td>-1,312</td>
<td>D</td>
</tr>
<tr>
<td>Migrant and Seasonal Farmworkers</td>
<td>69,285</td>
<td>69,285</td>
<td>69,285</td>
<td>72,749</td>
<td>71,017</td>
<td>+1,732</td>
<td>+1,732</td>
<td>-1,732</td>
<td>D</td>
</tr>
<tr>
<td>Job Corps:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operations</td>
<td>1,064,824</td>
<td>1,127,726</td>
<td>1,127,726</td>
<td>1,127,726</td>
<td>1,127,726</td>
<td>+62,902</td>
<td>---</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Construction and Renovation (3)</td>
<td>88,685</td>
<td>118,491</td>
<td>118,491</td>
<td>118,491</td>
<td>118,491</td>
<td>+29,806</td>
<td>---</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Subtotal, Job Corps</td>
<td>1,153,509</td>
<td>1,246,217</td>
<td>1,246,217</td>
<td>1,246,217</td>
<td>1,246,217</td>
<td>+92,708</td>
<td>---</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Veterans' employment</td>
<td>7,300</td>
<td>7,300</td>
<td>7,300</td>
<td>7,300</td>
<td>7,300</td>
<td>---</td>
<td>---</td>
<td></td>
<td>D</td>
</tr>
</tbody>
</table>

(1) Forward funded except where noted.
(2) Current funded.
(3) 3 year availability.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Pilots and Demonstrations</td>
<td>27,140</td>
<td>23,717</td>
<td>42,500</td>
<td>83,000</td>
<td>65,717</td>
<td>+38,577</td>
<td>+23,217</td>
<td>-17,283</td>
</tr>
<tr>
<td>Research, Demos, evaluation</td>
<td>6,196</td>
<td>10,196</td>
<td>8,196</td>
<td>6,196</td>
<td>8,196</td>
<td>+2,000</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Opportunity Areas for Youth</td>
<td>---</td>
<td>250,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Opportunity Areas for Youth -- Advance, FY99</td>
<td>---</td>
<td>---</td>
<td>100,000</td>
<td>250,000</td>
<td>250,000</td>
<td>+250,000</td>
<td>+150,000</td>
<td>---</td>
</tr>
<tr>
<td>Other</td>
<td>13,489</td>
<td>10,489</td>
<td>13,489</td>
<td>16,489</td>
<td>17,489</td>
<td>+4,000</td>
<td>+4,000</td>
<td>+1,000 D</td>
</tr>
<tr>
<td>Subtotal, National activities</td>
<td>46,825</td>
<td>294,402</td>
<td>164,185</td>
<td>357,685</td>
<td>341,402</td>
<td>+294,577</td>
<td>+177,217</td>
<td>-16,283</td>
</tr>
<tr>
<td>Current Year: FY97/98</td>
<td>(46,825)</td>
<td>(294,402)</td>
<td>(64,185)</td>
<td>(107,685)</td>
<td>(91,402)</td>
<td>(+44,577)</td>
<td>(+27,217)</td>
<td>(-16,283)</td>
</tr>
<tr>
<td>FY98/99</td>
<td>---</td>
<td>---</td>
<td>(100,000)</td>
<td>(250,000)</td>
<td>(250,000)</td>
<td>(+250,000)</td>
<td>(+150,000)</td>
<td>---</td>
</tr>
<tr>
<td>Subtotal, Federal activities</td>
<td>1,329,421</td>
<td>1,669,706</td>
<td>1,539,489</td>
<td>1,739,078</td>
<td>1,719,751</td>
<td>+390,330</td>
<td>+180,262</td>
<td>-19,327</td>
</tr>
<tr>
<td>Current Year: FY97/98</td>
<td>(1,329,421)</td>
<td>(1,669,706)</td>
<td>(1,439,489)</td>
<td>(1,489,078)</td>
<td>(1,469,751)</td>
<td>(+140,330)</td>
<td>(+30,262)</td>
<td>(-19,327)</td>
</tr>
<tr>
<td>FY98/99</td>
<td>---</td>
<td>---</td>
<td>(100,000)</td>
<td>(250,000)</td>
<td>(250,000)</td>
<td>(+250,000)</td>
<td>(+150,000)</td>
<td>---</td>
</tr>
<tr>
<td>Total, Job Training Partnership Act</td>
<td>4,508,293</td>
<td>5,085,171</td>
<td>4,933,984</td>
<td>5,045,553</td>
<td>5,026,226</td>
<td>+517,933</td>
<td>+92,272</td>
<td>-19,327</td>
</tr>
<tr>
<td>Current Year: FY97/98</td>
<td>(4,508,293)</td>
<td>(5,085,171)</td>
<td>(4,833,954)</td>
<td>(4,796,553)</td>
<td>(4,776,226)</td>
<td>(+267,933)</td>
<td>(+57,728)</td>
<td>(-19,327)</td>
</tr>
<tr>
<td>FY98/99</td>
<td>---</td>
<td>---</td>
<td>(100,000)</td>
<td>(250,000)</td>
<td>(250,000)</td>
<td>(+250,000)</td>
<td>(+150,000)</td>
<td>---</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>----------</td>
<td>------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Women in Apprenticeship (1)</td>
<td>610</td>
<td>647</td>
<td>647</td>
<td>3,000</td>
<td>1,000</td>
<td>+390</td>
<td>+393</td>
<td>-2,000</td>
</tr>
<tr>
<td>Skills Standards</td>
<td>7,000</td>
<td>7,000</td>
<td>7,000</td>
<td>9,000</td>
<td>8,000</td>
<td>+1,000</td>
<td>+1,000</td>
<td>-1,000</td>
</tr>
<tr>
<td>Subtotal, National activities, TES</td>
<td>(64,436)</td>
<td>(302,049)</td>
<td>(171,832)</td>
<td>(369,588)</td>
<td>(350,402)</td>
<td>(+295,987)</td>
<td>(+178,570)</td>
<td>(-19,283)</td>
</tr>
<tr>
<td>School-to-Work (2)</td>
<td>200,000</td>
<td>200,000</td>
<td>200,000</td>
<td>200,000</td>
<td>200,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Homeless Veterans (1)</td>
<td>---</td>
<td>2,500</td>
<td>---</td>
<td>2,500</td>
<td>3,000</td>
<td>+3,000</td>
<td>+3,000</td>
<td>+500</td>
</tr>
<tr>
<td>Total, Training and Employment Services</td>
<td>4,716,003</td>
<td>5,285,318</td>
<td>5,141,601</td>
<td>5,260,053</td>
<td>5,238,226</td>
<td>+522,323</td>
<td>+95,626</td>
<td>-21,827</td>
</tr>
<tr>
<td>Current Year: FY97/98</td>
<td>(4,716,003)</td>
<td>(5,285,318)</td>
<td>(5,041,601)</td>
<td>(5,010,053)</td>
<td>(4,988,226)</td>
<td>(+272,323)</td>
<td>(-53,375)</td>
<td>(-21,827)</td>
</tr>
<tr>
<td>FY98/99</td>
<td>---</td>
<td>---</td>
<td>(100,000)</td>
<td>(250,000)</td>
<td>(250,000)</td>
<td>(+250,000)</td>
<td>(+150,000)</td>
<td>---</td>
</tr>
<tr>
<td>Subtotal, forward funded</td>
<td>(3,844,293)</td>
<td>(4,421,171)</td>
<td>(4,169,954)</td>
<td>(4,133,553)</td>
<td>(4,113,226)</td>
<td>(+268,933)</td>
<td>(-56,728)</td>
<td>(-20,327)</td>
</tr>
<tr>
<td>Community Serv. Employment Older Americans (3)</td>
<td>463,000</td>
<td>440,200</td>
<td>440,200</td>
<td>453,000</td>
<td>440,200</td>
<td>-22,800</td>
<td>---</td>
<td>-12,800</td>
</tr>
<tr>
<td>FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade Adjustment</td>
<td>276,100</td>
<td>304,700</td>
<td>304,700</td>
<td>304,700</td>
<td>304,700</td>
<td>+28,600</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>NAFTA Activities</td>
<td>48,400</td>
<td>44,300</td>
<td>44,300</td>
<td>44,300</td>
<td>44,300</td>
<td>-4,100</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Total</td>
<td>324,500</td>
<td>349,000</td>
<td>349,000</td>
<td>349,000</td>
<td>349,000</td>
<td>+24,500</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

(1) Current funded.
(2) 15-month forward funded availability.
(3) The budget request proposed transfer of this funding to the Administration on Aging.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unemployment Compensation (Trust Funds):</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Operations</td>
<td>(2,115,125)</td>
<td>(2,204,125)</td>
<td>(2,115,125)</td>
<td>(2,115,125)</td>
<td>(2,115,125)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>T£s</td>
</tr>
<tr>
<td>National Activities</td>
<td>(10,000)</td>
<td>(10,000)</td>
<td>(10,000)</td>
<td>(10,000)</td>
<td>(10,000)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>T£s</td>
</tr>
<tr>
<td>Year 2000 Computer conversion</td>
<td>---</td>
<td>(200,000)</td>
<td>(183,000)</td>
<td>(150,000)</td>
<td>(160,000)</td>
<td>(+160,000)</td>
<td>(-23,000)</td>
<td>(+10,000)</td>
<td>(+10,000)</td>
<td>(+10,000)</td>
<td>T£s</td>
</tr>
<tr>
<td>Advance for FY99</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>(-40,000)</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
<td>T£s</td>
</tr>
<tr>
<td>Contingency</td>
<td>(216,333)</td>
<td>(216,333)</td>
<td>(196,333)</td>
<td>(216,333)</td>
<td>(196,333)</td>
<td>(-20,000)</td>
<td>---</td>
<td>(-16,000)</td>
<td>---</td>
<td>---</td>
<td>T£s</td>
</tr>
<tr>
<td><strong>Subtotal, Unemployment Comp (trust funds)</strong></td>
<td>(2,341,458)</td>
<td>(2,630,458)</td>
<td>(2,504,458)</td>
<td>(2,487,458)</td>
<td>(2,521,458)</td>
<td>(+180,000)</td>
<td>(+17,000)</td>
<td>(+34,000)</td>
<td>(+17,000)</td>
<td>(+34,000)</td>
<td>T£s</td>
</tr>
<tr>
<td>Current year</td>
<td>(2,341,458)</td>
<td>(2,630,458)</td>
<td>(2,504,458)</td>
<td>(2,487,458)</td>
<td>(2,481,458)</td>
<td>(+140,000)</td>
<td>(-23,000)</td>
<td>(-6,000)</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>FY99</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>(40,000)</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
<td></td>
</tr>
<tr>
<td>Employment Service:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allotments to States:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>23,452</td>
<td>23,452</td>
<td>23,452</td>
<td>23,452</td>
<td>23,452</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Trust Funds</td>
<td>(738,283)</td>
<td>(738,283)</td>
<td>(738,283)</td>
<td>(738,283)</td>
<td>(738,283)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>T£s</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>761,735</td>
<td>761,735</td>
<td>761,735</td>
<td>761,735</td>
<td>761,735</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>National Activities:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust Funds (1)</td>
<td>(62,735)</td>
<td>(62,735)</td>
<td>(62,735)</td>
<td>(62,735)</td>
<td>(62,735)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>T£s</td>
</tr>
<tr>
<td><strong>Subtotal, Employment Service</strong></td>
<td>824,470</td>
<td>824,470</td>
<td>824,470</td>
<td>824,470</td>
<td>824,470</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>23,452</td>
<td>23,452</td>
<td>23,452</td>
<td>23,452</td>
<td>23,452</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>(801,018)</td>
<td>(801,018)</td>
<td>(801,018)</td>
<td>(801,018)</td>
<td>(801,018)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
</tbody>
</table>

(1) Includes $20 million related to the Work Opportunity Tax Credit which is unauthorized for FY98.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>One Stop Career Centers</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Total, State Unemployment</td>
<td>3,315,928</td>
<td>3,604,928</td>
<td>3,478,928</td>
<td>3,461,928</td>
<td>3,485,928</td>
<td>+160,000</td>
<td>+17,000</td>
<td>+34,000</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>173,452</td>
<td>173,452</td>
<td>173,452</td>
<td>173,452</td>
<td>173,452</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Trust Funds</td>
<td>(3,142,476)</td>
<td>(3,431,476)</td>
<td>(3,305,476)</td>
<td>(3,288,476)</td>
<td>(3,322,476)</td>
<td>(+160,000)</td>
<td>(+17,000)</td>
<td>(+34,000)</td>
</tr>
<tr>
<td>Current year</td>
<td>(3,142,476)</td>
<td>(3,431,476)</td>
<td>(3,305,476)</td>
<td>(3,288,476)</td>
<td>(3,282,476)</td>
<td>(+140,000)</td>
<td>(-23,000)</td>
<td>(-6,000)</td>
</tr>
<tr>
<td>FY99</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>(40,000)</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
</tr>
<tr>
<td>Advances to the UI and Other Trust Funds (1)</td>
<td>373,000</td>
<td>392,000</td>
<td>392,000</td>
<td>392,000</td>
<td>392,000</td>
<td>+19,000</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

(1) Two year availability.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PROGRAM ADMINISTRATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Employment and Training</td>
<td>25,842</td>
<td>26,486</td>
<td>26,100</td>
<td>26,100</td>
<td>26,100</td>
<td>(+258)</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Trust Funds</td>
<td>(2,237)</td>
<td>(2,331)</td>
<td>(2,259)</td>
<td>(2,259)</td>
<td>(2,259)</td>
<td>(+22)</td>
<td>---</td>
<td>---</td>
<td>TF*</td>
</tr>
<tr>
<td>Youth Employment and Training</td>
<td>29,607</td>
<td>31,871</td>
<td>29,903</td>
<td>29,903</td>
<td>29,903</td>
<td>(+296)</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Employment Security</td>
<td>6,081</td>
<td>4,601</td>
<td>6,142</td>
<td>6,142</td>
<td>6,142</td>
<td>(+61)</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Trust Funds</td>
<td>(37,324)</td>
<td>(39,807)</td>
<td>(37,697)</td>
<td>(37,697)</td>
<td>(37,697)</td>
<td>(+373)</td>
<td>---</td>
<td>---</td>
<td>TF*</td>
</tr>
<tr>
<td>Apprenticeship Services</td>
<td>16,271</td>
<td>17,367</td>
<td>16,434</td>
<td>16,434</td>
<td>16,434</td>
<td>(+163)</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Executive Direction</td>
<td>5,672</td>
<td>5,889</td>
<td>5,729</td>
<td>5,729</td>
<td>5,729</td>
<td>(+57)</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Trust Funds</td>
<td>(1,310)</td>
<td>(1,291)</td>
<td>(1,329)</td>
<td>(1,329)</td>
<td>(1,329)</td>
<td>(+13)</td>
<td>---</td>
<td>---</td>
<td>TF*</td>
</tr>
<tr>
<td>Welfare to Work</td>
<td>---</td>
<td>6,200</td>
<td>---</td>
<td>4,000</td>
<td>6,000</td>
<td>+6,000</td>
<td>+6,000</td>
<td>+2,000</td>
<td>D</td>
</tr>
<tr>
<td><strong>Subtotal, Program Admin</strong></td>
<td>124,350</td>
<td>135,843</td>
<td>126,593</td>
<td>126,593</td>
<td>131,593</td>
<td>+7,243</td>
<td>+6,000</td>
<td>+2,000</td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>83,473</td>
<td>92,414</td>
<td>84,308</td>
<td>88,308</td>
<td>90,308</td>
<td>+6,835</td>
<td>+6,000</td>
<td>+2,000</td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>(40,877)</td>
<td>(43,429)</td>
<td>(41,285)</td>
<td>(41,285)</td>
<td>(41,285)</td>
<td>(+408)</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, Employment &amp;</strong></td>
<td>9,316,681</td>
<td>10,217,289</td>
<td>9,927,322</td>
<td>10,045,574</td>
<td>10,046,947</td>
<td>+730,266</td>
<td>+119,625</td>
<td>+1,373</td>
<td></td>
</tr>
<tr>
<td><strong>Training Administration</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>6,133,328</td>
<td>6,742,384</td>
<td>6,580,561</td>
<td>6,715,813</td>
<td>6,683,186</td>
<td>+549,658</td>
<td>+102,625</td>
<td>+32,627</td>
<td></td>
</tr>
<tr>
<td>Current Year: <strong>FY97/98</strong></td>
<td>(6,133,328)</td>
<td>(6,742,384)</td>
<td>(6,480,561)</td>
<td>(6,465,813)</td>
<td>(6,433,186)</td>
<td>(+299,658)</td>
<td>(+47,375)</td>
<td>(-32,627)</td>
<td></td>
</tr>
<tr>
<td>FY98/99</td>
<td>---</td>
<td>---</td>
<td>(100,000)</td>
<td>(250,000)</td>
<td>(250,000)</td>
<td>(+250,000)</td>
<td>(+150,000)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>(3,183,353)</td>
<td>(3,474,905)</td>
<td>(3,346,761)</td>
<td>(3,329,761)</td>
<td>(3,363,761)</td>
<td>(+160,408)</td>
<td>(+17,000)</td>
<td>(+34,000)</td>
<td></td>
</tr>
<tr>
<td>Current Year: <strong>FY97/98</strong></td>
<td>(3,183,353)</td>
<td>(3,474,905)</td>
<td>(3,346,761)</td>
<td>(3,329,761)</td>
<td>(3,323,761)</td>
<td>(+140,408)</td>
<td>(+23,000)</td>
<td>(-6,000)</td>
<td></td>
</tr>
<tr>
<td>FY98/99</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>(40,000)</td>
<td>(40,000)</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-------------------</td>
<td>-----------------</td>
<td>--------</td>
<td>--------</td>
<td>------------</td>
<td>------------------------------------------</td>
<td>----------------</td>
<td>----------------</td>
<td>------------------</td>
</tr>
<tr>
<td>PENSION AND WELFARE BENEFITS ADMINISTRATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enforcement and Compliance</td>
<td>61,476</td>
<td>67,463</td>
<td>66,100</td>
<td>66,100</td>
<td>66,100</td>
<td>+4,624</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Policy, Regulation and Public Service</td>
<td>11,781</td>
<td>13,158</td>
<td>12,281</td>
<td>12,281</td>
<td>12,281</td>
<td>+500</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Program Oversight</td>
<td>3,583</td>
<td>3,686</td>
<td>3,619</td>
<td>3,619</td>
<td>3,619</td>
<td>+36</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Subtotal, PWEA</td>
<td>76,840</td>
<td>84,307</td>
<td>82,000</td>
<td>82,000</td>
<td>82,000</td>
<td>+5,160</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>PENSION BENEFIT GUARANTY CORPORATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program Administration subject to limitation (TF) (1)</td>
<td>(10,330)</td>
<td>(10,625)</td>
<td>(10,433)</td>
<td>(10,433)</td>
<td>(10,433)</td>
<td>(+103)</td>
<td>---</td>
<td>---</td>
<td>TF</td>
</tr>
<tr>
<td>Termination services not subject to limitation (NA)</td>
<td>(125,338)</td>
<td>(137,376)</td>
<td>(137,376)</td>
<td>(137,376)</td>
<td>(137,376)</td>
<td>(+12,038)</td>
<td>---</td>
<td>---</td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, PBGC new BA</td>
<td>(10,330)</td>
<td>(10,625)</td>
<td>(10,433)</td>
<td>(10,433)</td>
<td>(10,433)</td>
<td>(+103)</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Subtotal, PBGC (Program level)</td>
<td>(135,668)</td>
<td>(148,001)</td>
<td>(147,809)</td>
<td>(147,809)</td>
<td>(147,809)</td>
<td>(+12,141)</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

(1) This limitation is scored as BA in FY98; see scorekeeping summary.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Enforcement of Wage and Hour Standards</td>
<td>117,904</td>
<td>124,505</td>
<td>121,213</td>
<td>121,213</td>
<td>121,213</td>
<td>+3,309</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Office of Labor-Management Standards</td>
<td>25,489</td>
<td>26,382</td>
<td>26,709</td>
<td>26,709</td>
<td>26,709</td>
<td>+1,220</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Federal Contractor EEO Standards Enforcement</td>
<td>58,972</td>
<td>68,728</td>
<td>60,618</td>
<td>62,271</td>
<td>62,271</td>
<td>+3,299</td>
<td>+1,653</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Federal Programs for Workers' Compensation</td>
<td>76,670</td>
<td>81,199</td>
<td>77,783</td>
<td>77,783</td>
<td>77,783</td>
<td>+2,113</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Trust Funds (1)</td>
<td>(983)</td>
<td>(1,760)</td>
<td>(993)</td>
<td>(993)</td>
<td>(993)</td>
<td>(+10)</td>
<td>---</td>
<td>---</td>
<td>TF</td>
</tr>
<tr>
<td>Program Direction and Support</td>
<td>11,386</td>
<td>11,629</td>
<td>11,684</td>
<td>11,684</td>
<td>11,684</td>
<td>+318</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td><strong>Subtotal, ESA salaries and expenses</strong></td>
<td><strong>290,384</strong></td>
<td><strong>314,203</strong></td>
<td><strong>299,000</strong></td>
<td><strong>300,653</strong></td>
<td><strong>300,653</strong></td>
<td><strong>+10,269</strong></td>
<td><strong>+1,653</strong></td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Federal funds</td>
<td>289,401</td>
<td>312,443</td>
<td>298,007</td>
<td>299,660</td>
<td>299,660</td>
<td><strong>+10,259</strong></td>
<td><strong>+1,653</strong></td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Trust funds</td>
<td>(983)</td>
<td>(1,760)</td>
<td>(993)</td>
<td>(993)</td>
<td>(993)</td>
<td>(+10)</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>SPECIAL BENEFITS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal employees compensation benefits</td>
<td>208,000</td>
<td>197,000</td>
<td>197,000</td>
<td>197,000</td>
<td>197,000</td>
<td>-12,000</td>
<td>---</td>
<td>---</td>
<td>M</td>
</tr>
<tr>
<td>Longshore and harbor workers' benefits</td>
<td>4,000</td>
<td>4,000</td>
<td>4,000</td>
<td>4,000</td>
<td>4,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>M</td>
</tr>
<tr>
<td><strong>Subtotal, Special Benefits</strong></td>
<td><strong>213,000</strong></td>
<td><strong>211,000</strong></td>
<td><strong>211,000</strong></td>
<td><strong>211,000</strong></td>
<td><strong>211,000</strong></td>
<td><strong>-12,000</strong></td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

(1) This limitation is scored as BA in FY98; see scorekeeping summary.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BLACK LUNG DISABILITY TRUST FUND</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benefit payments and interest on advances</td>
<td>961,665</td>
<td>960,650</td>
<td>960,650</td>
<td>960,650</td>
<td>960,650</td>
<td>-1,015</td>
<td>---</td>
</tr>
<tr>
<td>Employment Standards Adm. S&amp;E</td>
<td>26,053</td>
<td>26,147</td>
<td>26,147</td>
<td>26,147</td>
<td>26,147</td>
<td>+94</td>
<td>---</td>
</tr>
<tr>
<td>Departmental Management S&amp;E</td>
<td>19,621</td>
<td>19,551</td>
<td>19,551</td>
<td>19,551</td>
<td>19,551</td>
<td>-70</td>
<td>---</td>
</tr>
<tr>
<td>Departmental Management, Inspector General</td>
<td>287</td>
<td>296</td>
<td>296</td>
<td>296</td>
<td>296</td>
<td>+9</td>
<td>---</td>
</tr>
<tr>
<td><strong>Subtotal, Black Lung Disability, Trust Fund, appr</strong></td>
<td>1,007,626</td>
<td>1,006,644</td>
<td>1,006,644</td>
<td>1,006,644</td>
<td>1,006,644</td>
<td>-982</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, Black Lung Disability Trust Fund</strong></td>
<td>1,007,982</td>
<td>1,007,000</td>
<td>1,007,000</td>
<td>1,007,000</td>
<td>1,007,000</td>
<td>-982</td>
<td>---</td>
</tr>
<tr>
<td>Total, Employment Standards Administration</td>
<td>1,511,366</td>
<td>1,522,203</td>
<td>1,507,000</td>
<td>1,508,653</td>
<td>1,508,653</td>
<td>-2,713</td>
<td>+1,653</td>
</tr>
<tr>
<td>Federal funds</td>
<td>1,510,383</td>
<td>1,520,443</td>
<td>1,506,007</td>
<td>1,507,660</td>
<td>1,507,660</td>
<td>-2,723</td>
<td>+1,653</td>
</tr>
<tr>
<td>Trust funds</td>
<td>(983)</td>
<td>(1,760)</td>
<td>(993)</td>
<td>(993)</td>
<td>(993)</td>
<td>(+10)</td>
<td>---</td>
</tr>
</tbody>
</table>

**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

**SALARIES AND EXPENSES**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety and Health Standards</td>
<td>11,971</td>
<td>12,866</td>
<td>12,091</td>
<td>12,091</td>
<td>12,091</td>
<td>+120</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Federal Enforcement</td>
<td>125,907</td>
<td>135,689</td>
<td>127,166</td>
<td>130,606</td>
<td>128,886</td>
<td>+2,979</td>
<td>+1,720</td>
<td>-1,720</td>
</tr>
<tr>
<td>State Enforcement Programs</td>
<td>77,169</td>
<td>79,175</td>
<td>77,941</td>
<td>77,941</td>
<td>77,941</td>
<td>+772</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Technical Support</td>
<td>17,417</td>
<td>17,617</td>
<td>17,591</td>
<td>17,591</td>
<td>17,591</td>
<td>+174</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Compliance Assistance: Federal Assistance</td>
<td>37,351</td>
<td>46,285</td>
<td>45,725</td>
<td>41,734</td>
<td>43,729</td>
<td>+6,378</td>
<td>-1,996</td>
<td>+1,995</td>
</tr>
<tr>
<td>State Consultation Grants</td>
<td>34,477</td>
<td>35,373</td>
<td>34,822</td>
<td>35,373</td>
<td>35,373</td>
<td>+896</td>
<td>+551</td>
<td>---</td>
</tr>
<tr>
<td>Safety and Health Statistics</td>
<td>14,142</td>
<td>14,460</td>
<td>14,283</td>
<td>14,283</td>
<td>14,283</td>
<td>+141</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Executive Direction and Administration</td>
<td>6,521</td>
<td>6,640</td>
<td>6,586</td>
<td>6,586</td>
<td>6,586</td>
<td>+65</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td><strong>Total, OSHA</strong></td>
<td>324,955</td>
<td>347,805</td>
<td>336,205</td>
<td>336,205</td>
<td>336,480</td>
<td>+11,525</td>
<td>+275</td>
<td>+275</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-------------------</td>
<td>----------------</td>
<td>-------</td>
<td>-------</td>
<td>------------</td>
<td>---------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>Coal Enforcement</td>
<td>106,993</td>
<td>107,419</td>
<td>108,063</td>
<td>107,419</td>
<td>107,419</td>
<td>+426</td>
<td>-644</td>
<td>---</td>
</tr>
<tr>
<td>Metal/Non-Metal Enforcement</td>
<td>41,994</td>
<td>44,315</td>
<td>42,414</td>
<td>44,315</td>
<td>43,681</td>
<td>+1,687</td>
<td>+1,267</td>
<td>-634</td>
</tr>
<tr>
<td>Standards Development</td>
<td>1,008</td>
<td>1,426</td>
<td>1,018</td>
<td>1,426</td>
<td>1,290</td>
<td>+282</td>
<td>+272</td>
<td>-136</td>
</tr>
<tr>
<td>Assessments</td>
<td>3,497</td>
<td>3,578</td>
<td>3,532</td>
<td>3,578</td>
<td>3,555</td>
<td>+58</td>
<td>+23</td>
<td>-23</td>
</tr>
<tr>
<td>Educational Policy and Development</td>
<td>14,782</td>
<td>14,834</td>
<td>14,920</td>
<td>14,834</td>
<td>14,834</td>
<td>+52</td>
<td>-96</td>
<td>---</td>
</tr>
<tr>
<td>Technical Support</td>
<td>21,268</td>
<td>24,870</td>
<td>21,481</td>
<td>24,870</td>
<td>23,740</td>
<td>+2,472</td>
<td>+2,259</td>
<td>-1,130 D</td>
</tr>
<tr>
<td>Program Administration</td>
<td>7,645</td>
<td>9,362</td>
<td>7,721</td>
<td>9,362</td>
<td>8,815</td>
<td>+1,170</td>
<td>+1,094</td>
<td>-547</td>
</tr>
<tr>
<td>Total, Mine Safety and Health Admin...</td>
<td>197,187</td>
<td>205,804</td>
<td>199,159</td>
<td>205,804</td>
<td>203,334</td>
<td>+6,147</td>
<td>+4,178</td>
<td>-2,470</td>
</tr>
</tbody>
</table>

| BUREAU OF LABOR STATISTICS             |                   |                |       |       |            |         |       |       |                      |         |
| SALARIES AND EXPENSES                  |                   |                |       |       |            |         |       |       |                      |         |
| Employment and Unemployment Statistics | 102,169           | 109,955        | 109,955 | 106,415 | 110,955    | +8,786  | +1,000 | +4,540 D                 |
| Labor Market Information (Trust Funds) | (52,053)          | (52,848)       | (52,848) | (52,574) | (52,848)   | (+795)  | ---   | (+274) TF#                            |
| Prices and Cost of Living              | 100,134           | 107,028        | 106,028 | 107,028 | 107,028    | +6,894  | -1,000 | --- D                             |
| Compensation and Working Conditions    | 56,834            | 58,909         | 58,909  | 57,402  | 58,909     | +2,075  | ---   | +1,507 D                           |
| Productivity and Technology            | 7,263             | 7,248          | 7,248  | 7,336  | 7,248      | -15     | ---   | -88 D                             |
| Economic Growth and Employment Proje... | 4,640             | 4,728          | 4,728  | 4,686  | 4,728      | +88     | ---   | +42 D                             |
| Executive Direction and Staff Services | 21,584            | 23,311         | 23,311  | 21,800  | 23,311     | +1,727  | ---   | +1,511 D                           |
| Consumer Price Index Revision (1)      | 16,145            | 16,430         | 15,430  | 15,430  | 15,430     | -715    | ---   | --- D                             |
| Federal Funds                          | 308,769           | 326,609        | 327,609 | 320,097 | 327,609    | +18,840 | ---   | +7,512 D                           |
| Trust Funds                            | (52,053)          | (52,848)       | (52,848) | (52,574) | (52,848)   | (+795)  | ---   | (+274) TF#                          |

(1) Two year availability.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Direction</td>
<td>20,029</td>
<td>19,714</td>
<td>18,209</td>
<td>19,714</td>
<td>18,962</td>
<td>-1,067</td>
<td>+753</td>
<td>-752</td>
<td>D</td>
</tr>
<tr>
<td>Legal Services</td>
<td>59,911</td>
<td>64,813</td>
<td>64,813</td>
<td>64,813</td>
<td>64,813</td>
<td>+4,902</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Trust Funds</td>
<td>(297)</td>
<td>(282)</td>
<td>(282)</td>
<td>(282)</td>
<td>(282)</td>
<td>(-15)</td>
<td>---</td>
<td>---</td>
<td>TF#</td>
</tr>
<tr>
<td>International Labor Affairs</td>
<td>9,485</td>
<td>11,095</td>
<td>13,095</td>
<td>11,095</td>
<td>12,095</td>
<td>+2,630</td>
<td>-1,000</td>
<td>+1,000</td>
<td>D</td>
</tr>
<tr>
<td>Administration and Management</td>
<td>13,904</td>
<td>14,259</td>
<td>14,043</td>
<td>14,259</td>
<td>14,151</td>
<td>+247</td>
<td>+108</td>
<td>-108</td>
<td>D</td>
</tr>
<tr>
<td>Adjudication</td>
<td>20,483</td>
<td>20,979</td>
<td>20,688</td>
<td>20,688</td>
<td>20,688</td>
<td>+205</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Promoting Employment of People with Disabilities</td>
<td>4,358</td>
<td>4,439</td>
<td>4,402</td>
<td>4,439</td>
<td>4,421</td>
<td>+63</td>
<td>+19</td>
<td>-18</td>
<td>D</td>
</tr>
<tr>
<td>Women's Bureau</td>
<td>7,743</td>
<td>7,569</td>
<td>7,569</td>
<td>7,743</td>
<td>7,743</td>
<td>---</td>
<td>+174</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Civil Rights Activities</td>
<td>4,535</td>
<td>4,589</td>
<td>4,580</td>
<td>4,580</td>
<td>4,580</td>
<td>+45</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Chief Financial Officer</td>
<td>4,394</td>
<td>4,930</td>
<td>4,800</td>
<td>4,800</td>
<td>4,800</td>
<td>+406</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Total, Salaries and expenses</td>
<td>145,119</td>
<td>152,678</td>
<td>152,481</td>
<td>152,413</td>
<td>152,535</td>
<td>+7,416</td>
<td>+54</td>
<td>+122</td>
<td>D</td>
</tr>
<tr>
<td>Federal funds</td>
<td>144,822</td>
<td>152,396</td>
<td>152,199</td>
<td>152,131</td>
<td>152,253</td>
<td>+7,431</td>
<td>+54</td>
<td>+122</td>
<td>D</td>
</tr>
<tr>
<td>Trust funds</td>
<td>(297)</td>
<td>(282)</td>
<td>(282)</td>
<td>(282)</td>
<td>(282)</td>
<td>(-15)</td>
<td>---</td>
<td>---</td>
<td>TF#</td>
</tr>
<tr>
<td>VETERANS EMPLOYMENT AND TRAINING</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Administration:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disabled Veterans Outreach Program</td>
<td>(81,993)</td>
<td>(80,040)</td>
<td>(80,040)</td>
<td>(80,040)</td>
<td>(80,040)</td>
<td>(-1,953)</td>
<td>---</td>
<td>---</td>
<td>TF#</td>
</tr>
<tr>
<td>Local Veterans Employment Program</td>
<td>(75,125)</td>
<td>(77,078)</td>
<td>(77,078)</td>
<td>(77,078)</td>
<td>(77,078)</td>
<td>(+1,953)</td>
<td>---</td>
<td>---</td>
<td>TF#</td>
</tr>
<tr>
<td>Subtotal, State Administration</td>
<td>(157,118)</td>
<td>(157,118)</td>
<td>(157,118)</td>
<td>(157,118)</td>
<td>(157,118)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Federal Administration</td>
<td>(22,733)</td>
<td>(22,837)</td>
<td>(24,837)</td>
<td>(22,837)</td>
<td>(24,837)</td>
<td>(+2,104)</td>
<td>---</td>
<td>(+2,000)</td>
<td>TF#</td>
</tr>
<tr>
<td>National Veterans Training Institute</td>
<td>(2,000)</td>
<td>(2,000)</td>
<td>(2,000)</td>
<td>(2,000)</td>
<td>(2,000)</td>
<td>(-2,000)</td>
<td>---</td>
<td>(-2,000)</td>
<td>TF#</td>
</tr>
<tr>
<td>Total, Veterans Employment &amp; Training (TF)</td>
<td>(181,851)</td>
<td>(181,955)</td>
<td>(181,955)</td>
<td>(181,955)</td>
<td>(181,955)</td>
<td>(+104)</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
<td>-------------------</td>
<td>--------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td><strong>OFFICE OF THE INSPECTOR GENERAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program Activities</td>
<td>37,480</td>
<td>37,345</td>
<td>36,345</td>
<td>37,345</td>
<td>36,845</td>
<td>-635</td>
<td>+500</td>
<td>-500</td>
<td></td>
</tr>
<tr>
<td>Trust Funds</td>
<td>(3,543)</td>
<td>(3,645)</td>
<td>(3,645)</td>
<td>(3,645)</td>
<td>(3,645)</td>
<td>(+102)</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Executive Direction and Management</td>
<td>5,958</td>
<td>5,760</td>
<td>5,760</td>
<td>5,760</td>
<td>5,760</td>
<td>-198</td>
<td>---</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Office of the Inspector General</strong></td>
<td>46,981</td>
<td>46,750</td>
<td>45,750</td>
<td>46,750</td>
<td>46,250</td>
<td>-731</td>
<td>+500</td>
<td>-500</td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>43,438</td>
<td>43,105</td>
<td>42,105</td>
<td>43,105</td>
<td>42,605</td>
<td>-833</td>
<td>+500</td>
<td>-500</td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>(3,543)</td>
<td>(3,645)</td>
<td>(3,645)</td>
<td>(3,645)</td>
<td>(3,645)</td>
<td>(+102)</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Departmental Management</strong></td>
<td>373,951</td>
<td>381,383</td>
<td>380,186</td>
<td>381,118</td>
<td>380,740</td>
<td>+6,789</td>
<td>+554</td>
<td>-378</td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>188,260</td>
<td>195,501</td>
<td>194,304</td>
<td>195,236</td>
<td>194,858</td>
<td>+6,598</td>
<td>+554</td>
<td>-378</td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>(185,691)</td>
<td>(185,882)</td>
<td>(185,882)</td>
<td>(185,882)</td>
<td>(185,882)</td>
<td>(+191)</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Labor Department</strong></td>
<td>12,172,132</td>
<td>13,148,873</td>
<td>12,822,762</td>
<td>12,942,458</td>
<td>12,949,044</td>
<td>+776,912</td>
<td>+126,282</td>
<td>+6,586</td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>8,739,722</td>
<td>9,422,853</td>
<td>9,225,845</td>
<td>9,362,815</td>
<td>9,335,127</td>
<td>+595,405</td>
<td>+109,282</td>
<td>-27,688</td>
<td></td>
</tr>
<tr>
<td>Current Year: FY97/98</td>
<td>(8,739,722)</td>
<td>(9,422,853)</td>
<td>(9,125,845)</td>
<td>(9,112,815)</td>
<td>(9,085,127)</td>
<td>(+345,405)</td>
<td>(-40,718)</td>
<td>(-27,688)</td>
<td></td>
</tr>
<tr>
<td>FY98/99</td>
<td>---</td>
<td>(100,000)</td>
<td>(250,000)</td>
<td>(250,000)</td>
<td>(250,000)</td>
<td>(+250,000)</td>
<td>(+150,000)</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>(3,432,410)</td>
<td>(3,726,020)</td>
<td>(3,596,917)</td>
<td>(3,579,643)</td>
<td>(3,613,917)</td>
<td>(+181,507)</td>
<td>(+17,000)</td>
<td>(+34,274)</td>
<td></td>
</tr>
<tr>
<td>Current Year: FY97/98</td>
<td>(3,432,410)</td>
<td>(3,726,020)</td>
<td>(3,596,917)</td>
<td>(3,579,643)</td>
<td>(3,573,917)</td>
<td>(+141,507)</td>
<td>(-23,000)</td>
<td>(-5,726)</td>
<td></td>
</tr>
<tr>
<td>FY98/99</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------</td>
<td>-------</td>
<td>-------</td>
<td>------------</td>
<td>--------------</td>
<td>--------</td>
<td>------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td><strong>TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>HEALTH RESOURCES AND SERVICES ADMINISTRATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>HEALTH RESOURCES AND SERVICES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consolidated health centers</td>
<td>802,009</td>
<td>809,868</td>
<td>826,000</td>
<td>826,000</td>
<td>826,000</td>
<td>+23,991</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>National Health Service Corps:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Field placements</td>
<td>37,244</td>
<td>37,244</td>
<td>37,244</td>
<td>37,244</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Recruitment</td>
<td>78,166</td>
<td>78,166</td>
<td>82,766</td>
<td>78,166</td>
<td>78,166</td>
<td>---</td>
<td>-4,590</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td><strong>Subtotal, National Health Service Corps</strong></td>
<td>115,410</td>
<td>115,410</td>
<td>120,000</td>
<td>115,410</td>
<td>115,410</td>
<td>---</td>
<td>-4,590</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

**Health Professions**

<p>| Grants to Communities for Scholarships | 532 | --- | 545 | --- | 534 | +2 | -11 | +534 | D |
| Health Professions data systems | 236 | --- | 241 | --- | 237 | +1 | -4 | +237 | D |
| Research on Health Professions issues | 450 | --- | 461 | --- | 452 | +2 | -9 | +452 | D |
| Nurse loan repayment for shortage area service | 2,197 | --- | 2,251 | --- | 2,205 | +8 | -46 | +2,205 | D |
| Workforce Development Cluster (proposed) | --- | 623 | --- | --- | --- | --- | --- | --- | D |
| Centers of excellence | 24,714 | --- | 27,300 | --- | 24,798 | +84 | -2,502 | +24,798 | D |
| Health careers opportunity program | 26,779 | --- | 30,000 | --- | 26,870 | +91 | -3,130 | +26,870 | D |
| Exceptional financial need scholarships | 11,332 | --- | 11,610 | --- | 11,371 | +39 | -239 | +11,371 | D |
| Faculty loan repayment | 1,061 | --- | 1,087 | --- | 1,065 | +4 | 62 | +1,065 | D |
| Fin. Assistance for disadvantaged HP students | 6,718 | --- | 6,883 | --- | 6,741 | +23 | -142 | +6,741 | D |
| Scholarships for disadvantaged students | 18,673 | --- | 21,100 | --- | 18,737 | +64 | -2,363 | +18,737 | D |
| Minority/Disadvantaged Cluster (proposed) | --- | 89,277 | --- | --- | --- | --- | --- | --- | D |
| Family medicine training/departments | 49,256 | --- | 50,464 | --- | 49,424 | +168 | -1,040 | +49,424 | D |
| General internal medicine and pediatrics | 17,618 | --- | 18,050 | --- | 17,678 | +60 | -372 | +17,678 | D |</p>
<table>
<thead>
<tr>
<th>Health Profession</th>
<th>FY 1997 Comparable</th>
<th>FY 1998 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 1997</th>
<th>Conference vs House</th>
<th>Conference vs Senate</th>
<th>Mand Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physician assistants</td>
<td>6,376</td>
<td>---</td>
<td>6,532</td>
<td>---</td>
<td>6,398</td>
<td>+22</td>
<td>-134</td>
<td>+6,398</td>
<td>D</td>
</tr>
<tr>
<td>Public health and preventive medicine</td>
<td>7,998</td>
<td>---</td>
<td>8,194</td>
<td>---</td>
<td>8,025</td>
<td>+27</td>
<td>-169</td>
<td>+8,025</td>
<td>D</td>
</tr>
<tr>
<td>Health administration traineeships/projects</td>
<td>1,095</td>
<td>---</td>
<td>1,122</td>
<td>---</td>
<td>1,099</td>
<td>+4</td>
<td>-23</td>
<td>+1,099</td>
<td>D</td>
</tr>
<tr>
<td>Primary Care Medicine &amp; Pub Health Cluster (proposed)</td>
<td>---</td>
<td>7,700</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Area health education centers</td>
<td>28,490</td>
<td>---</td>
<td>29,189</td>
<td>---</td>
<td>28,587</td>
<td>+97</td>
<td>-602</td>
<td>+28,587</td>
<td>D</td>
</tr>
<tr>
<td>Border health training centers</td>
<td>3,752</td>
<td>---</td>
<td>3,844</td>
<td>---</td>
<td>3,765</td>
<td>+13</td>
<td>-79</td>
<td>+3,765</td>
<td>D</td>
</tr>
<tr>
<td>General dentistry residencies</td>
<td>3,785</td>
<td>---</td>
<td>3,878</td>
<td>---</td>
<td>3,798</td>
<td>+13</td>
<td>-80</td>
<td>+3,798</td>
<td>D</td>
</tr>
<tr>
<td>Allied health special projects</td>
<td>3,832</td>
<td>---</td>
<td>3,926</td>
<td>---</td>
<td>3,845</td>
<td>+13</td>
<td>-81</td>
<td>+3,845</td>
<td>D</td>
</tr>
<tr>
<td>Geriatric education centers and training</td>
<td>8,881</td>
<td>---</td>
<td>9,099</td>
<td>---</td>
<td>8,911</td>
<td>+30</td>
<td>-188</td>
<td>+8,911</td>
<td>D</td>
</tr>
<tr>
<td>Rural interdisciplinary traineeships</td>
<td>4,153</td>
<td>---</td>
<td>4,255</td>
<td>---</td>
<td>4,167</td>
<td>+14</td>
<td>-88</td>
<td>+4,167</td>
<td>D</td>
</tr>
<tr>
<td>Podiatric medicine</td>
<td>677</td>
<td>---</td>
<td>694</td>
<td>---</td>
<td>679</td>
<td>+2</td>
<td>-15</td>
<td>+679</td>
<td>D</td>
</tr>
<tr>
<td>Chiropractic demonstration grants</td>
<td>1,025</td>
<td>---</td>
<td>1,050</td>
<td>---</td>
<td>1,029</td>
<td>+4</td>
<td>-21</td>
<td>+1,029</td>
<td>D</td>
</tr>
<tr>
<td>Enhanced Area Health Education Cluster (proposed)</td>
<td>---</td>
<td>24,700</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Advanced Nurse Education</td>
<td>12,467</td>
<td>---</td>
<td>12,773</td>
<td>---</td>
<td>12,510</td>
<td>+43</td>
<td>-263</td>
<td>+12,510</td>
<td>D</td>
</tr>
<tr>
<td>Nurse practitioners/nurse midwives</td>
<td>17,586</td>
<td>---</td>
<td>18,017</td>
<td>---</td>
<td>17,646</td>
<td>+60</td>
<td>-371</td>
<td>+17,646</td>
<td>D</td>
</tr>
<tr>
<td>Special projects</td>
<td>10,564</td>
<td>---</td>
<td>10,823</td>
<td>---</td>
<td>10,600</td>
<td>+36</td>
<td>-223</td>
<td>+10,600</td>
<td>D</td>
</tr>
<tr>
<td>Nurse disadvantaged assistance</td>
<td>3,865</td>
<td>---</td>
<td>3,960</td>
<td>---</td>
<td>3,878</td>
<td>+13</td>
<td>-82</td>
<td>+3,878</td>
<td>D</td>
</tr>
<tr>
<td>Professional nurse traineeships</td>
<td>15,941</td>
<td>---</td>
<td>16,332</td>
<td>---</td>
<td>15,995</td>
<td>+54</td>
<td>-337</td>
<td>+15,995</td>
<td>D</td>
</tr>
<tr>
<td>Nurse anesthetists</td>
<td>2,765</td>
<td>---</td>
<td>2,833</td>
<td>---</td>
<td>2,774</td>
<td>+9</td>
<td>-59</td>
<td>+2,774</td>
<td>D</td>
</tr>
<tr>
<td>Nurse Education / Practice Init Cluster (proposed)</td>
<td>---</td>
<td>7,700</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Consolidated Title VII programs</td>
<td>---</td>
<td>---</td>
<td>165,000</td>
<td>---</td>
<td>---</td>
<td>-1,000</td>
<td>---</td>
<td>-165,000</td>
<td>D</td>
</tr>
<tr>
<td>Consolidated Title VIII programs</td>
<td>---</td>
<td>---</td>
<td>55,000</td>
<td>---</td>
<td>---</td>
<td>-12,695</td>
<td>---</td>
<td>-55,000</td>
<td>D</td>
</tr>
</tbody>
</table>

Subtotal, Health professions                           | 292,818            | 130,000         | 306,513| 220,000| 293,818    | +1,000  | -12,695             | +73,818              | D         |
<table>
<thead>
<tr>
<th>Entry</th>
<th>FY 1997 Comparable</th>
<th>FY 1998 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 1997 House</th>
<th>Senate Date</th>
<th>Mandate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hansen's Disease Services Cluster (1)</td>
<td>17,094</td>
<td>16,469</td>
<td>17,094</td>
<td>14,424</td>
<td>17,094</td>
<td>---</td>
<td>---</td>
<td>+2,670</td>
</tr>
<tr>
<td>Maternal &amp; Child Health Block Grant</td>
<td>681,000</td>
<td>681,000</td>
<td>685,000</td>
<td>681,000</td>
<td>663,000</td>
<td>+2,000</td>
<td>-2,000</td>
<td>+2,000</td>
</tr>
<tr>
<td>Healthy Start</td>
<td>95,982</td>
<td>95,982</td>
<td>95,982</td>
<td>95,982</td>
<td>95,982</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Organ Transplantation</td>
<td>2,278</td>
<td>3,891</td>
<td>2,278</td>
<td>2,778</td>
<td>2,778</td>
<td>+500</td>
<td>+500</td>
<td>---</td>
</tr>
<tr>
<td>Health Teaching Facilities Interest Subsidies</td>
<td>297</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>-72</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Bone Marrow Program</td>
<td>15,270</td>
<td>15,270</td>
<td>15,270</td>
<td>15,270</td>
<td>15,270</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Rural outreach grants</td>
<td>27,796</td>
<td>25,092</td>
<td>27,796</td>
<td>30,092</td>
<td>32,592</td>
<td>+4,796</td>
<td>+4,796</td>
<td>+2,500</td>
</tr>
<tr>
<td>Emergency medical services for children</td>
<td>12,493</td>
<td>12,000</td>
<td>13,000</td>
<td>13,000</td>
<td>13,000</td>
<td>+507</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Black lung clinics</td>
<td>4,000</td>
<td>1,906</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>+1,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Alzheimer's demonstration grants (2)</td>
<td>5,999</td>
<td>---</td>
<td>5,999</td>
<td>5,999</td>
<td>5,999</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Payment to Hawaii, treatment of Hansen's (1)</td>
<td>2,045</td>
<td>---</td>
<td>2,045</td>
<td>2,045</td>
<td>2,045</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Subtotal, Other HRSA programs</strong></td>
<td><strong>864,254</strong></td>
<td><strong>851,835</strong></td>
<td><strong>869,669</strong></td>
<td><strong>865,815</strong></td>
<td><strong>872,985</strong></td>
<td><strong>+8,731</strong></td>
<td><strong>+3,296</strong></td>
<td><strong>+7,170</strong></td>
</tr>
</tbody>
</table>

(1) Proposed for consolidation.

(2) Proposed for transfer to AoA.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CONGRESSIONAL RECORD — HOUSE</td>
<td>November 7, 1997</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**AIDS Programs**

- Ryan White AIDS Programs
  - Emergency Assistance
  - Comprehensive Care Programs
  - AIDS Drug Assistance Program (ADAP) (WA)
  - Early Intervention Program
  - Pedicid Disease Services
  - Health Education and Training Centers

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) Proposed for consolidation.
<table>
<thead>
<tr>
<th>Description</th>
<th>FY 1997 Comparable</th>
<th>FY 1998 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 1997</th>
<th>House</th>
<th>Senate</th>
<th>Mand Disc</th>
<th>Conference vs Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>MEDICAL FACILITIES GUARANTEE AND LOAN FUND:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest subsidy program</td>
<td>7,000</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>-1,000</td>
<td>---</td>
<td>---</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New loan subsidies</td>
<td>477</td>
<td>1,020</td>
<td>1,020</td>
<td>1,020</td>
<td>1,020</td>
<td>+543</td>
<td>---</td>
<td>---</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>Liquidating account (NA)</td>
<td>(37,608)</td>
<td>(29,566)</td>
<td>(29,566)</td>
<td>(29,566)</td>
<td>(29,566)</td>
<td>(-8,042)</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>HEAL loan limitation (NA)</td>
<td>(140,000)</td>
<td>(85,000)</td>
<td>(85,000)</td>
<td>(85,000)</td>
<td>(85,000)</td>
<td>(-55,000)</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Program management</td>
<td>2,688</td>
<td>2,688</td>
<td>2,688</td>
<td>2,688</td>
<td>2,688</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Total, HEAL</td>
<td>3,165</td>
<td>3,708</td>
<td>3,708</td>
<td>3,708</td>
<td>3,708</td>
<td>+543</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Post-FY88 claims (TF)</td>
<td>50,476</td>
<td>42,448</td>
<td>42,448</td>
<td>42,448</td>
<td>42,448</td>
<td>-8,028</td>
<td>---</td>
<td>---</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>HRSA administration (TF)</td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>Subtotal, Vaccine injury compensation trust fund</td>
<td>53,476</td>
<td>45,448</td>
<td>45,448</td>
<td>45,448</td>
<td>45,448</td>
<td>-8,028</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>VACCINE INJURY COMPENSATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-FY88 claims (appropriation)</td>
<td>110,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-110,000</td>
<td>---</td>
<td>---</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>Total, Vaccine injury</td>
<td>163,476</td>
<td>45,448</td>
<td>45,448</td>
<td>45,448</td>
<td>45,448</td>
<td>-118,028</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Total, Health Resources &amp; Services Admin</td>
<td>3,578,208</td>
<td>3,321,635</td>
<td>3,662,224</td>
<td>3,504,227</td>
<td>3,673,293</td>
<td>+95,085</td>
<td>+11,069</td>
<td>+189,066</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------------</td>
<td>---------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>-----------------------------</td>
<td>--------</td>
<td>----------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CONGRESSIONAL RECORD Ð HOUSE</td>
<td>H10260</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CENTERS FOR DISEASE CONTROL AND PREVENTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DISEASE CONTROL, RESEARCH AND TRAINING</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preventive Health Services Block Grant</td>
<td>153,984</td>
<td>143,940</td>
<td>155,000</td>
<td>143,940</td>
<td>150,000</td>
<td>-3,994</td>
<td>-5,000</td>
<td>+6,060</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Prevention Centers</td>
<td>8,099</td>
<td>8,099</td>
<td>8,099</td>
<td>8,099</td>
<td>8,099</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Childhood immunization (1)</td>
<td>467,583</td>
<td>427,312</td>
<td>440,030</td>
<td>445,545</td>
<td>427,312</td>
<td>-40,271</td>
<td>-12,718</td>
<td>-18,233</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>HCFA vaccine purchase (NA)</td>
<td>372,534</td>
<td>437,104</td>
<td>437,104</td>
<td>437,104</td>
<td>437,104</td>
<td>+64,570</td>
<td>-</td>
<td>-</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Subtotal, CDC/HCFA vaccine program level</td>
<td>467,583</td>
<td>427,312</td>
<td>440,030</td>
<td>445,545</td>
<td>427,312</td>
<td>-40,271</td>
<td>-12,718</td>
<td>-18,233</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>AIDS</td>
<td>616,790</td>
<td>634,266</td>
<td>621,790</td>
<td>646,790</td>
<td>634,266</td>
<td>+17,476</td>
<td>+12,476</td>
<td>-12,524</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Tuberculosis</td>
<td>119,294</td>
<td>119,236</td>
<td>119,236</td>
<td>119,236</td>
<td>119,236</td>
<td>-58</td>
<td>-</td>
<td>-</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Sexually Transmitted Diseases</td>
<td>106,203</td>
<td>111,171</td>
<td>111,171</td>
<td>111,171</td>
<td>113,671</td>
<td>+7,468</td>
<td>+2,500</td>
<td>+2,500</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Chronic and Environmental Disease Prevention</td>
<td>166,874</td>
<td>191,039</td>
<td>208,039</td>
<td>203,454</td>
<td>217,136</td>
<td>+50,262</td>
<td>-10,903</td>
<td>+13,682</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Breast and Cervical Cancer Screening</td>
<td>139,659</td>
<td>141,897</td>
<td>145,000</td>
<td>141,897</td>
<td>145,000</td>
<td>+5,341</td>
<td>-</td>
<td>-</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Infectious Diseases</td>
<td>87,720</td>
<td>112,428</td>
<td>118,000</td>
<td>112,428</td>
<td>115,214</td>
<td>+27,494</td>
<td>-2,786</td>
<td>+2,786</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Lead Poisoning Prevention</td>
<td>38,181</td>
<td>38,154</td>
<td>38,200</td>
<td>38,200</td>
<td>38,200</td>
<td>+19</td>
<td>-</td>
<td>-</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Injury Control</td>
<td>43,182</td>
<td>49,033</td>
<td>55,933</td>
<td>45,063</td>
<td>50,507</td>
<td>+7,325</td>
<td>-5,426</td>
<td>+5,444</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Occupational Safety and Health (NIOSH)</td>
<td>141,340</td>
<td>148,463</td>
<td>148,840</td>
<td>148,840</td>
<td>152,840</td>
<td>+11,500</td>
<td>+4,000</td>
<td>+4,377</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Mine Safety and Health</td>
<td>31,913</td>
<td>32,000</td>
<td>32,000</td>
<td>40,000</td>
<td>36,000</td>
<td>+4,087</td>
<td>+4,000</td>
<td>-4,000</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Epidemic Services</td>
<td>69,608</td>
<td>69,322</td>
<td>69,322</td>
<td>69,322</td>
<td>69,322</td>
<td>-286</td>
<td>-</td>
<td>-</td>
<td>D</td>
<td></td>
</tr>
</tbody>
</table>

(1) Request includes bill language exempting from the excise tax vaccine purchased with appropriated funds; savings are estimated at $25 million.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>National Center for Health Statistics:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program Operations..............</td>
<td>37,612</td>
<td>18,963</td>
<td>37,612</td>
<td>18,033</td>
<td>26,780</td>
<td>-10,832</td>
<td>-10,832</td>
<td>+8,747</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1% evaluation funds (NA)........</td>
<td>(48,400)</td>
<td>(70,063)</td>
<td>(48,400)</td>
<td>(70,063)</td>
<td>(88,232)</td>
<td>(+10,832)</td>
<td>(+10,832)</td>
<td>(-10,832)</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, health statistics....</td>
<td>(86,012)</td>
<td>(89,028)</td>
<td>(86,012)</td>
<td>(89,096)</td>
<td>(86,012)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>(-2,084)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings and Facilities........</td>
<td>30,553</td>
<td>23,007</td>
<td>20,000</td>
<td>23,007</td>
<td>21,504</td>
<td>-9,049</td>
<td>+1,504</td>
<td>-1,503</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, Centers for Disease Control......</td>
<td>2,261,168</td>
<td>2,270,795</td>
<td>2,350,737</td>
<td>2,317,113</td>
<td>2,337,552</td>
<td>+66,384</td>
<td>-23,185</td>
<td>+10,439</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crime Bill Activities:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rape Prevention and Education...</td>
<td>35,000</td>
<td>45,000</td>
<td>45,000</td>
<td>45,000</td>
<td>45,000</td>
<td>+10,000</td>
<td>---</td>
<td>---</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic Violence Community Demonstrations...</td>
<td>6,000</td>
<td>---</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>---</td>
<td>+6,000</td>
<td>---</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, Crime bill activities......</td>
<td>41,000</td>
<td>45,000</td>
<td>45,000</td>
<td>51,000</td>
<td>51,000</td>
<td>+10,000</td>
<td>+6,000</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Disease Control............</td>
<td>2,302,168</td>
<td>2,315,795</td>
<td>2,395,737</td>
<td>2,368,113</td>
<td>2,378,552</td>
<td>+76,384</td>
<td>-17,185</td>
<td>+10,439</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
<td>-------</td>
<td>--------</td>
<td>------</td>
<td>------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NATIONAL INSTITUTES OF HEALTH</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Cancer Institute</td>
<td>2,389,065</td>
<td>2,217,482</td>
<td>2,513,020</td>
<td>2,558,377</td>
<td>2,547,314</td>
<td>+158,249</td>
<td>+34,294</td>
<td>-11,063</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(224,256)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NCI</td>
<td>(2,389,065)</td>
<td>(2,441,738)</td>
<td>(2,513,020)</td>
<td>(2,558,377)</td>
<td>(2,547,314)</td>
<td>(+158,249)</td>
<td>(+34,294)</td>
<td>(-11,063)</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Heart, Lung, and Blood Institute</td>
<td>1,431,830</td>
<td>1,404,770</td>
<td>1,513,004</td>
<td>1,539,898</td>
<td>1,531,061</td>
<td>+99,231</td>
<td>+10,057</td>
<td>-8,837</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(62,419)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NHLBI</td>
<td>(1,431,830)</td>
<td>(1,467,189)</td>
<td>(1,513,004)</td>
<td>(1,539,898)</td>
<td>(1,531,061)</td>
<td>(+99,231)</td>
<td>(+10,057)</td>
<td>(-8,837)</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Institute of Dental Research</td>
<td>197,063</td>
<td>190,061</td>
<td>209,403</td>
<td>211,611</td>
<td>209,415</td>
<td>+12,352</td>
<td>+12</td>
<td>-2,196</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(12,750)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NIDR</td>
<td>(197,063)</td>
<td>(202,811)</td>
<td>(209,403)</td>
<td>(211,611)</td>
<td>(209,415)</td>
<td>(+12,352)</td>
<td>(+12)</td>
<td>(-2,196)</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Institute of Diabetes and Digestive and Kidney Diseases</td>
<td>813,149</td>
<td>821,164</td>
<td>874,337</td>
<td>883,321</td>
<td>873,860</td>
<td>+60,711</td>
<td>-477</td>
<td>-9,461</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(12,638)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NIDDK</td>
<td>(813,149)</td>
<td>(833,802)</td>
<td>(874,337)</td>
<td>(883,321)</td>
<td>(873,860)</td>
<td>(+60,711)</td>
<td>(-477)</td>
<td>(-9,461)</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Institute of Neurological Disorders &amp; Stroke</td>
<td>729,259</td>
<td>722,712</td>
<td>765,325</td>
<td>781,351</td>
<td>780,713</td>
<td>+51,454</td>
<td>+17,388</td>
<td>-638</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(25,116)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NINDS</td>
<td>(729,259)</td>
<td>(747,828)</td>
<td>(765,325)</td>
<td>(781,351)</td>
<td>(780,713)</td>
<td>(+51,454)</td>
<td>(+17,388)</td>
<td>(-638)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
<td>-------</td>
<td>--------</td>
<td>---------------------</td>
<td>---------------------</td>
<td>-----------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Institute of Allergy and Infectious Diseases</td>
<td>1,287,794</td>
<td>634,272</td>
<td>1,339,459</td>
<td>1,359,688</td>
<td>1,351,655</td>
<td>+93,861</td>
<td>+12,196</td>
<td>-8,033</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(678,230)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NIAID</td>
<td>(1,287,794)</td>
<td>(1,312,502)</td>
<td>(1,339,459)</td>
<td>(1,359,688)</td>
<td>(1,351,655)</td>
<td>(+93,861)</td>
<td>(+12,196)</td>
<td>(-8,033)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Institute of General Medical Sciences</td>
<td>995,471</td>
<td>992,032</td>
<td>1,047,963</td>
<td>1,056,969</td>
<td>1,065,947</td>
<td>+70,476</td>
<td>+17,984</td>
<td>+6,978</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(28,160)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NIGMS</td>
<td>(995,471)</td>
<td>(1,020,192)</td>
<td>(1,047,963)</td>
<td>(1,058,969)</td>
<td>(1,065,947)</td>
<td>(+70,476)</td>
<td>(+17,984)</td>
<td>(+6,978)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Institute of Child Health &amp; Human Development</td>
<td>631,628</td>
<td>562,032</td>
<td>666,682</td>
<td>676,870</td>
<td>674,766</td>
<td>+43,138</td>
<td>+8,084</td>
<td>-2,104</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(65,247)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NICHD</td>
<td>(631,628)</td>
<td>(647,279)</td>
<td>(666,682)</td>
<td>(676,870)</td>
<td>(674,766)</td>
<td>(+43,138)</td>
<td>(+8,084)</td>
<td>(-2,104)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Eye Institute</td>
<td>331,606</td>
<td>330,955</td>
<td>354,032</td>
<td>357,695</td>
<td>355,691</td>
<td>+24,085</td>
<td>+1,659</td>
<td>-2,004</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(9,476)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NEI</td>
<td>(331,606)</td>
<td>(340,431)</td>
<td>(354,032)</td>
<td>(357,695)</td>
<td>(355,691)</td>
<td>(+24,085)</td>
<td>(+1,659)</td>
<td>(-2,004)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Institute of Environmental Health Sciences</td>
<td>307,562</td>
<td>313,583</td>
<td>328,583</td>
<td>331,669</td>
<td>330,108</td>
<td>+22,546</td>
<td>+1,525</td>
<td>-1,861</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(6,324)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NIEHS</td>
<td>(307,562)</td>
<td>(319,907)</td>
<td>(328,583)</td>
<td>(331,669)</td>
<td>(330,108)</td>
<td>(+22,546)</td>
<td>(+1,525)</td>
<td>(-1,861)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Institute on Aging</td>
<td>484,326</td>
<td>495,202</td>
<td>509,811</td>
<td>520,705</td>
<td>519,279</td>
<td>+34,953</td>
<td>+9,468</td>
<td>-1,426</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(1,874)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NIA</td>
<td>(484,326)</td>
<td>(497,076)</td>
<td>(509,811)</td>
<td>(520,705)</td>
<td>(519,279)</td>
<td>(+34,953)</td>
<td>(+9,468)</td>
<td>(-1,426)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>--------</td>
<td>---------------------</td>
<td>-----------------------</td>
<td>-----------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>National Institute of Arthritis and Musculoskeletal and Skin Diseases</strong></td>
<td>256,228</td>
<td>258,932</td>
<td>269,807</td>
<td>272,631</td>
<td>274,760</td>
<td>+18,532</td>
<td>+4,953</td>
<td>+2,129</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(4,310)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, NIAMS</strong></td>
<td>(256,228)</td>
<td>(263,242)</td>
<td>(269,807)</td>
<td>(272,631)</td>
<td>(274,760)</td>
<td>(+18,532)</td>
<td>(+4,953)</td>
<td>(+2,129)</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>National Institute on Deafness and Other Communication Disorders</strong></td>
<td>188,273</td>
<td>192,447</td>
<td>198,373</td>
<td>200,428</td>
<td>200,695</td>
<td>+12,422</td>
<td>+2,322</td>
<td>+267</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(1,774)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, NIDCD</strong></td>
<td>(188,273)</td>
<td>(194,221)</td>
<td>(198,373)</td>
<td>(200,428)</td>
<td>(200,696)</td>
<td>(+12,422)</td>
<td>(+2,322)</td>
<td>(+267)</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>National Institute of Nursing Research</strong></td>
<td>59,554</td>
<td>55,692</td>
<td>62,461</td>
<td>64,016</td>
<td>63,597</td>
<td>+4,043</td>
<td>+1,146</td>
<td>-419</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(5,360)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, NINR</strong></td>
<td>(59,554)</td>
<td>(61,052)</td>
<td>(62,461)</td>
<td>(64,016)</td>
<td>(63,597)</td>
<td>(+4,043)</td>
<td>(+1,146)</td>
<td>(-419)</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>National Institute on Alcohol Abuse and Alcoholism</strong></td>
<td>211,284</td>
<td>208,112</td>
<td>226,205</td>
<td>226,585</td>
<td>227,175</td>
<td>+15,921</td>
<td>+970</td>
<td>-1,410</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(11,234)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, NIAAA</strong></td>
<td>(211,284)</td>
<td>(219,346)</td>
<td>(226,205)</td>
<td>(226,585)</td>
<td>(227,175)</td>
<td>(+15,921)</td>
<td>(+970)</td>
<td>(-1,410)</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>National Institute on Drug Abuse</strong></td>
<td>490,113</td>
<td>388,475</td>
<td>525,641</td>
<td>531,751</td>
<td>527,175</td>
<td>+37,062</td>
<td>+1,534</td>
<td>-4,576</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(163,440)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, NIDA</strong></td>
<td>(490,113)</td>
<td>(521,915)</td>
<td>(525,641)</td>
<td>(531,751)</td>
<td>(527,175)</td>
<td>(+37,062)</td>
<td>(+1,534)</td>
<td>(-4,576)</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>National Institute of Mental Health</strong></td>
<td>700,701</td>
<td>629,739</td>
<td>744,235</td>
<td>753,334</td>
<td>750,241</td>
<td>+49,540</td>
<td>+6,006</td>
<td>-3,093</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>---</td>
<td>(98,510)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, NIMH</strong></td>
<td>(700,701)</td>
<td>(728,249)</td>
<td>(744,235)</td>
<td>(753,334)</td>
<td>(750,241)</td>
<td>(+49,540)</td>
<td>(+6,006)</td>
<td>(-3,093)</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>--------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
<td>---------------------</td>
<td>-----------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>168,957</td>
<td>202,197</td>
<td>211,772</td>
<td>218,851</td>
<td>217,704</td>
<td>+28,747</td>
<td>+5,932</td>
<td>-1,147 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NHGRI</td>
<td>(188,957)</td>
<td>(206,187)</td>
<td>(211,772)</td>
<td>(218,851)</td>
<td>(217,704)</td>
<td>(+28,747)</td>
<td>(+5,932)</td>
<td>(-1,147) NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Center for Research Resources</td>
<td>414,049</td>
<td>333,868</td>
<td>436,961</td>
<td>455,805</td>
<td>453,883</td>
<td>+39,834</td>
<td>+16,922</td>
<td>-1,922 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>(77,053)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NCRR</td>
<td>(414,049)</td>
<td>(410,921)</td>
<td>(436,961)</td>
<td>(455,805)</td>
<td>(453,883)</td>
<td>(+39,834)</td>
<td>(+16,922)</td>
<td>(-1,922) NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Fogarty International Center</td>
<td>26,504</td>
<td>16,755</td>
<td>27,620</td>
<td>28,468</td>
<td>28,289</td>
<td>+1,785</td>
<td>+669</td>
<td>-179 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>(10,413)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, FIC</td>
<td>(26,504)</td>
<td>(27,168)</td>
<td>(27,620)</td>
<td>(28,468)</td>
<td>(28,289)</td>
<td>(+1,785)</td>
<td>(+669)</td>
<td>(-179) NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Library of Medicine</td>
<td>150,376</td>
<td>152,689</td>
<td>161,171</td>
<td>162,825</td>
<td>161,185</td>
<td>+10,609</td>
<td>+14</td>
<td>-1,640 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>(3,279)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NLM</td>
<td>(150,376)</td>
<td>(155,966)</td>
<td>(161,171)</td>
<td>(162,825)</td>
<td>(161,185)</td>
<td>(+10,609)</td>
<td>(+14)</td>
<td>(-1,640) NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of the Director</td>
<td>286,081</td>
<td>234,247</td>
<td>298,339</td>
<td>292,196</td>
<td>296,373</td>
<td>+10,292</td>
<td>-1,966</td>
<td>+4,177 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>(35,912)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, OD</td>
<td>(286,081)</td>
<td>(270,159)</td>
<td>(298,339)</td>
<td>(292,196)</td>
<td>(296,373)</td>
<td>(+10,292)</td>
<td>(-1,966)</td>
<td>(+4,177) NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings and Facilities</td>
<td>200,000</td>
<td>190,000</td>
<td>222,100</td>
<td>203,500</td>
<td>206,957</td>
<td>+6,957</td>
<td>-16,143</td>
<td>+3,457 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of AIDS Research</td>
<td>---</td>
<td>1,540,765</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total N.I.H</td>
<td>12,740,843</td>
<td>13,078,203</td>
<td>13,505,294</td>
<td>13,692,844</td>
<td>13,647,843</td>
<td>+907,000</td>
<td>+142,549</td>
<td>-45,001 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>-------------------</td>
<td>----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>----------------</td>
<td>--------</td>
<td>-----------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mental Health:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knowledge development and application</td>
<td>57,964</td>
<td>58,032</td>
<td>58,032</td>
<td>57,964</td>
<td>57,964</td>
<td>---</td>
<td>-68</td>
<td>--- D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mental Health Performance Partnership</td>
<td>275,420</td>
<td>275,420</td>
<td>275,420</td>
<td>275,420</td>
<td>275,420</td>
<td>---</td>
<td>---</td>
<td>--- D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children's Mental Health</td>
<td>69,896</td>
<td>69,927</td>
<td>72,927</td>
<td>69,896</td>
<td>72,927</td>
<td>+3,031</td>
<td>---</td>
<td>+3,031 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants to States for the Homeless (PATH)</td>
<td>20,000</td>
<td>20,000</td>
<td>23,000</td>
<td>20,000</td>
<td>23,000</td>
<td>+3,000</td>
<td>---</td>
<td>+3,000 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Protection and Advocacy</td>
<td>21,957</td>
<td>21,957</td>
<td>21,957</td>
<td>21,957</td>
<td>21,957</td>
<td>---</td>
<td>---</td>
<td>--- D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substance Abuse Treatment:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knowledge Development and Application</td>
<td>155,868</td>
<td>156,000</td>
<td>159,000</td>
<td>155,868</td>
<td>155,868</td>
<td>---</td>
<td>-3,132</td>
<td>--- D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substance Abuse Performance Partnership — (BA)...</td>
<td>1,310,107</td>
<td>1,320,107</td>
<td>1,320,107</td>
<td>1,310,107</td>
<td>1,310,107</td>
<td>---</td>
<td>-10,000</td>
<td>--- D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P.L. 104-121 funding</td>
<td>(50,000)</td>
<td>(50,000)</td>
<td>(50,000)</td>
<td>(50,000)</td>
<td>(50,000)</td>
<td>---</td>
<td>---</td>
<td>--- NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, Substance Abuse Treatment (BA)...</td>
<td>1,465,975</td>
<td>1,476,107</td>
<td>1,479,107</td>
<td>1,465,975</td>
<td>1,465,975</td>
<td>---</td>
<td>-13,132</td>
<td>--- D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Treatment program level</td>
<td>(1,515,975)</td>
<td>(1,526,107)</td>
<td>(1,529,107)</td>
<td>(1,515,975)</td>
<td>(1,515,975)</td>
<td>---</td>
<td>(-13,132)</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substance Abuse Prevention:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knowledge Development and Application</td>
<td>155,869</td>
<td>151,000</td>
<td>151,000</td>
<td>151,000</td>
<td>151,000</td>
<td>-4,869</td>
<td>---</td>
<td>--- D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Risk Youth Grants</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>10,000</td>
<td>6,000</td>
<td>+6,000</td>
<td>+6,000 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, Substance abuse prevention</td>
<td>155,869</td>
<td>151,000</td>
<td>151,000</td>
<td>161,000</td>
<td>157,000</td>
<td>+1,131</td>
<td>+6,000</td>
<td>-4,000 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program Management and Buildings and Facilities</td>
<td>54,431</td>
<td>55,500</td>
<td>55,500</td>
<td>54,431</td>
<td>54,500</td>
<td>+69</td>
<td>-1,000</td>
<td>+69 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data Collection</td>
<td>---</td>
<td>28,000</td>
<td>15,000</td>
<td>---</td>
<td>18,000</td>
<td>+18,000</td>
<td>+3,000</td>
<td>+18,000 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1% evaluation funding (NA)</td>
<td>---</td>
<td>---</td>
<td>(10,000)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>(-10,000) NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Substance Abuse and Mental Health (BA)...</td>
<td>2,121,512</td>
<td>2,185,943</td>
<td>2,161,943</td>
<td>2,126,643</td>
<td>2,146,743</td>
<td>+25,231</td>
<td>-5,200</td>
<td>+20,100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Program level</td>
<td>(2,171,512)</td>
<td>(2,205,843)</td>
<td>(2,201,943)</td>
<td>(2,176,643)</td>
<td>(2,196,743)</td>
<td>(+25,231)</td>
<td>(-5,200)</td>
<td>(+20,100)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>----------------------------</td>
<td>--------</td>
<td>----------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retirement payments</td>
<td>139,299</td>
<td>149,217</td>
<td>149,217</td>
<td>149,217</td>
<td>149,217</td>
<td>+9,918</td>
<td>-</td>
<td>N</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Survivors benefits</td>
<td>10,417</td>
<td>11,643</td>
<td>11,643</td>
<td>11,643</td>
<td>11,643</td>
<td>+1,226</td>
<td>-</td>
<td>N</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dependents' medical care</td>
<td>26,363</td>
<td>27,470</td>
<td>27,470</td>
<td>27,470</td>
<td>27,470</td>
<td>+1,107</td>
<td>-</td>
<td>N</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Military services credits</td>
<td>2,566</td>
<td>2,409</td>
<td>2,409</td>
<td>2,409</td>
<td>2,409</td>
<td>-147</td>
<td>-</td>
<td>N</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Retirement pay and medical benefits</td>
<td>178,635</td>
<td>190,739</td>
<td>190,739</td>
<td>190,739</td>
<td>190,739</td>
<td>+12,104</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>--------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>-----------------------------</td>
<td>--------</td>
<td>---------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research on Health Care Systems Cost &amp; Access:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>35,650</td>
<td>17,170</td>
<td>35,573</td>
<td>17,170</td>
<td>25,214</td>
<td>-10,436</td>
<td>-10,359</td>
<td>+8,044</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1% evaluation funding (NA)</td>
<td>(8,750)</td>
<td>(29,515)</td>
<td>(11,112)</td>
<td>(29,515)</td>
<td>(19,906)</td>
<td>(+11,156)</td>
<td>(+8,794)</td>
<td>(-9,609)</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td>(44,400)</td>
<td>(46,685)</td>
<td>(46,685)</td>
<td>(46,685)</td>
<td>(45,120)</td>
<td>(+720)</td>
<td>(-1,565)</td>
<td>(-1,565)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health Insurance &amp; Expenditure Surveys:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>224</td>
<td>10,000</td>
<td>---</td>
<td>10,000</td>
<td>---</td>
<td>-224</td>
<td>---</td>
<td>-10,000</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1% evaluation funding (NA)</td>
<td>(36,662)</td>
<td>(26,300)</td>
<td>(36,300)</td>
<td>(26,300)</td>
<td>(36,300)</td>
<td>(-2,362)</td>
<td>---</td>
<td>(+10,000)</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td>(38,886)</td>
<td>(36,300)</td>
<td>(36,300)</td>
<td>(36,300)</td>
<td>(36,300)</td>
<td>(-2,586)</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research on Health Care Outcomes &amp; Quality:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>57,963</td>
<td>57,600</td>
<td>63,785</td>
<td>48,187</td>
<td>62,785</td>
<td>+4,822</td>
<td>-1,000</td>
<td>+14,598</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1% evaluation funding (NA)</td>
<td>---</td>
<td>(6,185)</td>
<td>---</td>
<td>(9,185)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>(-9,185)</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td>(57,963)</td>
<td>(63,785)</td>
<td>(63,785)</td>
<td>(57,372)</td>
<td>(62,785)</td>
<td>(+4,822)</td>
<td>(-1,000)</td>
<td>(+5,413)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, AHCPR</td>
<td>143,479</td>
<td>149,000</td>
<td>149,000</td>
<td>142,587</td>
<td>146,435</td>
<td>+2,956</td>
<td>-2,565</td>
<td>+3,848</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>96,067</td>
<td>87,000</td>
<td>101,588</td>
<td>77,587</td>
<td>90,229</td>
<td>-5,838</td>
<td>-11,359</td>
<td>+12,642</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1% evaluation funding (non-add)</td>
<td>(47,412)</td>
<td>(62,000)</td>
<td>(65,000)</td>
<td>(56,206)</td>
<td>(8,794)</td>
<td>(+8,794)</td>
<td>(+8,794)</td>
<td>(-8,794)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Public Health Service</td>
<td>21,017,433</td>
<td>21,149,315</td>
<td>22,007,625</td>
<td>21,960,153</td>
<td>22,127,399</td>
<td>(+1,109,966)</td>
<td>+119,874</td>
<td>+167,246</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-------------------</td>
<td>----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>--------</td>
<td>----------------------</td>
<td>-------</td>
<td>--------</td>
<td>-----------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRANTS TO STATES FOR MEDICAID</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medicaid current law benefits</td>
<td>98,210,228</td>
<td>99,144,000</td>
<td>99,144,000</td>
<td>99,144,000</td>
<td>99,144,000</td>
<td>+933,772</td>
<td></td>
<td>---</td>
<td>---</td>
<td>M</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State and local administration</td>
<td>4,633,864</td>
<td>4,874,546</td>
<td>4,874,546</td>
<td>4,874,546</td>
<td>4,874,546</td>
<td>+240,662</td>
<td></td>
<td>---</td>
<td>---</td>
<td>N</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vaccines for Children</td>
<td>522,904</td>
<td>366,104</td>
<td>366,104</td>
<td>437,104</td>
<td>437,104</td>
<td>-85,600</td>
<td></td>
<td>+72,000</td>
<td></td>
<td>N</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, Medicaid program level, FY 1997 / 1998</strong></td>
<td>103,367,016</td>
<td>104,383,650</td>
<td>104,383,650</td>
<td>104,455,650</td>
<td>104,455,650</td>
<td>+1,088,634</td>
<td></td>
<td>+72,000</td>
<td></td>
<td>---</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carryover balance</td>
<td>-2,155,048</td>
<td>-4,864,228</td>
<td>-4,864,228</td>
<td>-4,864,228</td>
<td>-4,864,228</td>
<td>-2,709,180</td>
<td></td>
<td>---</td>
<td>---</td>
<td>N</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, request, FY 1997 / 1998</strong></td>
<td>75,056,618</td>
<td>71,530,429</td>
<td>71,530,429</td>
<td>71,602,429</td>
<td>71,602,429</td>
<td>-3,454,189</td>
<td></td>
<td>+72,000</td>
<td></td>
<td>---</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New advance 1st quarter, FY 98/99</td>
<td>27,988,993</td>
<td>27,800,689</td>
<td>27,800,689</td>
<td>27,800,689</td>
<td>27,800,689</td>
<td>-188,304</td>
<td></td>
<td>---</td>
<td>---</td>
<td>M</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PAYMENTS TO HEALTH CARE TRUST FUNDS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplemental medical insurance</td>
<td>59,456,000</td>
<td>63,416,000</td>
<td>63,416,000</td>
<td>63,416,000</td>
<td>60,739,000</td>
<td>+1,283,000</td>
<td></td>
<td>-2,677,000</td>
<td>-2,677,000</td>
<td>M</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospital insurance for the uninsured</td>
<td>405,000</td>
<td>-52,000</td>
<td>-52,000</td>
<td>-52,000</td>
<td>-52,000</td>
<td>-457,000</td>
<td></td>
<td>---</td>
<td>---</td>
<td>M</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal uninsured payment</td>
<td>76,000</td>
<td>86,000</td>
<td>86,000</td>
<td>86,000</td>
<td>86,000</td>
<td>+10,000</td>
<td></td>
<td>---</td>
<td>---</td>
<td>M</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program management</td>
<td>142,000</td>
<td>131,000</td>
<td>131,000</td>
<td>131,000</td>
<td>131,000</td>
<td>-11,000</td>
<td></td>
<td>---</td>
<td>---</td>
<td>M</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Payments to Trust Funds, current law</strong></td>
<td>60,079,000</td>
<td>63,581,000</td>
<td>63,581,000</td>
<td>63,581,000</td>
<td>60,904,000</td>
<td>+825,000</td>
<td></td>
<td>-2,677,000</td>
<td>-2,677,000</td>
<td>M</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>-------</td>
<td>------------</td>
<td>----------------</td>
<td>-------</td>
<td>----------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research, demonstration, and evaluation:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Program</td>
<td>(44,000)</td>
<td>(45,000)</td>
<td>(49,000)</td>
<td>(47,000)</td>
<td>(50,000)</td>
<td>(+6,000)</td>
<td>(+1,000)</td>
<td>(+3,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medicare Contractors</td>
<td>(1,207,200)</td>
<td>(1,223,000)</td>
<td>(1,134,000)</td>
<td>(1,189,000)</td>
<td>(1,174,000)</td>
<td>(-33,200)</td>
<td>(+40,000)</td>
<td>(-16,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H.R. 3103 funding (non-add)</td>
<td>(440,000)</td>
<td>(800,000)</td>
<td>(500,000)</td>
<td>(500,000)</td>
<td>(500,000)</td>
<td>(+60,000)</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, Contractors program level</td>
<td>(1,647,200)</td>
<td>(1,723,000)</td>
<td>(1,634,000)</td>
<td>(1,689,000)</td>
<td>(1,674,000)</td>
<td>(+26,800)</td>
<td>(+40,000)</td>
<td>(-16,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Survey and Certification</td>
<td>(158,000)</td>
<td>(148,000)</td>
<td>(148,000)</td>
<td>(158,000)</td>
<td>(154,000)</td>
<td>(-4,000)</td>
<td>(+6,000)</td>
<td>(-4,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Administration</td>
<td>(327,173)</td>
<td>(360,434)</td>
<td>(350,369)</td>
<td>(327,173)</td>
<td>(367,000)</td>
<td>(+39,827)</td>
<td>(+16,631)</td>
<td>(+39,827)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>User Fees</td>
<td>(-1,932)</td>
<td>(-1,934)</td>
<td>(-1,934)</td>
<td>(-1,932)</td>
<td>(-1,934)</td>
<td>(-2)</td>
<td>---</td>
<td>(-2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Program management</td>
<td>(1,734,441)</td>
<td>(1,774,500)</td>
<td>(1,679,435)</td>
<td>(1,719,241)</td>
<td>(1,743,066)</td>
<td>(+8,625)</td>
<td>(+63,631)</td>
<td>(+23,825)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medicare Trust Fund Activity:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospital Insurance TF (1)</td>
<td>(-12,800,000)</td>
<td>(-20,100,000)</td>
<td>(-20,100,000)</td>
<td>(-20,100,000)</td>
<td>(-20,100,000)</td>
<td>(-7,300,000)</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplemental Medical Insurance TF (2)</td>
<td>(4,000,000)</td>
<td>(500,000)</td>
<td>(500,000)</td>
<td>(500,000)</td>
<td>(500,000)</td>
<td>(-3,500,000)</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Health Care Financing Administration</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>164,869,052</td>
<td>164,686,618</td>
<td>164,591,553</td>
<td>164,703,359</td>
<td>162,050,184</td>
<td>-2,808,868</td>
<td>-2,541,369</td>
<td>-2,653,175</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New advance, 1st quarter, FY 1998 / 1999</td>
<td>(27,988,093)</td>
<td>(27,800,689)</td>
<td>(27,800,689)</td>
<td>(27,800,689)</td>
<td>(27,800,689)</td>
<td>(-106,000)</td>
<td>(-106,000)</td>
<td>(-106,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>(1,734,441)</td>
<td>(1,774,500)</td>
<td>(1,679,435)</td>
<td>(1,719,241)</td>
<td>(1,743,066)</td>
<td>(+8,625)</td>
<td>(+63,631)</td>
<td>(+23,825)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FAMILY SUPPORT PAYMENTS TO STATES (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments to territories..................</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>M</td>
</tr>
<tr>
<td>Repatriation..............................</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>M</td>
</tr>
<tr>
<td>Undistributed................................</td>
<td>9,600,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>M</td>
</tr>
<tr>
<td>Subtotal, Welfare payments..............</td>
<td>9,600,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>M</td>
</tr>
<tr>
<td>Child Support Enforcement: (2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net welfare reform child support appropriation</td>
<td>2,158,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>M</td>
</tr>
<tr>
<td>Total, Payments, FY 1997 / 1998 program level...</td>
<td>11,758,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>M</td>
</tr>
<tr>
<td>Less funds advanced in previous years...</td>
<td>-4,800,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>M</td>
</tr>
<tr>
<td>Total, payments, current request, FY97/98...</td>
<td>6,958,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>M</td>
</tr>
<tr>
<td>New advance, 1st quarter, FY98/99.......</td>
<td>607,000</td>
<td>660,000</td>
<td>660,000</td>
<td>660,000</td>
<td>660,000</td>
<td>+53,000</td>
<td>---</td>
</tr>
</tbody>
</table>

(1) Funds for these activities for FY98 are provided through permanent appropriations in the Personal Responsibility & Work Opportunity Reconciliation Act of 1996. The President's budget does not request funding for these programs in FY98; the Congressional justification indicates a budget amendment will be transmitted to Congress to request indefinite appropriations for these programs in FY98.

(2) Carry over funds from FY97 and the first quarter advance appropriation for FY98 are estimated to be sufficient to cover necessary costs of this program for FY98.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Job Opportunities and Basic Skills (JOBS)</td>
<td>300,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-300,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>LOW INCOME HOME ENERGY ASSISTANCE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advance from prior year (NA)</td>
<td>---</td>
<td>(1,000,000)</td>
<td>(1,000,000)</td>
<td>(1,000,000)</td>
<td>(1,000,000)</td>
<td>(+1,000,000)</td>
<td>---</td>
<td>---</td>
<td>NA</td>
</tr>
<tr>
<td>Adjustment</td>
<td>1,000,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-1,000,000</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>FY 1997 / 1998 program level</td>
<td>(1,000,000)</td>
<td>(1,000,000)</td>
<td>(1,000,000)</td>
<td>(1,000,000)</td>
<td>(1,000,000)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Emergency Allocation -- Advance from prior year (NA)</td>
<td>(300,000)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
</tr>
<tr>
<td>New Emergency Allocation (NA)</td>
<td>---</td>
<td>(300,000)</td>
<td>(300,000)</td>
<td>(300,000)</td>
<td>(300,000)</td>
<td>(+300,000)</td>
<td>---</td>
<td>---</td>
<td>NA</td>
</tr>
<tr>
<td>Advance funding (FY98/99)</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,200,000</td>
<td>1,100,000</td>
<td>+100,000</td>
<td>+100,000</td>
<td>-100,000</td>
<td>D</td>
</tr>
<tr>
<td><strong>REFUGEE AND ENTRANT ASSISTANCE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Services</td>
<td>110,882</td>
<td>110,882</td>
<td>129,990</td>
<td>110,882</td>
<td>129,990</td>
<td>+19,108</td>
<td>---</td>
<td>---</td>
<td>+19,108</td>
</tr>
<tr>
<td>Preventive Health</td>
<td>4,835</td>
<td>4,835</td>
<td>4,835</td>
<td>4,835</td>
<td>4,835</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Targeted Assistance</td>
<td>49,857</td>
<td>49,477</td>
<td>49,477</td>
<td>49,477</td>
<td>49,477</td>
<td>-380</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, Refugee and entrant assistance (BA)</strong></td>
<td>412,076</td>
<td>392,332</td>
<td>415,000</td>
<td>392,332</td>
<td>415,000</td>
<td>+2,924</td>
<td>---</td>
<td>---</td>
<td>+22,668</td>
</tr>
<tr>
<td><strong>CHILD CARE AND DEVELOPMENT BLOCK GRANT:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advance funding FY98/99</td>
<td>937,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>+63,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Forward funding provided in prior year</td>
<td>(934,642)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>(-934,642)</td>
<td>---</td>
<td>---</td>
<td>NA</td>
</tr>
<tr>
<td>Advance funding from prior year (NA)</td>
<td>(937,000)</td>
<td>(937,000)</td>
<td>(937,000)</td>
<td>(937,000)</td>
<td>(937,000)</td>
<td>(+937,000)</td>
<td>---</td>
<td>---</td>
<td>NA</td>
</tr>
<tr>
<td>Adjustment (current funding)</td>
<td>19,120</td>
<td>63,000</td>
<td>---</td>
<td>26,120</td>
<td>65,672</td>
<td>+65,672</td>
<td>+65,672</td>
<td>+39,552</td>
<td>D</td>
</tr>
<tr>
<td>Current year program level (FY97/98)</td>
<td>(953,762)</td>
<td>(1,000,000)</td>
<td>(937,000)</td>
<td>(963,120)</td>
<td>(1,002,672)</td>
<td>(+48,910)</td>
<td>(+65,672)</td>
<td>(+39,552)</td>
<td></td>
</tr>
<tr>
<td>Social Services Block Grant (Title XX)</td>
<td>2,500,000</td>
<td>2,380,000</td>
<td>2,245,000</td>
<td>2,245,000</td>
<td>2,299,000</td>
<td>-201,000</td>
<td>+54,000</td>
<td>+54,000</td>
<td>M</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>--------------------</td>
<td>----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>----------------------------------</td>
<td>-------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Head Start</td>
<td>3,980,546</td>
<td>4,305,000</td>
<td>4,305,000</td>
<td>4,305,000</td>
<td>4,355,000</td>
<td>+374,454</td>
<td>+50,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consolidated Runaway, Homeless Youth Prog.</td>
<td>---</td>
<td>58,602</td>
<td>---</td>
<td>58,602</td>
<td>---</td>
<td>---</td>
<td>-58,602</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Runaway and Homeless Youth</td>
<td>43,653</td>
<td>---</td>
<td>43,653</td>
<td>---</td>
<td>43,653</td>
<td>---</td>
<td>+43,653</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Runaway Youth -- Transitional Living</td>
<td>14,949</td>
<td>---</td>
<td>14,949</td>
<td>---</td>
<td>14,949</td>
<td>---</td>
<td>+14,949</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, runaway</td>
<td>58,602</td>
<td>58,602</td>
<td>58,602</td>
<td>58,602</td>
<td>58,602</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Abuse State Grants</td>
<td>21,026</td>
<td>21,026</td>
<td>21,026</td>
<td>21,026</td>
<td>21,026</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Abuse Discretionary Activities</td>
<td>14,154</td>
<td>14,154</td>
<td>14,154</td>
<td>14,154</td>
<td>14,154</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abandoned Infants Assistance</td>
<td>12,251</td>
<td>12,251</td>
<td>12,251</td>
<td>12,251</td>
<td>12,251</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Welfare Training</td>
<td>4,000</td>
<td>4,000</td>
<td>4,000</td>
<td>8,000</td>
<td>6,000</td>
<td>+2,000</td>
<td>-2,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adoption Opportunities</td>
<td>13,000</td>
<td>13,000</td>
<td>13,000</td>
<td>18,000</td>
<td>23,000</td>
<td>+10,000</td>
<td>+6,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adoption Initiative</td>
<td>---</td>
<td>21,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family Violence (1)</td>
<td>62,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>10,000</td>
<td>-52,000</td>
<td>+10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Services and Income Maintenance Research</td>
<td>44,000</td>
<td>18,043</td>
<td>21,000</td>
<td>21,000</td>
<td>26,000</td>
<td>-18,000</td>
<td>+6,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Based Resource Centers</td>
<td>32,835</td>
<td>32,835</td>
<td>32,835</td>
<td>32,835</td>
<td>32,835</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) The request and the bill provide funding for this activity in the Battered Women's Shelter program.
<table>
<thead>
<tr>
<th>Description</th>
<th>FY 1997 Comparable</th>
<th>FY 1998 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 1997</th>
<th>House</th>
<th>Senate</th>
<th>Mand Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developmental disabilities program:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Councils</td>
<td>64,803</td>
<td>64,803</td>
<td>64,803</td>
<td>65,574</td>
<td>64,803</td>
<td></td>
<td></td>
<td></td>
<td>-771</td>
</tr>
<tr>
<td>Protection and Advocacy</td>
<td>26,718</td>
<td>26,718</td>
<td>26,718</td>
<td>27,036</td>
<td>26,718</td>
<td></td>
<td></td>
<td></td>
<td>-318</td>
</tr>
<tr>
<td>Developmental Disabilities Special Projects</td>
<td>5,250</td>
<td>5,250</td>
<td>---</td>
<td>5,250</td>
<td>5,250</td>
<td></td>
<td></td>
<td></td>
<td>+5,250</td>
</tr>
<tr>
<td>Developmental Disabilities University Affiliated.</td>
<td>17,461</td>
<td>17,461</td>
<td>17,461</td>
<td>17,669</td>
<td>17,461</td>
<td></td>
<td></td>
<td></td>
<td>-208</td>
</tr>
<tr>
<td>Native American Programs</td>
<td>34,933</td>
<td>34,933</td>
<td>34,933</td>
<td>34,933</td>
<td>34,933</td>
<td></td>
<td></td>
<td></td>
<td>-1,297</td>
</tr>
<tr>
<td>Community services:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants to States for Community Services</td>
<td>489,600</td>
<td>414,720</td>
<td>489,600</td>
<td>492,600</td>
<td>480,600</td>
<td>+1,000</td>
<td>+1,000</td>
<td>-2,000</td>
<td>D</td>
</tr>
<tr>
<td>Community Initiative program:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Economic Development</td>
<td>27,332</td>
<td>---</td>
<td>30,065</td>
<td>27,332</td>
<td>30,065</td>
<td>+2,733</td>
<td>---</td>
<td>+2,733</td>
<td>D</td>
</tr>
<tr>
<td>Rural Community Facilities</td>
<td>3,500</td>
<td>---</td>
<td>3,500</td>
<td>3,500</td>
<td>3,500</td>
<td>---</td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Subtotal, discretionary funds</td>
<td>30,832</td>
<td>---</td>
<td>33,565</td>
<td>30,832</td>
<td>33,565</td>
<td>+2,733</td>
<td>---</td>
<td>+2,733</td>
<td>D</td>
</tr>
<tr>
<td>National Youth Sports</td>
<td>12,000</td>
<td>---</td>
<td>14,000</td>
<td>12,000</td>
<td>14,000</td>
<td>+2,000</td>
<td>---</td>
<td>+2,000</td>
<td>D</td>
</tr>
<tr>
<td>Community Food and Nutrition</td>
<td>4,000</td>
<td>---</td>
<td>4,000</td>
<td>4,000</td>
<td>4,000</td>
<td>+4,000</td>
<td>---</td>
<td>+4,000</td>
<td>D</td>
</tr>
<tr>
<td>Subtotal, Community services</td>
<td>536,432</td>
<td>414,720</td>
<td>537,165</td>
<td>539,432</td>
<td>542,165</td>
<td>+5,733</td>
<td>+5,000</td>
<td>+2,733</td>
<td>D</td>
</tr>
<tr>
<td>Program Direction</td>
<td>143,061</td>
<td>143,115</td>
<td>143,115</td>
<td>138,343</td>
<td>140,729</td>
<td>-2,332</td>
<td>-2,386</td>
<td>+2,386</td>
<td>D</td>
</tr>
<tr>
<td>Rescission of permanent appropriations</td>
<td>-27,000</td>
<td>---</td>
<td>-21,000</td>
<td>-21,000</td>
<td>-21,000</td>
<td>-6,000</td>
<td>---</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Total, Children &amp; Families Services Programs</td>
<td>5,336,061</td>
<td>5,498,800</td>
<td>5,577,052</td>
<td>5,590,094</td>
<td>5,661,916</td>
<td>+325,855</td>
<td>+84,864</td>
<td>+71,822</td>
<td></td>
</tr>
</tbody>
</table>

---

November 7, 1997
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Schools</td>
<td>12,800</td>
<td>12,800</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-12,800</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Runaway Youth Prevention</td>
<td>8,000</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
<td>7,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Domestic Violence Hotline</td>
<td>1,200</td>
<td>1,200</td>
<td>1,200</td>
<td>1,200</td>
<td>1,200</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Battered Women's Shelters</td>
<td>10,800</td>
<td>70,000</td>
<td>82,800</td>
<td>76,800</td>
<td>76,800</td>
<td>66,000</td>
<td>-6,000</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total, Violent crime reduction programs</strong></td>
<td><strong>32,800</strong></td>
<td><strong>99,000</strong></td>
<td><strong>99,000</strong></td>
<td><strong>93,000</strong></td>
<td><strong>93,000</strong></td>
<td><strong>60,200</strong></td>
<td><strong>-6,000</strong></td>
<td><strong>-</strong></td>
</tr>
<tr>
<td>Family Support and Preservation</td>
<td>240,000</td>
<td>255,000</td>
<td>255,000</td>
<td>255,000</td>
<td>255,000</td>
<td>15,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Foster Care</td>
<td>3,807,413</td>
<td>3,540,300</td>
<td>3,540,300</td>
<td>3,540,300</td>
<td>3,540,300</td>
<td>-266,843</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Adoption Assistance</td>
<td>567,888</td>
<td>700,700</td>
<td>700,700</td>
<td>700,700</td>
<td>700,700</td>
<td>132,812</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Independent Living</td>
<td>70,000</td>
<td>70,000</td>
<td>70,000</td>
<td>70,000</td>
<td>70,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total, Program level: Payment to States</strong></td>
<td><strong>4,445,311</strong></td>
<td><strong>4,311,000</strong></td>
<td><strong>4,311,000</strong></td>
<td><strong>4,311,000</strong></td>
<td><strong>4,311,000</strong></td>
<td><strong>-134,031</strong></td>
<td><strong>-</strong></td>
<td><strong>-</strong></td>
</tr>
<tr>
<td>Less Advances from Prior Year</td>
<td>-1,111,000</td>
<td>-1,111,000</td>
<td>-1,111,000</td>
<td>-1,111,000</td>
<td>-1,111,000</td>
<td>-1,111,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total, request, FY 1997 / 1998</strong></td>
<td><strong>4,445,311</strong></td>
<td><strong>3,200,000</strong></td>
<td><strong>3,200,000</strong></td>
<td><strong>3,200,000</strong></td>
<td><strong>3,200,000</strong></td>
<td><strong>-1,245,031</strong></td>
<td><strong>-</strong></td>
<td><strong>-</strong></td>
</tr>
<tr>
<td>New Advance, 1st quarter, FY 1998/1999</td>
<td>1,111,000</td>
<td>1,157,500</td>
<td>1,157,500</td>
<td>1,157,500</td>
<td>1,157,500</td>
<td>46,500</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total, Administration for Children and Families</strong></td>
<td><strong>24,898,088</strong></td>
<td><strong>15,705,732</strong></td>
<td><strong>15,608,552</strong></td>
<td><strong>15,819,046</strong></td>
<td><strong>15,907,088</strong></td>
<td><strong>-8,991,000</strong></td>
<td><strong>+298,536</strong></td>
<td><strong>+88,042</strong></td>
</tr>
<tr>
<td>FY 1998 / 1999</td>
<td>(3,655,000)</td>
<td>(3,817,500)</td>
<td>(3,817,500)</td>
<td>(4,017,500)</td>
<td>(3,917,500)</td>
<td>(262,500)</td>
<td>(+100,000)</td>
<td>(-100,000)</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>--------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
<td>---------------</td>
<td>-------</td>
</tr>
<tr>
<td>Grants to States:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supportive Services and Centers</td>
<td>300,556</td>
<td>291,375</td>
<td>309,819</td>
<td>317,556</td>
<td>309,500</td>
<td>+8,944</td>
<td>-319</td>
<td>-8,056</td>
</tr>
<tr>
<td>Preventive Health</td>
<td>18,623</td>
<td>18,623</td>
<td>---</td>
<td>17,623</td>
<td>16,123</td>
<td>+500</td>
<td>+16,123</td>
<td>-1,500</td>
</tr>
<tr>
<td>Title VII</td>
<td>---</td>
<td>9,181</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Nutrition:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congregate Meals</td>
<td>364,535</td>
<td>359,810</td>
<td>364,535</td>
<td>380,716</td>
<td>374,412</td>
<td>+9,877</td>
<td>+9,877</td>
<td>-6,304</td>
</tr>
<tr>
<td>Home Delivered Meals</td>
<td>105,339</td>
<td>110,064</td>
<td>110,064</td>
<td>122,064</td>
<td>112,000</td>
<td>+6,661</td>
<td>+1,936</td>
<td>-10,064</td>
</tr>
<tr>
<td>Frail Elderly In-Home Services</td>
<td>9,263</td>
<td>9,263</td>
<td>---</td>
<td>11,263</td>
<td>9,763</td>
<td>+500</td>
<td>+9,763</td>
<td>-1,500</td>
</tr>
<tr>
<td>Grants to Indians</td>
<td>16,057</td>
<td>16,057</td>
<td>16,057</td>
<td>20,057</td>
<td>18,457</td>
<td>+2,400</td>
<td>+2,400</td>
<td>-1,600</td>
</tr>
<tr>
<td>Aging Research, Training and Special Projects</td>
<td>4,000</td>
<td>4,000</td>
<td>---</td>
<td>10,000</td>
<td>10,000</td>
<td>+6,000</td>
<td>+10,000</td>
<td>---</td>
</tr>
<tr>
<td>Program Administration</td>
<td>14,758</td>
<td>14,795</td>
<td>14,795</td>
<td>14,795</td>
<td>14,795</td>
<td>+37</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Alzheimer's Initiative</td>
<td>---</td>
<td>8,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, Administration on Aging</strong></td>
<td><strong>830,131</strong></td>
<td><strong>838,168</strong></td>
<td><strong>815,270</strong></td>
<td><strong>894,074</strong></td>
<td><strong>865,050</strong></td>
<td><strong>+34,919</strong></td>
<td><strong>+49,780</strong></td>
<td><strong>-29,024</strong></td>
</tr>
</tbody>
</table>
## OFFICE OF THE SECRETARY

### GENERAL DEPARTMENTAL MANAGEMENT:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Funds</td>
<td>96,135</td>
<td>96,517</td>
<td>101,329</td>
<td>98,517</td>
<td>102,329</td>
<td>+6,194</td>
<td>+1,000</td>
<td>+3,812</td>
<td>TF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust Funds</td>
<td>(5,851)</td>
<td>(5,851)</td>
<td>(5,851)</td>
<td>(5,851)</td>
<td>(5,851)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1% Evaluation funds (ASPE) (NA)</td>
<td>(20,552)</td>
<td>(20,552)</td>
<td>(20,552)</td>
<td>(20,552)</td>
<td>(20,552)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td>(122,538)</td>
<td>(122,920)</td>
<td>(127,732)</td>
<td>(129,920)</td>
<td>(129,732)</td>
<td>(+6,194)</td>
<td>(+1,000)</td>
<td>(+3,812)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adolescent Family Life (Title XX)</td>
<td>14,205</td>
<td>14,209</td>
<td>14,209</td>
<td>19,209</td>
<td>16,709</td>
<td>+2,503</td>
<td>+2,500</td>
<td>-2,500</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical Fitness and Sports</td>
<td>998</td>
<td>1,000</td>
<td>998</td>
<td>998</td>
<td>998</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minority health</td>
<td>34,584</td>
<td>23,100</td>
<td>23,100</td>
<td>23,600</td>
<td>29,100</td>
<td>-5,484</td>
<td>+6,000</td>
<td>+5,000</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of women's health</td>
<td>12,495</td>
<td>12,500</td>
<td>12,500</td>
<td>18,500</td>
<td>12,495</td>
<td>---</td>
<td>---</td>
<td>-5</td>
<td>-6,005</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Anti-Terrorism</td>
<td>13,764</td>
<td>10,000</td>
<td>7,500</td>
<td>13,764</td>
<td>10,000</td>
<td>-3,764</td>
<td>+2,500</td>
<td>-3,764</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, General Departmental Management</strong></td>
<td>178,033</td>
<td>163,177</td>
<td>165,427</td>
<td>180,439</td>
<td>177,482</td>
<td>-551</td>
<td>+11,995</td>
<td>-2,957</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>172,182</td>
<td>157,326</td>
<td>159,636</td>
<td>174,588</td>
<td>171,631</td>
<td>-551</td>
<td>+11,995</td>
<td>-2,957</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>(5,851)</td>
<td>(5,851)</td>
<td>(5,851)</td>
<td>(5,851)</td>
<td>(5,851)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
<td>------------------------</td>
<td>-------</td>
<td>--------</td>
<td>-----------</td>
<td></td>
</tr>
<tr>
<td>OFFICE OF THE INSPECTOR GENERAL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>34,790</td>
<td>31,921</td>
<td>30,921</td>
<td>31,921</td>
<td>31,921</td>
<td>-2,869</td>
<td>+1,000</td>
<td>---</td>
<td>---</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>H.R. 3103 funding (non-add)</td>
<td>(60,000)</td>
<td>(80,500)</td>
<td>(80,500)</td>
<td>(80,500)</td>
<td>(80,500)</td>
<td>(+20,500)</td>
<td></td>
<td>---</td>
<td>NA</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Office of the Inspector General</strong></td>
<td>34,790</td>
<td>31,921</td>
<td>30,921</td>
<td>31,921</td>
<td>31,921</td>
<td>-2,869</td>
<td>+1,000</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OFFICE FOR CIVIL RIGHTS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>16,183</td>
<td>17,216</td>
<td>16,345</td>
<td>16,345</td>
<td>16,345</td>
<td>+162</td>
<td></td>
<td>---</td>
<td>---</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Trust Funds</td>
<td>(3,307)</td>
<td>(3,314)</td>
<td>(3,314)</td>
<td>(3,314)</td>
<td>(3,314)</td>
<td>(+7)</td>
<td></td>
<td>---</td>
<td>TFs</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Office for Civil Rights</strong></td>
<td>19,490</td>
<td>20,530</td>
<td>19,659</td>
<td>19,659</td>
<td>19,659</td>
<td>+169</td>
<td></td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>16,183</td>
<td>17,216</td>
<td>16,345</td>
<td>16,345</td>
<td>16,345</td>
<td>+162</td>
<td></td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>(3,307)</td>
<td>(3,314)</td>
<td>(3,314)</td>
<td>(3,314)</td>
<td>(3,314)</td>
<td>(+7)</td>
<td></td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Policy Research</strong></td>
<td>18,486</td>
<td>9,000</td>
<td>14,000</td>
<td>9,500</td>
<td>14,000</td>
<td>-4,486</td>
<td></td>
<td>---</td>
<td>+4,500</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Office of the Secretary</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>250,799</td>
<td>224,626</td>
<td>230,067</td>
<td>241,519</td>
<td>243,062</td>
<td>-7,737</td>
<td>+12,995</td>
<td>+1,543</td>
<td>+1,543</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>(9,158)</td>
<td>(9,165)</td>
<td>(9,165)</td>
<td>(9,165)</td>
<td>(9,165)</td>
<td>(+7)</td>
<td></td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Public Health &amp; Social Services Emergency Fund</strong></td>
<td>15,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-15,000</td>
<td></td>
<td>---</td>
<td>---</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Department of Health and Human Services</strong></td>
<td>211,870,503</td>
<td>202,604,461</td>
<td>203,252,967</td>
<td>203,618,151</td>
<td>201,192,783</td>
<td>-10,677,720</td>
<td></td>
<td>-2,050,184</td>
<td>-2,425,368</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>210,126,904</td>
<td>200,820,796</td>
<td>201,564,367</td>
<td>201,889,745</td>
<td>199,440,552</td>
<td>-10,686,352</td>
<td></td>
<td>-2,123,815</td>
<td>-2,449,193</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY 1998 / 1999</td>
<td>(31,643,993)</td>
<td>(31,618,189)</td>
<td>(31,618,189)</td>
<td>(31,818,189)</td>
<td>(31,718,189)</td>
<td>(+74,196)</td>
<td>(+100,000)</td>
<td>(-100,000)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>(1,743,599)</td>
<td>(1,783,665)</td>
<td>(1,658,600)</td>
<td>(1,728,406)</td>
<td>(1,752,231)</td>
<td>(+8,632)</td>
<td>(+63,631)</td>
<td>(+23,825)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------</td>
<td>--------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------------</td>
<td>--------</td>
<td>-----------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State &amp; Local Ed. Systemic Improvement Grants</td>
<td>476,000</td>
<td>603,500</td>
<td>370,665</td>
<td>500,000</td>
<td>464,500</td>
<td>-11,500</td>
<td>+93,835</td>
<td>-35,500 D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State &amp; Local Ed. Systemic Improvement Grants (2)</td>
<td>---</td>
<td>1,500</td>
<td>1,500</td>
<td>---</td>
<td>1,500</td>
<td>+1,500</td>
<td>---</td>
<td>+1,500 D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parental Assistance (2)</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
<td>30,000</td>
<td>25,000</td>
<td>+10,000</td>
<td>+10,000</td>
<td>-5,000 D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, Goals 2000</strong></td>
<td>491,000</td>
<td>620,000</td>
<td>387,165</td>
<td>530,000</td>
<td>491,000</td>
<td>---</td>
<td>+103,835</td>
<td>-39,500 D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>School-to-work opportunities:</strong></td>
<td>199,973</td>
<td>200,000</td>
<td>200,000</td>
<td>200,000</td>
<td>200,000</td>
<td>+27</td>
<td>---</td>
<td>--- D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Education Technology:</strong></td>
<td>266,965</td>
<td>510,000</td>
<td>520,000</td>
<td>541,000</td>
<td>541,000</td>
<td>+274,035</td>
<td>+21,000</td>
<td>--- D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) (3) Technology for Education</td>
<td>30,000</td>
<td>26,000</td>
<td>---</td>
<td>30,000</td>
<td>34,000</td>
<td>+4,000</td>
<td>+34,000</td>
<td>+4,000 D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Star Schools</td>
<td>7,000</td>
<td>7,000</td>
<td>---</td>
<td>7,000</td>
<td>7,000</td>
<td>---</td>
<td>+7,000</td>
<td>--- D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Ready to Learn Television</strong></td>
<td>1,035</td>
<td>2,035</td>
<td>2,035</td>
<td>2,035</td>
<td>2,035</td>
<td>+1,000</td>
<td>+2,035</td>
<td>--- D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, Education Technology</strong></td>
<td>305,000</td>
<td>545,035</td>
<td>520,000</td>
<td>580,035</td>
<td>584,035</td>
<td>+279,035</td>
<td>+64,036</td>
<td>+4,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, Non-Goals 2000 Ed Reform</strong></td>
<td>504,973</td>
<td>745,035</td>
<td>720,000</td>
<td>780,035</td>
<td>784,035</td>
<td>+279,062</td>
<td>+64,036</td>
<td>+4,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>995,973</td>
<td>1,365,035</td>
<td>1,107,165</td>
<td>1,310,035</td>
<td>1,275,035</td>
<td>+279,062</td>
<td>+167,870</td>
<td>-35,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, Forward funded</strong></td>
<td>(675,973)</td>
<td>(803,500)</td>
<td>(570,665)</td>
<td>(700,000)</td>
<td>(664,500)</td>
<td>(-11,473)</td>
<td>(+93,835)</td>
<td>(-35,500)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) Forward funded except where noted.

(2) Current funded.

(3) Star Schools, Ready to Learn, Telecommunications Demonstration, and one component of the Technology for Education were funded in the House and Senate bills in the Education Research and Statistics account.
<table>
<thead>
<tr>
<th>EDUCATION FOR THE DISADVANTAGED (1)</th>
<th>FY 1997 Comparable</th>
<th>FY 1998 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 1997 House</th>
<th>Senate</th>
<th>Conference vs</th>
<th>Mand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants to Local Education Agencies (LEAs):</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Basic Grants</td>
<td>6,269,712</td>
<td>6,187,350</td>
<td>6,187,850</td>
<td>6,269,712</td>
<td>6,269,712</td>
<td>---</td>
<td>+81,862</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Basic Grants (2)</td>
<td>3,500</td>
<td>4,000</td>
<td>3,500</td>
<td>4,000</td>
<td>3,500</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-500 D</td>
</tr>
<tr>
<td>Subtotal, Basic grants</td>
<td>6,273,212</td>
<td>6,191,350</td>
<td>6,191,350</td>
<td>6,273,212</td>
<td>6,273,212</td>
<td>---</td>
<td>+81,862</td>
<td>---</td>
<td>-500 D</td>
</tr>
<tr>
<td>Concentration Grants</td>
<td>1,022,020</td>
<td>999,249</td>
<td>949,249</td>
<td>1,022,020</td>
<td>1,102,020</td>
<td>+80,000</td>
<td>+152,771</td>
<td>+80,000</td>
<td>D</td>
</tr>
<tr>
<td>Targeted Grants</td>
<td>---</td>
<td>350,000</td>
<td>400,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Comprehensive School Reform</td>
<td>---</td>
<td>150,000</td>
<td>---</td>
<td>120,000</td>
<td>120,000</td>
<td>---</td>
<td>---</td>
<td>-30,000</td>
<td>+120,000 D</td>
</tr>
<tr>
<td><strong>Subtotal, Grants to LEAs</strong></td>
<td>7,295,232</td>
<td>7,540,599</td>
<td>7,690,699</td>
<td>7,295,732</td>
<td>7,495,232</td>
<td>+200,000</td>
<td>-195,367</td>
<td>+198,600</td>
<td>D</td>
</tr>
<tr>
<td>Capital Expenses for Private School Children</td>
<td>41,119</td>
<td>41,119</td>
<td>41,119</td>
<td>41,119</td>
<td>41,119</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Even Start</td>
<td>101,992</td>
<td>108,000</td>
<td>108,000</td>
<td>108,000</td>
<td>124,000</td>
<td>+22,008</td>
<td>+16,000</td>
<td>+16,000</td>
<td>D</td>
</tr>
<tr>
<td>State agency programs:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Migrant</td>
<td>305,473</td>
<td>319,500</td>
<td>305,473</td>
<td>305,473</td>
<td>305,473</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Neglected and Delinquent/High Risk Youth</td>
<td>39,311</td>
<td>40,333</td>
<td>39,311</td>
<td>40,333</td>
<td>39,311</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-1,022 D</td>
</tr>
<tr>
<td>State School Improvement</td>
<td>---</td>
<td>8,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Evaluation (2)</td>
<td>6,977</td>
<td>10,000</td>
<td>10,000</td>
<td>6,977</td>
<td>6,977</td>
<td>---</td>
<td>---</td>
<td>-3,023</td>
<td>D</td>
</tr>
<tr>
<td><strong>Total, ESEA</strong></td>
<td>7,790,104</td>
<td>8,067,851</td>
<td>8,194,502</td>
<td>7,797,634</td>
<td>8,012,112</td>
<td>+222,008</td>
<td>-182,390</td>
<td>+214,478</td>
<td>D</td>
</tr>
</tbody>
</table>

(1) Forward funded except where noted.
(2) Current funded.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Migrant Education:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School Equivalency Program (1)</td>
<td>7,441</td>
<td>7,634</td>
<td>7,634</td>
<td>7,634</td>
<td>7,634</td>
<td>+193</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>College Assistance Migrant Program (1)</td>
<td>2,028</td>
<td>2,081</td>
<td>2,081</td>
<td>2,081</td>
<td>2,081</td>
<td>+53</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Subtotal, migrant education</td>
<td>9,469</td>
<td>9,715</td>
<td>9,715</td>
<td>9,715</td>
<td>9,715</td>
<td>+246</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Total, Compensatory education programs</td>
<td>7,799,573</td>
<td>8,077,266</td>
<td>8,204,217</td>
<td>7,807,349</td>
<td>8,021,827</td>
<td>+222,254</td>
<td>-182,390</td>
<td>+214,478</td>
<td></td>
</tr>
<tr>
<td>Subtotal, forward funded</td>
<td>(7,779,627)</td>
<td>(8,053,551)</td>
<td>(8,181,002)</td>
<td>(7,786,657)</td>
<td>(8,001,635)</td>
<td>(+222,008)</td>
<td>(-178,367)</td>
<td>(+214,978)</td>
<td></td>
</tr>
</tbody>
</table>

**IMPACT AID**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Support Payments</td>
<td>615,500</td>
<td>584,000</td>
<td>667,000</td>
<td>623,500</td>
<td>662,000</td>
<td>+46,500</td>
<td>-5,000</td>
<td>+38,500</td>
<td>D</td>
</tr>
<tr>
<td>Payments for Children with Disabilities</td>
<td>40,000</td>
<td>40,000</td>
<td>40,000</td>
<td>80,000</td>
<td>50,000</td>
<td>+10,000</td>
<td>+10,000</td>
<td>-30,000</td>
<td>D</td>
</tr>
<tr>
<td>Payments for Heavily Impacted Districts (Sec. f)</td>
<td>52,000</td>
<td>20,000</td>
<td>62,000</td>
<td>52,000</td>
<td>62,000</td>
<td>+10,000</td>
<td>---</td>
<td>+10,000</td>
<td>D</td>
</tr>
<tr>
<td>Subtotal</td>
<td>707,500</td>
<td>644,000</td>
<td>769,000</td>
<td>755,500</td>
<td>774,000</td>
<td>+66,500</td>
<td>+5,000</td>
<td>+18,500</td>
<td>D</td>
</tr>
<tr>
<td>Facilities Maintenance (Sec. 8008)</td>
<td>---</td>
<td>10,000</td>
<td>---</td>
<td>10,000</td>
<td>3,000</td>
<td>+3,000</td>
<td>+3,000</td>
<td>-7,000</td>
<td>D</td>
</tr>
<tr>
<td>Construction (Sec. 8007)</td>
<td>5,000</td>
<td>4,000</td>
<td>7,000</td>
<td>5,000</td>
<td>7,000</td>
<td>+2,000</td>
<td>---</td>
<td>+2,000</td>
<td>D</td>
</tr>
<tr>
<td>Payments for Federal Property (Sec. 8002)</td>
<td>17,500</td>
<td>---</td>
<td>20,000</td>
<td>24,000</td>
<td>24,000</td>
<td>+6,500</td>
<td>+4,000</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Subtotal</td>
<td>730,000</td>
<td>658,000</td>
<td>796,000</td>
<td>794,500</td>
<td>808,000</td>
<td>+78,000</td>
<td>+12,000</td>
<td>+13,500</td>
<td></td>
</tr>
</tbody>
</table>

(1) Current funded.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Program innovation (1)</td>
<td>310,000</td>
<td>360,000</td>
<td>310,000</td>
<td>310,000</td>
<td>335,000</td>
<td>+25,000</td>
<td>+25,000</td>
<td>+25,000</td>
<td>+25,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safe and drug-free schools:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Grants (1)</td>
<td>530,978</td>
<td>590,000</td>
<td>531,000</td>
<td>555,978</td>
<td>531,000</td>
<td>+22</td>
<td></td>
<td>-24,978</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Programs</td>
<td>25,000</td>
<td>30,000</td>
<td>25,000</td>
<td></td>
<td>25,000</td>
<td></td>
<td></td>
<td>+22</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Subtotal, Safe and drug-free schools**: 555,978 620,000 556,000 555,978 556,000 +22

| Inexpensive Book Distribution (RI)F | 10,265 | 12,000 | 12,000 | 12,000 | 12,000 | +1,735 |

| Arts in Education | 9,000 | 8,500 | 9,500 | 10,500 | 10,500 | +1,500 |

**Other school improvement programs**: 105,000 105,000 101,000 +6,000 1,000

| Education for Homeless Children & Youth (1) | 25,000 | 27,000 | 27,000 | 28,800 | 28,800 | +3,800 |

| Women's Education Equity | 2,000 | 4,000 | 2,000 | 4,000 | 3,000 | +1,000 |

| Training and Advisory Services (Civil Rights) | 7,334 | 14,334 | 7,334 | 7,334 | 7,334 |

| Ellender Fellowships/Close Up (1) | 1,500 | 1,500 | 1,500 | 1,500 |

| Education for Native Hawaiians | 15,000 | 15,000 | 15,000 | 15,000 | 18,000 | +3,000 |

| Alaska Native Education Equity | 8,000 | 8,000 | 8,000 | 8,000 | 8,000 | +8,000 |

| Charter Schools | 50,987 | 100,000 | 100,000 | 50,987 | 80,000 | +29,013 |

| Education Infrastructure | --- | --- | 100,000 | --- | --- | --- |

**Subtotal, other school improvement programs**: 204,821 263,334 242,834 318,261 247,634 +42,813 +4,800 70,627

| Comprehensive Regional Assistance Centers | 25,554 | 34,388 | 27,054 | 25,554 | 27,054 | +1,500 |

**Total, School improvement programs**: 1,425,618 1,299,222 1,507,388 1,542,293 1,538,188 +112,570 +30,800 -4,105

**Subtotal, forward funded**: (1,177,478) (977,000) (1,219,500) (1,206,278) (1,246,300) (+68,822) (+26,800) (40,022)

(1) Forward funded.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LITERACY INITIATIVE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current year</td>
<td>---</td>
<td>260,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>1998 advance funding</td>
<td>---</td>
<td>---</td>
<td>260,000</td>
<td>260,000</td>
<td>210,000</td>
<td>+210,000</td>
<td>-50,000</td>
</tr>
<tr>
<td>Total, Literacy initiative</td>
<td>---</td>
<td>260,000</td>
<td>260,000</td>
<td>260,000</td>
<td>210,000</td>
<td>+210,000</td>
<td>-50,000</td>
</tr>
<tr>
<td><strong>INDIAN EDUCATION (1)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants to Local Educational Agencies</td>
<td>58,050</td>
<td>59,750</td>
<td>59,750</td>
<td>59,750</td>
<td>59,750</td>
<td>+1,700</td>
<td>---</td>
</tr>
<tr>
<td>Office of Indian Education</td>
<td>2,943</td>
<td>2,850</td>
<td>2,850</td>
<td>2,850</td>
<td>2,850</td>
<td>-93</td>
<td>---</td>
</tr>
<tr>
<td>Total, Indian Education</td>
<td>60,993</td>
<td>62,600</td>
<td>62,600</td>
<td>62,600</td>
<td>62,600</td>
<td>+1,607</td>
<td>---</td>
</tr>
<tr>
<td><strong>BILINGUAL AND IMMIGRANT EDUCATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bilingual education: Instructional Services</td>
<td>141,700</td>
<td>160,000</td>
<td>160,000</td>
<td>160,000</td>
<td>160,000</td>
<td>+18,300</td>
<td>---</td>
</tr>
<tr>
<td>Support Services</td>
<td>10,000</td>
<td>14,000</td>
<td>14,000</td>
<td>14,000</td>
<td>14,000</td>
<td>+4,000</td>
<td>---</td>
</tr>
<tr>
<td>Professional Development</td>
<td>5,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>+20,000</td>
<td>---</td>
</tr>
<tr>
<td>Immigrant Education</td>
<td>100,000</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
<td>+50,000</td>
<td>---</td>
</tr>
<tr>
<td>Foreign Language Assistance</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Total, Bilingual and Immigrant Education</td>
<td>261,700</td>
<td>354,000</td>
<td>354,000</td>
<td>354,000</td>
<td>354,000</td>
<td>+92,300</td>
<td>---</td>
</tr>
</tbody>
</table>

(1) Funding for this account for FY97 was provided in the Interior Appropriations Bill and is shown here for purposes of comparability.
### SPECIAL EDUCATION

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State grants: (1)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preschool Grants</td>
<td>360,409</td>
<td>374,825</td>
<td>388,985</td>
<td>378,985</td>
<td>373,985</td>
<td>+13,576</td>
<td>-15,000</td>
<td>-8,000</td>
<td>D</td>
</tr>
<tr>
<td>Grants for Infants and Families</td>
<td>315,754</td>
<td>323,964</td>
<td>340,790</td>
<td>350,790</td>
<td>350,000</td>
<td>+34,246</td>
<td>+9,210</td>
<td>-790</td>
<td>D</td>
</tr>
<tr>
<td>Evaluation(2)</td>
<td>1,873</td>
<td>6,300</td>
<td>6,300</td>
<td>6,300</td>
<td>5,000</td>
<td>+3,127</td>
<td>-1,300</td>
<td>-1,300</td>
<td>D</td>
</tr>
<tr>
<td>Evaluation (2)</td>
<td>---</td>
<td>1,700</td>
<td>1,700</td>
<td>1,700</td>
<td>1,700</td>
<td>+1,700</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td><strong>Subtotal, State grants</strong></td>
<td>3,785,558</td>
<td>3,947,539</td>
<td>4,163,686</td>
<td>4,679,612</td>
<td>4,531,685</td>
<td>+748,127</td>
<td>+367,999</td>
<td>-147,927</td>
<td>D</td>
</tr>
<tr>
<td>IDEA National Programs (P.L. 105-17):</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Program Improvement Grants (1)</td>
<td>26,988</td>
<td>35,200</td>
<td>35,200</td>
<td>35,200</td>
<td>35,200</td>
<td>+8,212</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Research and Innovation to Improve Services</td>
<td>62,803</td>
<td>64,508</td>
<td>64,508</td>
<td>64,508</td>
<td>64,508</td>
<td>+1,705</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Technical Assistance and Dissemination</td>
<td>34,337</td>
<td>35,056</td>
<td>35,056</td>
<td>44,556</td>
<td>44,556</td>
<td>+10,219</td>
<td>+9,500</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Personnel Preparation</td>
<td>80,735</td>
<td>82,139</td>
<td>82,139</td>
<td>82,139</td>
<td>82,139</td>
<td>+1,404</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Parent Information Centers</td>
<td>15,535</td>
<td>15,535</td>
<td>15,535</td>
<td>18,535</td>
<td>18,535</td>
<td>+3,000</td>
<td>+3,000</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Technology and Media Services</td>
<td>30,023</td>
<td>30,023</td>
<td>32,523</td>
<td>32,523</td>
<td>32,523</td>
<td>+2,500</td>
<td>---</td>
<td>+500</td>
<td>D</td>
</tr>
<tr>
<td>Public telecom Info/training Dissemination</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>1,500</td>
<td>1,500</td>
<td>+1,500</td>
<td>+1,500</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td><strong>Subtotal, IDEA special programs reauthorization</strong></td>
<td>280,421</td>
<td>262,461</td>
<td>264,961</td>
<td>278,461</td>
<td>278,961</td>
<td>+28,540</td>
<td>+14,000</td>
<td>+500</td>
<td></td>
</tr>
</tbody>
</table>

**Total, Special education** | 4,035,979 | 4,210,000 | 4,428,647 | 4,958,073 | 4,810,646 | +774,667 | +381,999 | -147,427 |
**Subtotal, Forward funded** | 3,812,546 | 3,981,039 | 4,197,186 | 4,713,112 | 4,565,185 | +752,639 | +367,999 | -147,927 |

(1) Forward funded except where noted.
(2) Current funded.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REHABILITATION SERVICES AND DISABILITY RESEARCH</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Rehabilitation State Grants</td>
<td>2,176,038</td>
<td>2,246,888</td>
<td>2,246,888</td>
<td>2,246,888</td>
<td>2,246,888</td>
<td>+70,850</td>
<td>---</td>
</tr>
<tr>
<td>Client Assistance State grants</td>
<td>10,392</td>
<td>10,714</td>
<td>10,714</td>
<td>10,714</td>
<td>10,714</td>
<td>+322</td>
<td>---</td>
</tr>
<tr>
<td>Training</td>
<td>39,629</td>
<td>39,629</td>
<td>39,629</td>
<td>39,629</td>
<td>39,629</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Special demonstration programs</td>
<td>18,942</td>
<td>16,942</td>
<td>15,942</td>
<td>20,836</td>
<td>15,942</td>
<td>-3,000</td>
<td>---</td>
</tr>
<tr>
<td>Migratory workers</td>
<td>1,850</td>
<td>2,350</td>
<td>2,350</td>
<td>2,350</td>
<td>2,350</td>
<td>+600</td>
<td>---</td>
</tr>
<tr>
<td>Recreational programs</td>
<td>2,596</td>
<td>2,596</td>
<td>2,596</td>
<td>2,596</td>
<td>2,596</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Protection and advocacy of individual rights (PAIR)...</td>
<td>7,657</td>
<td>7,894</td>
<td>9,894</td>
<td>7,894</td>
<td>9,894</td>
<td>+2,237</td>
<td>---</td>
</tr>
<tr>
<td>Projects with industry</td>
<td>22,071</td>
<td>22,071</td>
<td>22,071</td>
<td>22,071</td>
<td>22,071</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Supported employment State grants</td>
<td>38,152</td>
<td>38,152</td>
<td>38,152</td>
<td>38,152</td>
<td>38,152</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Independent living:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State grants</td>
<td>21,859</td>
<td>21,859</td>
<td>21,859</td>
<td>21,859</td>
<td>21,859</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Centers</td>
<td>42,876</td>
<td>44,205</td>
<td>44,205</td>
<td>46,205</td>
<td>46,205</td>
<td>+2,229</td>
<td>1,000</td>
</tr>
<tr>
<td>Services for older blind individuals</td>
<td>9,952</td>
<td>9,952</td>
<td>9,952</td>
<td>11,947</td>
<td>10,950</td>
<td>+998</td>
<td>+998</td>
</tr>
<tr>
<td><strong>Subtotal, Independent Living</strong></td>
<td>74,687</td>
<td>76,016</td>
<td>76,016</td>
<td>80,011</td>
<td>78,014</td>
<td>+3,327</td>
<td>1,998</td>
</tr>
<tr>
<td>Program Improvement</td>
<td>2,391</td>
<td>3,900</td>
<td>2,900</td>
<td>3,900</td>
<td>2,900</td>
<td>+509</td>
<td>---</td>
</tr>
<tr>
<td>Evaluation</td>
<td>1,587</td>
<td>1,587</td>
<td>1,587</td>
<td>1,587</td>
<td>1,587</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Helen Keller National Center for Deaf-Blind Youths &amp; Adults</td>
<td>7,337</td>
<td>7,528</td>
<td>7,528</td>
<td>7,549</td>
<td>7,549</td>
<td>+212</td>
<td>21</td>
</tr>
<tr>
<td>National Institute for Disability and Rehabilitation Research (NIDRR).</td>
<td>60,980</td>
<td>71,000</td>
<td>76,800</td>
<td>71,000</td>
<td>76,800</td>
<td>+6,810</td>
<td>---</td>
</tr>
<tr>
<td><strong>Subtotal, mandatory programs</strong></td>
<td>2,473,319</td>
<td>2,547,267</td>
<td>2,553,067</td>
<td>2,555,177</td>
<td>2,555,066</td>
<td>+81,767</td>
<td>+2,019</td>
</tr>
<tr>
<td>Assistive Technology</td>
<td>36,109</td>
<td>36,109</td>
<td>36,109</td>
<td>36,109</td>
<td>36,109</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, Rehabilitation services</strong></td>
<td>2,509,428</td>
<td>2,583,376</td>
<td>2,589,176</td>
<td>2,591,286</td>
<td>2,591,195</td>
<td>+81,767</td>
<td>+2,019</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>---------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>American Printing House for the Blind</td>
<td>6,680</td>
<td>6,680</td>
<td>8,186</td>
<td>7,906</td>
<td>8,186</td>
<td>+1,506</td>
<td>---</td>
</tr>
<tr>
<td>National Technical Institute for the Deaf</td>
<td>43,041</td>
<td>43,041</td>
<td>44,141</td>
<td>44,141</td>
<td>44,141</td>
<td>+1,100</td>
<td>+300</td>
</tr>
<tr>
<td>Gallaudet University</td>
<td>79,182</td>
<td>79,182</td>
<td>80,662</td>
<td>81,000</td>
<td>81,000</td>
<td>+1,818</td>
<td>+318</td>
</tr>
<tr>
<td>Total, Special Inst for Persons with Disabilities</td>
<td>128,903</td>
<td>128,903</td>
<td>132,709</td>
<td>133,047</td>
<td>133,327</td>
<td>+4,424</td>
<td>+618</td>
</tr>
</tbody>
</table>

| |

H10286

CONGRESSIONAL RECORD—HOUSE

November 7, 1997
<table>
<thead>
<tr>
<th>Vocational and Adult Education (1)</th>
<th>FY 1997 Comparable</th>
<th>FY 1998 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 1997 House</th>
<th>Senate</th>
<th>Mand Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vocational Education:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Basic State Grants</td>
<td>1,015,550</td>
<td>1,043,550</td>
<td>1,035,550</td>
<td>1,015,550</td>
<td>1,027,550</td>
<td>+12,000</td>
<td>-8,000</td>
<td>+12,000 D</td>
</tr>
<tr>
<td>Tech-Prep Education</td>
<td>100,000</td>
<td>105,000</td>
<td>105,000</td>
<td>100,000</td>
<td>103,000</td>
<td>+3,000</td>
<td>-2,000</td>
<td>+3,000 D</td>
</tr>
<tr>
<td>Tribally Controlled Postsecondary Vocational Institutions (2)</td>
<td>2,919</td>
<td>2,919</td>
<td>3,100</td>
<td>3,100</td>
<td>3,100</td>
<td>+181</td>
<td>---</td>
<td>--- D</td>
</tr>
<tr>
<td>National Programs: Research</td>
<td>13,497</td>
<td>20,497</td>
<td>13,497</td>
<td>13,497</td>
<td>13,497</td>
<td>---</td>
<td>---</td>
<td>--- D</td>
</tr>
<tr>
<td><strong>Subtotal, Vocational education</strong></td>
<td><strong>1,131,966</strong></td>
<td><strong>1,171,966</strong></td>
<td><strong>1,157,147</strong></td>
<td><strong>1,132,147</strong></td>
<td><strong>1,147,147</strong></td>
<td><strong>+15,181</strong></td>
<td><strong>-10,000</strong></td>
<td><strong>+15,000</strong></td>
</tr>
<tr>
<td>Adult Education:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Programs</td>
<td>340,339</td>
<td>362,000</td>
<td>340,339</td>
<td>340,339</td>
<td>345,339</td>
<td>+5,000</td>
<td>+5,000</td>
<td>+5,000 D</td>
</tr>
<tr>
<td>National Programs: Evaluation and Technical Assistance</td>
<td>4,998</td>
<td>6,000</td>
<td>4,998</td>
<td>4,998</td>
<td>4,998</td>
<td>---</td>
<td>---</td>
<td>--- D</td>
</tr>
<tr>
<td>National Institute for Literacy</td>
<td>4,491</td>
<td>6,000</td>
<td>4,491</td>
<td>5,491</td>
<td>5,491</td>
<td>+1,000</td>
<td>+1,000</td>
<td>--- D</td>
</tr>
<tr>
<td><strong>Subtotal, National programs</strong></td>
<td><strong>9,489</strong></td>
<td><strong>12,000</strong></td>
<td><strong>9,489</strong></td>
<td><strong>10,489</strong></td>
<td><strong>10,489</strong></td>
<td><strong>+1,000</strong></td>
<td><strong>+1,000</strong></td>
<td>---</td>
</tr>
<tr>
<td>Literacy Programs for Prisoners</td>
<td>4,723</td>
<td>---</td>
<td>4,723</td>
<td>4,723</td>
<td>---</td>
<td>---</td>
<td>+4,723</td>
<td>--- D</td>
</tr>
<tr>
<td><strong>Subtotal, adult education</strong></td>
<td><strong>354,551</strong></td>
<td><strong>394,000</strong></td>
<td><strong>349,828</strong></td>
<td><strong>355,551</strong></td>
<td><strong>360,551</strong></td>
<td><strong>+6,000</strong></td>
<td><strong>+10,723</strong></td>
<td><strong>+5,000</strong></td>
</tr>
<tr>
<td><strong>Total, Vocational and adult education</strong></td>
<td><strong>1,486,517</strong></td>
<td><strong>1,565,966</strong></td>
<td><strong>1,506,975</strong></td>
<td><strong>1,487,698</strong></td>
<td><strong>1,507,698</strong></td>
<td><strong>+21,181</strong></td>
<td><strong>+723</strong></td>
<td><strong>+20,000</strong></td>
</tr>
<tr>
<td><strong>Subtotal, forward funded</strong></td>
<td><strong>1,483,598</strong></td>
<td><strong>1,563,047</strong></td>
<td><strong>1,503,875</strong></td>
<td><strong>1,484,598</strong></td>
<td><strong>1,504,598</strong></td>
<td><strong>+21,000</strong></td>
<td><strong>(+723)</strong></td>
<td><strong>(+20,000)</strong></td>
</tr>
</tbody>
</table>

(1) Forward funded except where noted.

(2) Current funded.
## Student Financial Assistance

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Pell Grant -- maximum grant (NA)</td>
<td>(2,700)</td>
<td>(3,000)</td>
<td>(3,000)</td>
<td>(3,000)</td>
<td>(3,000)</td>
<td>(+300)</td>
<td>---</td>
<td>---</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Pell Grants -- Regular Program</td>
<td>5,919,000</td>
<td>7,635,000</td>
<td>7,438,000</td>
<td>6,910,334</td>
<td>7,344,934</td>
<td>(+1,425,934)</td>
<td>-93,066</td>
<td>+434,600</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Federal Work Study</td>
<td>830,000</td>
<td>857,000</td>
<td>860,000</td>
<td>830,000</td>
<td>830,000</td>
<td>---</td>
<td>-30,000</td>
<td>---</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Federal Perkins Loans: Capital Contributions</td>
<td>158,000</td>
<td>158,000</td>
<td>135,000</td>
<td>158,000</td>
<td>135,000</td>
<td>-23,000</td>
<td>---</td>
<td>-23,000</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Loan Cancellations</td>
<td>20,000</td>
<td>30,000</td>
<td>30,000</td>
<td>23,000</td>
<td>30,000</td>
<td>+10,000</td>
<td>---</td>
<td>+6,100</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, Federal Perkins loans</strong></td>
<td>178,000</td>
<td>188,000</td>
<td>168,000</td>
<td>181,900</td>
<td>165,000</td>
<td>-13,000</td>
<td>---</td>
<td>-16,900</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>State Student Incentive Grants</td>
<td>50,000</td>
<td>---</td>
<td>---</td>
<td>35,000</td>
<td>25,000</td>
<td>-25,000</td>
<td>+25,000</td>
<td>-10,000</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Student financial assistance</strong></td>
<td>7,560,407</td>
<td>9,263,407</td>
<td>9,046,407</td>
<td>8,591,641</td>
<td>8,978,934</td>
<td>(+1,416,527)</td>
<td>-67,473</td>
<td>+387,293</td>
<td>---</td>
<td>D</td>
</tr>
</tbody>
</table>

### Federal Family Education Loans Program

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 1997</th>
<th>FY 1998</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 1997</th>
<th>House</th>
<th>Senate</th>
<th>Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Administration</td>
<td>46,482</td>
<td>47,688</td>
<td>47,688</td>
<td>46,482</td>
<td>46,482</td>
<td>---</td>
<td>-1,206</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------------------</td>
<td>-------</td>
<td>--------</td>
<td>-----------</td>
</tr>
<tr>
<td>Aid for institutional development:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strengthening institutions</td>
<td>55,450</td>
<td>55,450</td>
<td>55,450</td>
<td>55,450</td>
<td>55,450</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Hispanic Serving Institutions</td>
<td>10,800</td>
<td>12,000</td>
<td>12,000</td>
<td>12,000</td>
<td>12,000</td>
<td>+1,200</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Hispanic serving institutions (Agriculture bill)</td>
<td>(2,000)</td>
<td>(2,000)</td>
<td>(2,000)</td>
<td>(2,000)</td>
<td>(2,000)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, Hispanic serving institutions</td>
<td>(12,800)</td>
<td>(14,000)</td>
<td>(14,000)</td>
<td>(14,000)</td>
<td>(14,000)</td>
<td>(+1,200)</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Strengthening Historically Black Colleges (HBCUs)</td>
<td>108,990</td>
<td>113,000</td>
<td>120,000</td>
<td>108,990</td>
<td>118,495</td>
<td>+9,505</td>
<td>-1,506</td>
<td>+9,505</td>
<td>D</td>
</tr>
<tr>
<td>Strengthening historically black graduate inst ...</td>
<td>19,606</td>
<td>19,606</td>
<td>25,000</td>
<td>19,606</td>
<td>28,000</td>
<td>+5,394</td>
<td>---</td>
<td>---</td>
<td>+5,394 D</td>
</tr>
<tr>
<td>Endowment Challenge Grants, HBCU set-aside</td>
<td>---</td>
<td>2,015</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Subtotal, Institutional development</td>
<td>194,645</td>
<td>202,071</td>
<td>212,450</td>
<td>196,046</td>
<td>210,945</td>
<td>+16,099</td>
<td>-1,506</td>
<td>+14,899</td>
<td></td>
</tr>
<tr>
<td>Program development:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund for the Improvement of Postsec. Ed. (FIPSE)</td>
<td>18,000</td>
<td>18,000</td>
<td>18,000</td>
<td>30,000</td>
<td>25,200</td>
<td>+7,200</td>
<td>+7,200</td>
<td>+7,200</td>
<td>-4,800 D</td>
</tr>
<tr>
<td>Minority Teacher Recruitment</td>
<td>2,122</td>
<td>3,727</td>
<td>2,500</td>
<td>2,212</td>
<td>2,212</td>
<td>---</td>
<td>---</td>
<td>+288</td>
<td>--- D</td>
</tr>
<tr>
<td>Minority Science Improvement</td>
<td>5,255</td>
<td>5,255</td>
<td>5,255</td>
<td>5,255</td>
<td>5,255</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>--- D</td>
</tr>
<tr>
<td>International educ &amp; foreign language studies:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic Programs</td>
<td>53,481</td>
<td>53,481</td>
<td>54,481</td>
<td>53,481</td>
<td>53,581</td>
<td>+100</td>
<td>-900</td>
<td>+100</td>
<td>D</td>
</tr>
<tr>
<td>Overseas Programs</td>
<td>5,270</td>
<td>5,770</td>
<td>5,770</td>
<td>5,870</td>
<td>5,770</td>
<td>+500</td>
<td>---</td>
<td>---</td>
<td>-100 D</td>
</tr>
<tr>
<td>Institute for International Public Policy</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>+1,000</td>
<td>---</td>
<td>---</td>
<td>--- D</td>
</tr>
<tr>
<td>Subtotal, International education</td>
<td>59,751</td>
<td>60,251</td>
<td>60,251</td>
<td>60,351</td>
<td>60,351</td>
<td>+600</td>
<td>+100</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Urban Community Service</td>
<td>9,200</td>
<td>---</td>
<td>4,900</td>
<td>4,900</td>
<td>4,900</td>
<td>-4,300</td>
<td>+4,900</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Subtotal, Program development</td>
<td>94,418</td>
<td>87,233</td>
<td>86,006</td>
<td>102,718</td>
<td>97,918</td>
<td>+3,500</td>
<td>+11,912</td>
<td>-4,800</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
<td>-------</td>
<td>--------</td>
<td>-----------</td>
</tr>
<tr>
<td>Interest Subsidy Grants for Prior Year Construction</td>
<td>15,673</td>
<td>13,700</td>
<td>13,700</td>
<td>13,700</td>
<td>13,700</td>
<td>-1,973</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Special grants:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mary McLeod Bethune Memorial Fine Arts Center</td>
<td>1,400</td>
<td>---</td>
<td>6,620</td>
<td>1,400</td>
<td>6,620</td>
<td>+5,220</td>
<td>---</td>
<td>---</td>
<td>+5,220</td>
</tr>
<tr>
<td>Federal TRIO Programs</td>
<td>499,994</td>
<td>532,000</td>
<td>525,000</td>
<td>529,667</td>
<td>529,667</td>
<td>+29,673</td>
<td>-2,333</td>
<td>+4,667</td>
<td>D</td>
</tr>
<tr>
<td>National Early Intervention Scholarships and Parity</td>
<td>3,600</td>
<td>---</td>
<td>3,600</td>
<td>3,600</td>
<td>3,600</td>
<td>---</td>
<td>+3,600</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Advanced Placement Fees</td>
<td>---</td>
<td>6,000</td>
<td>---</td>
<td>3,000</td>
<td>3,000</td>
<td>+3,000</td>
<td>+3,000</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Scholarships:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Presidential Honors Scholarships</td>
<td>---</td>
<td>132,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>George Bush Fellowships</td>
<td>3,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-3,000</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Edmund Muskie Foundation</td>
<td>3,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-3,000</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Pell Institute for International Relations</td>
<td>3,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-3,000</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Calvin Coolidge Memorial Foundation</td>
<td>1,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-1,000</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Subtotal, Scholarships</td>
<td>39,117</td>
<td>171,288</td>
<td>29,117</td>
<td>39,288</td>
<td>39,288</td>
<td>+171</td>
<td>+10,171</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Graduate fellowships</td>
<td>5,931</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-5,931</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Graduate Assistance in Areas of National Need</td>
<td>24,069</td>
<td>30,000</td>
<td>30,000</td>
<td>30,000</td>
<td>30,000</td>
<td>+5,931</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Subtotal, Graduate fellowships</td>
<td>30,000</td>
<td>30,000</td>
<td>30,000</td>
<td>30,000</td>
<td>30,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Youth Offender Grants</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>15,000</td>
<td>12,000</td>
<td>+12,000</td>
<td>+12,000</td>
<td>+3,000</td>
<td>D</td>
</tr>
<tr>
<td>Total, Higher Education</td>
<td>879,048</td>
<td>1,035,292</td>
<td>909,893</td>
<td>929,752</td>
<td>946,738</td>
<td>+67,690</td>
<td>+36,845</td>
<td>+16,986</td>
<td></td>
</tr>
<tr>
<td></td>
<td>FY 1997 Comparable</td>
<td>FY 1998 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 1997 Total</td>
<td>Conference vs Senate Discrepancy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------------------</td>
<td>-----------------</td>
<td>--------</td>
<td>---------</td>
<td>------------</td>
<td>---------------</td>
<td>-------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HOWARD UNIVERSITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Academic Program</td>
<td>166,511</td>
<td>162,981</td>
<td>180,511</td>
<td>164,981</td>
<td>180,511</td>
<td>+14,000</td>
<td>+18,530 D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endowment Program</td>
<td>---</td>
<td>3,530</td>
<td>---</td>
<td>3,530</td>
<td>---</td>
<td>---</td>
<td>--- -3,530 D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Howard University Hospital</td>
<td>29,489</td>
<td>29,489</td>
<td>29,489</td>
<td>29,489</td>
<td>29,489</td>
<td>---</td>
<td>--- D</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Howard University</strong></td>
<td><strong>196,000</strong></td>
<td><strong>196,000</strong></td>
<td><strong>210,000</strong></td>
<td><strong>198,000</strong></td>
<td><strong>210,000</strong></td>
<td><strong>+14,000</strong></td>
<td><strong>+12,000</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM: Federal Administration | 698 | 1,069 | 698 | 698 | 698 | --- | --- | --- D |

| HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM Federal Administration | 104 | 104 | 104 | 104 | 104 | --- | --- | --- D |
|-----------------------------------------------------|---------------------|-----------------------|--------|------------|----------------|--------|-------------------|
| Research and statistics:                            |                     |                       |        |            |                |        |                   |
| Research                                             | 72,567              | 81,035                | 81,035 | 72,567     | ---            | -8,468 | ---               |
| Regional Education Laboratories                       | 51,000              | 53,500                | 57,000 | 53,500     | 56,000         | +5,000 | -1,000           |
| Statistics                                           | 50,000              | 66,250                | 66,250 | 52,000     | 59,000         | +9,000 | -7,250           |
| Assessment:                                          |                     |                       |        |            |                |        |                   |
| National Assessment                                   | 29,752              | 35,502                | 35,502 | 29,752     | 32,000         | +2,248 | -3,502           |
| National Assessment Governing Board                  | 2,865               | 2,871                 | 2,865  | 2,871      | 3,471          | +606   | +606              |
| Subtotal, Assessment                                 | 32,617              | 38,373                | 38,367 | 32,623     | 35,471         | +2,854 | -2,896           |
| Subtotal, Research and Statistics                    | 206,184             | 239,158               | 242,652| 210,690    | 223,038        | +16,854| -19,614          |
| Fund for the Improvement of Education                | 40,000              | 40,000                | 80,000 | 50,000     | 108,100        | +68,100 | +28,100          |
| International Education Exchange                     | 5,000               | 5,000                 | ---    | 5,000      | 5,000          | ---    | +5,000           |
| 21st Century Community Learning Centers              | 1,000               | ---                   | 50,000 | 1,000      | 40,000         | +39,000 | -10,000          |
| Civics Education                                     | 4,500               | 4,500                 | 5,500  | 4,500      | 5,500          | +1,000 | ---              |
| Eisenhower Professional Dvp. National Activities     | 13,342              | 30,000                | 21,000 | 25,000     | 23,300         | +9,958 | +2,300           |
| Eisenhower Regional Math & Science Ed. Consortia     | 15,000              | 15,000                | 15,000 | 15,000     | 15,000         | ---    | ---              |
| Javits Gifted and Talented Education                 | 5,000               | 7,000                 | 6,000  | 7,000      | 6,500          | +1,500 | +500             |
| National Writing Project                             | 3,100               | ---                   | 3,100  | 5,000      | 5,000          | +1,900 | +1,900           |
| After School Learning Centers                        | ---                 | 50,000                | ---    | ---        | ---            | ---    | ---              |
| Total, ERSI                                          | 293,126             | 390,658               | 423,252| 323,190    | 431,438        | +138,312| +8,186           |

(1) Education Technology funded in Education Reform.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LIBRARIES (1)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Libraries: Services</td>
<td>100,636</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-100,636</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Construction</td>
<td>16,369</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-16,369</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Interlibrary Cooperation</td>
<td>11,864</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-11,864</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Library Education and Training</td>
<td>2,500</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-2,500</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Research and Demonstrations</td>
<td>5,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-5,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Institute of Museum and Library Services</td>
<td>---</td>
<td>136,369</td>
<td>142,000</td>
<td>146,369</td>
<td>148,340</td>
<td>+146,340</td>
<td>+4,340</td>
<td>-29</td>
</tr>
<tr>
<td><strong>Total, Libraries</strong></td>
<td>136,369</td>
<td>136,369</td>
<td>142,000</td>
<td>146,369</td>
<td>148,340</td>
<td>+146,340</td>
<td>+4,340</td>
<td>-29</td>
</tr>
<tr>
<td><strong>DEPARTMENTAL MANAGEMENT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program Administration</td>
<td>326,217</td>
<td>341,039</td>
<td>329,579</td>
<td>340,064</td>
<td>341,064</td>
<td>+14,847</td>
<td>+11,485</td>
<td>+1,000</td>
</tr>
<tr>
<td>Office for Civil Rights</td>
<td>54,900</td>
<td>61,500</td>
<td>55,449</td>
<td>57,522</td>
<td>61,500</td>
<td>+6,600</td>
<td>+6,051</td>
<td>+3,978</td>
</tr>
<tr>
<td>Office of the Inspector General</td>
<td>29,943</td>
<td>32,000</td>
<td>30,242</td>
<td>32,000</td>
<td>30,242</td>
<td>+299</td>
<td>---</td>
<td>-1,758</td>
</tr>
<tr>
<td><strong>Total, Departmental management</strong></td>
<td>411,060</td>
<td>434,539</td>
<td>415,270</td>
<td>429,586</td>
<td>432,806</td>
<td>+21,746</td>
<td>+17,536</td>
<td>+3,220</td>
</tr>
</tbody>
</table>

(1) The library authorizing statute requires appropriations to be made to the Department of Education and then transferred to the Institute of Museum and Library Services.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STUDENT LOANS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Annual Loan Volume (including consolidation):</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Family Education Loans (FFEL)</td>
<td>(23,038,000)</td>
<td>(22,995,000)</td>
<td>(22,995,000)</td>
<td>(22,995,000)</td>
<td>(22,995,000)</td>
<td>(-43,000)</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Federal Direct Student Loans (FDSL)</td>
<td>(13,789,000)</td>
<td>(16,930,000)</td>
<td>(16,930,000)</td>
<td>(16,930,000)</td>
<td>(16,930,000)</td>
<td>(+3,141,000)</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Total Outstanding Loan Volume:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Family Education Loans (FFEL)</td>
<td>(88,864,000)</td>
<td>(101,148,000)</td>
<td>(101,148,000)</td>
<td>(101,148,000)</td>
<td>(101,148,000)</td>
<td>(+12,284,000)</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Federal Direct Student Loans (FDSL)</td>
<td>(23,153,000)</td>
<td>(36,829,000)</td>
<td>(36,829,000)</td>
<td>(36,829,000)</td>
<td>(36,829,000)</td>
<td>(+13,676,000)</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, Department of Education</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current year</td>
<td>26,957,978</td>
<td>32,069,494</td>
<td>32,144,189</td>
<td>31,966,703</td>
<td>32,506,056</td>
<td>+3,548,078</td>
<td>+361,867</td>
<td>+539,353</td>
</tr>
<tr>
<td>1999 advance</td>
<td>---</td>
<td>---</td>
<td>(260,000)</td>
<td>(260,000)</td>
<td>(210,000)</td>
<td>(+210,000)</td>
<td>(-50,000)</td>
<td>(-50,000)</td>
</tr>
<tr>
<td>------------------------------</td>
<td>---------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>-----------------------------</td>
<td>-----------</td>
<td></td>
</tr>
<tr>
<td><strong>TITLE IV - RELATED AGENCIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ARMED FORCES RETIREMENT HOME</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operations and Maintenance: TF Limitation</td>
<td>55,663</td>
<td>55,452</td>
<td>55,452</td>
<td>55,452</td>
<td>55,452</td>
<td>-211</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Capital Program: TF Limitation</td>
<td>432</td>
<td>24,526</td>
<td>14,825</td>
<td>10,000</td>
<td>13,217</td>
<td>+12,785</td>
<td>-1,608</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+3,217</td>
<td></td>
</tr>
<tr>
<td><strong>Total, AFRH</strong></td>
<td>56,095</td>
<td>79,977</td>
<td>70,277</td>
<td>65,452</td>
<td>68,669</td>
<td>+12,574</td>
<td>-1,608</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+3,217</td>
<td></td>
</tr>
<tr>
<td><strong>CORPORATION FOR NATIONAL AND COMMUNITY SERVICE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic Volunteer Service Programs: (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Volunteers in Service to America (VISTA)</td>
<td>41,235</td>
<td>54,000</td>
<td>41,235</td>
<td>45,235</td>
<td>65,235</td>
<td>+24,000</td>
<td>+20,000</td>
<td></td>
</tr>
<tr>
<td>National Senior Volunteer Corps:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foster Grandparents Program</td>
<td>77,812</td>
<td>85,972</td>
<td>84,106</td>
<td>85,593</td>
<td>87,593</td>
<td>+9,781</td>
<td>+699</td>
<td></td>
</tr>
<tr>
<td>Senior Companion Program</td>
<td>31,244</td>
<td>36,449</td>
<td>34,669</td>
<td>34,368</td>
<td>35,368</td>
<td>+4,124</td>
<td>+1,000</td>
<td></td>
</tr>
<tr>
<td>Retired Senior Volunteer Program</td>
<td>35,708</td>
<td>45,043</td>
<td>39,408</td>
<td>39,279</td>
<td>40,279</td>
<td>+4,671</td>
<td>+871</td>
<td></td>
</tr>
<tr>
<td>Senior Demonstration Program</td>
<td>---</td>
<td>10,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td></td>
<td>144,764</td>
<td>176,464</td>
<td>158,183</td>
<td>158,240</td>
<td>163,240</td>
<td>+18,476</td>
<td>+5,057</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, Senior Volunteers</strong></td>
<td>27,850</td>
<td>29,836</td>
<td>28,129</td>
<td>28,129</td>
<td>28,129</td>
<td>+279</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Program Administration</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>213,849</td>
<td>260,300</td>
<td>227,547</td>
<td>232,604</td>
<td>256,604</td>
<td>+42,755</td>
<td>+29,057</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Domestic Volunteer Service Programs</strong></td>
<td>250,000</td>
<td>325,000</td>
<td>300,000</td>
<td>300,000</td>
<td>300,000</td>
<td>+50,000</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Corporation for Public Broadcasting:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY2000 (current request) with FY99 comparable</td>
<td>250,000</td>
<td>325,000</td>
<td>300,000</td>
<td>300,000</td>
<td>300,000</td>
<td>+50,000</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>FY98 advance with FY98 comparable (NA)</td>
<td>(250,000)</td>
<td>(250,000)</td>
<td>(250,000)</td>
<td>(250,000)</td>
<td>(250,000)</td>
<td>-10,000</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Federal Mediation and Conciliation Service</td>
<td>32,525</td>
<td>33,481</td>
<td>33,481</td>
<td>33,481</td>
<td>33,481</td>
<td>+986</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Federal Mine Safety and Health Review Comm'n</td>
<td>6,049</td>
<td>6,060</td>
<td>6,060</td>
<td>6,060</td>
<td>6,060</td>
<td>+11</td>
<td>---</td>
<td></td>
</tr>
</tbody>
</table>

(1) The request earmarks $38 million for America Reads. Appropriations for Americorps are included in the VA-HUD bill.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>National Commission on Libraries and Info Science</td>
<td>897</td>
<td>1,123</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>+103</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>National Council on Disability</td>
<td>1,791</td>
<td>1,793</td>
<td>1,793</td>
<td>1,793</td>
<td>1,793</td>
<td>+2</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>National Education Goals Panel</td>
<td>1,495</td>
<td>2,000</td>
<td>2,000</td>
<td>2,000</td>
<td>2,000</td>
<td>+505</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>National Commission on Cost of Higher Education</td>
<td>650</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-650</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>National Labor Relations Board</td>
<td>174,661</td>
<td>186,434</td>
<td>174,661</td>
<td>174,661</td>
<td>174,661</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>National Mediation Board</td>
<td>8,284</td>
<td>8,100</td>
<td>8,400</td>
<td>8,600</td>
<td>8,600</td>
<td>+316</td>
<td>+200</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Occupational Safety and Health Review Comm'n</td>
<td>7,738</td>
<td>7,800</td>
<td>7,900</td>
<td>7,800</td>
<td>7,800</td>
<td>+162</td>
<td>---</td>
<td>+100</td>
<td>D</td>
</tr>
<tr>
<td>Physician Payment Review Commission (TF) (1)</td>
<td>(3,257)</td>
<td>(3,579)</td>
<td>(3,258)</td>
<td>(3,508)</td>
<td>(3,508)</td>
<td>(+250)</td>
<td>(+250)</td>
<td>---</td>
<td>TF#</td>
</tr>
<tr>
<td>Prospective Payment Assessment Commission (TF) (1)</td>
<td>(3,257)</td>
<td>(3,579)</td>
<td>(3,257)</td>
<td>(3,507)</td>
<td>(3,507)</td>
<td>(+250)</td>
<td>(+250)</td>
<td>---</td>
<td>TF#</td>
</tr>
</tbody>
</table>

**RAILROAD RETIREMENT BOARD**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dual Benefits Payments Account</td>
<td>223,000</td>
<td>206,000</td>
<td>206,000</td>
<td>205,500</td>
<td>205,500</td>
<td>-17,500</td>
<td>-500</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Less Income Tax Receipts on Dual Benefits</td>
<td>-9,000</td>
<td>-12,000</td>
<td>-12,000</td>
<td>-12,000</td>
<td>-12,000</td>
<td>-3,000</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Subtotal, Dual Benefits</td>
<td>214,000</td>
<td>194,000</td>
<td>194,000</td>
<td>193,500</td>
<td>193,500</td>
<td>-20,500</td>
<td>-500</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Federal Payment to the RR Retirement Account</td>
<td>300</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>-250</td>
<td>---</td>
<td>---</td>
<td>M</td>
</tr>
<tr>
<td>Limitation on administration:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consolidated Account</td>
<td>(87,728)</td>
<td>(88,800)</td>
<td>(85,728)</td>
<td>(87,728)</td>
<td>(87,228)</td>
<td>(-500)</td>
<td>(+1,500)</td>
<td>(-500)</td>
<td>TF#</td>
</tr>
<tr>
<td>Inspector General</td>
<td>(5,394)</td>
<td>(5,400)</td>
<td>(5,000)</td>
<td>(5,394)</td>
<td>(5,794)</td>
<td>(+400)</td>
<td>(+794)</td>
<td>(+400)</td>
<td>TF#</td>
</tr>
</tbody>
</table>

(1) The conference agreement provides funding for the newly created Medicare Advisory Commission.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SOCIAL SECURITY ADMINISTRATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments to Social Security Trust Funds</td>
<td>20,923</td>
<td>20,308</td>
<td>20,308</td>
<td>20,308</td>
<td>20,308</td>
<td>-615</td>
<td>---</td>
<td>--- M</td>
</tr>
<tr>
<td>Additional Administrative Expenses (1)</td>
<td>10,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-10,000</td>
<td>---</td>
<td>--- M</td>
</tr>
<tr>
<td>SPECIAL BENEFITS FOR DISABLED COAL MINERS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benefit payments</td>
<td>625,450</td>
<td>581,470</td>
<td>581,470</td>
<td>581,470</td>
<td>581,470</td>
<td>-43,980</td>
<td>---</td>
<td>--- M</td>
</tr>
<tr>
<td>Administration</td>
<td>4,820</td>
<td>4,820</td>
<td>4,820</td>
<td>4,820</td>
<td>4,820</td>
<td>---</td>
<td>---</td>
<td>--- M</td>
</tr>
<tr>
<td>Subtotal, Black Lung, FY97/98 program level</td>
<td>630,070</td>
<td>586,090</td>
<td>586,090</td>
<td>586,090</td>
<td>586,090</td>
<td>-43,980</td>
<td>---</td>
<td>--- M</td>
</tr>
<tr>
<td>Less funds advanced in prior year</td>
<td>-170,000</td>
<td>-160,000</td>
<td>-160,000</td>
<td>-160,000</td>
<td>-160,000</td>
<td>+10,000</td>
<td>---</td>
<td>--- M</td>
</tr>
<tr>
<td>Total, Black Lung, current request, FY97/98</td>
<td>460,070</td>
<td>426,090</td>
<td>426,090</td>
<td>426,090</td>
<td>426,090</td>
<td>-33,980</td>
<td>---</td>
<td>--- M</td>
</tr>
<tr>
<td>New advances, 1st quarter FY98/99</td>
<td>160,000</td>
<td>160,000</td>
<td>160,000</td>
<td>160,000</td>
<td>160,000</td>
<td>---</td>
<td>---</td>
<td>--- M</td>
</tr>
</tbody>
</table>

(1) No-year availability.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SUPPLEMENTAL SECURITY INCOME</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal benefit payments</td>
<td>26,559,100</td>
<td>23,710,300</td>
<td>23,710,300</td>
<td>23,710,300</td>
<td>23,710,300</td>
<td>-2,848,800</td>
<td></td>
<td></td>
<td>--- M</td>
</tr>
<tr>
<td>Beneficiary services</td>
<td>100,000</td>
<td>46,000</td>
<td>46,000</td>
<td>46,000</td>
<td>46,000</td>
<td>-54,000</td>
<td></td>
<td></td>
<td>--- M</td>
</tr>
<tr>
<td>Research and demonstration</td>
<td>7,000</td>
<td>16,700</td>
<td>16,700</td>
<td>9,225</td>
<td>16,700</td>
<td>+9,700</td>
<td></td>
<td></td>
<td>--- M</td>
</tr>
<tr>
<td>Administration</td>
<td>1,946,018</td>
<td>2,037,000</td>
<td>2,037,000</td>
<td>2,037,000</td>
<td>2,027,000</td>
<td>+80,985</td>
<td>-10,000</td>
<td>-10,000</td>
<td>D</td>
</tr>
<tr>
<td>Automation investment initiative</td>
<td>19,895</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
<td>+30,105</td>
<td></td>
<td></td>
<td>--- D</td>
</tr>
<tr>
<td><strong>Subtotal, SSI FY97/98 program level</strong></td>
<td>28,632,010</td>
<td>25,860,000</td>
<td>25,860,000</td>
<td>25,852,525</td>
<td>25,860,000</td>
<td>-2,782,010</td>
<td>-10,000</td>
<td>-2,525</td>
<td>---</td>
</tr>
<tr>
<td>Less funds advanced in prior year</td>
<td>-9,260,000</td>
<td>-9,690,000</td>
<td>-9,690,000</td>
<td>-9,690,000</td>
<td>-9,690,000</td>
<td>-430,000</td>
<td></td>
<td></td>
<td>--- M</td>
</tr>
<tr>
<td><strong>Subtotal, regular SSI current year</strong></td>
<td>19,372,010</td>
<td>16,170,000</td>
<td>16,170,000</td>
<td>16,162,525</td>
<td>16,160,000</td>
<td>-3,212,010</td>
<td>-10,000</td>
<td>-2,525</td>
<td>---</td>
</tr>
<tr>
<td>Additional CDR funding</td>
<td>25,000</td>
<td>75,000</td>
<td>75,000</td>
<td>120,000</td>
<td>75,000</td>
<td>+60,000</td>
<td></td>
<td></td>
<td>--- D</td>
</tr>
<tr>
<td>User Fee Activities</td>
<td>---</td>
<td>35,000</td>
<td>35,000</td>
<td>35,000</td>
<td>35,000</td>
<td>+35,000</td>
<td></td>
<td></td>
<td>--- D</td>
</tr>
<tr>
<td>SSI reforms (welfare)</td>
<td>150,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>-50,000</td>
<td></td>
<td></td>
<td>--- D</td>
</tr>
<tr>
<td><strong>Total, SSI, current request, FY 1997 / 1998</strong></td>
<td>19,547,010</td>
<td>16,380,000</td>
<td>16,380,000</td>
<td>16,417,525</td>
<td>16,370,000</td>
<td>-3,177,010</td>
<td>-10,000</td>
<td>-47,525</td>
<td></td>
</tr>
<tr>
<td>New advance, 1st quarter, FY98/99</td>
<td>9,680,000</td>
<td>8,680,000</td>
<td>8,680,000</td>
<td>8,680,000</td>
<td>8,680,000</td>
<td>-1,010,000</td>
<td></td>
<td></td>
<td>--- M</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>--------------------------</td>
<td>--------</td>
<td>----------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LIMITATION ON ADMINISTRATIVE EXPENSES (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OASDI Trust Funds</td>
<td>(3,068,300)</td>
<td>(2,992,440)</td>
<td>(2,934,440)</td>
<td>(2,934,440)</td>
<td>(2,900,440)</td>
<td>(-167,860)</td>
<td>(-34,000)</td>
<td>(-34,000)</td>
<td></td>
</tr>
<tr>
<td>HI/SMI Trust Funds</td>
<td>(846,099)</td>
<td>(965,000)</td>
<td>(965,000)</td>
<td>(965,000)</td>
<td>(965,000)</td>
<td>(+118,901)</td>
<td>---</td>
<td>TF</td>
<td></td>
</tr>
<tr>
<td>Social Security Advisory Board</td>
<td>(1,268)</td>
<td>(1,600)</td>
<td>(1,600)</td>
<td>(1,268)</td>
<td>(1,600)</td>
<td>(+332)</td>
<td>---</td>
<td>(+332)</td>
<td></td>
</tr>
<tr>
<td>SSI</td>
<td>(1,946,015)</td>
<td>(2,037,000)</td>
<td>(2,037,000)</td>
<td>(2,037,000)</td>
<td>(2,027,000)</td>
<td>(+80,985)</td>
<td>(-10,000)</td>
<td>(-10,000)</td>
<td></td>
</tr>
<tr>
<td>Subtotal, regular LAE</td>
<td>(5,861,662)</td>
<td>(5,996,040)</td>
<td>(5,983,040)</td>
<td>(5,937,708)</td>
<td>(5,894,040)</td>
<td>(+32,358)</td>
<td>(-44,000)</td>
<td>(-43,668)</td>
<td></td>
</tr>
<tr>
<td>User Fee Activities</td>
<td>---</td>
<td>(35,000)</td>
<td>(35,000)</td>
<td>(35,000)</td>
<td>(35,000)</td>
<td>(+35,000)</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>OASDI Automation</td>
<td>(215,000)</td>
<td>(150,000)</td>
<td>(150,000)</td>
<td>(150,000)</td>
<td>(140,000)</td>
<td>(-75,000)</td>
<td>(-10,000)</td>
<td>(-10,000)</td>
<td></td>
</tr>
<tr>
<td>SSI Automation</td>
<td>(19,895)</td>
<td>(50,000)</td>
<td>(50,000)</td>
<td>(50,000)</td>
<td>(50,000)</td>
<td>(+30,105)</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Subtotal, automation initiative</td>
<td>(234,895)</td>
<td>(200,000)</td>
<td>(200,000)</td>
<td>(200,000)</td>
<td>(190,000)</td>
<td>(-44,895)</td>
<td>(-10,000)</td>
<td>(-10,000)</td>
<td></td>
</tr>
<tr>
<td>TOTAL, REGULAR LAE</td>
<td>(6,096,577)</td>
<td>(6,231,040)</td>
<td>(6,172,040)</td>
<td>(6,172,708)</td>
<td>(6,119,040)</td>
<td>(+22,463)</td>
<td>(-54,000)</td>
<td>(-53,668)</td>
<td></td>
</tr>
<tr>
<td>Additional CDR funding (2)</td>
<td>(160,000)</td>
<td>(190,000)</td>
<td>(145,000)</td>
<td>(190,000)</td>
<td>(190,000)</td>
<td>(+30,000)</td>
<td>(+45,000)</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>SSI reforms (welfare)</td>
<td>(150,000)</td>
<td>(100,000)</td>
<td>(100,000)</td>
<td>(100,000)</td>
<td>(100,000)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>TOTAL, LAE</td>
<td>(6,406,577)</td>
<td>(6,421,040)</td>
<td>(6,418,040)</td>
<td>(6,462,708)</td>
<td>(6,409,040)</td>
<td>(+2,463)</td>
<td>(-9,000)</td>
<td>(-53,668)</td>
<td></td>
</tr>
</tbody>
</table>

(1) All trust fund limitations will be scored as BA in FY 98. Comparable adjustments for FY 97 and FY 98 displayed as scorekeeping adjustments.

(2) The request is $45 million above the authorized amount. The recommendation is for the full authorized amount.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OFFICE OF INSPECTOR GENERAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>6,265</td>
<td>10,164</td>
<td>10,164</td>
<td>6,265</td>
<td>10,164</td>
<td>+3,899</td>
<td>---</td>
<td>+3,899</td>
<td>D</td>
</tr>
<tr>
<td>Trust Funds</td>
<td>(31,089)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>(-31,089)</td>
<td>---</td>
<td>---</td>
<td>TF</td>
</tr>
<tr>
<td>Portion treated as budget authority</td>
<td>---</td>
<td>(34,260)</td>
<td>(42,260)</td>
<td>(31,089)</td>
<td>(38,260)</td>
<td>(+38,260)</td>
<td>(-4,000)</td>
<td>(+7,171)</td>
<td>TPE</td>
</tr>
<tr>
<td><strong>Total, Office of the Inspector General</strong></td>
<td>37,354</td>
<td>44,424</td>
<td>52,424</td>
<td>37,354</td>
<td>48,424</td>
<td>+11,070</td>
<td>-4,000</td>
<td>+11,070</td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>6,265</td>
<td>10,164</td>
<td>10,164</td>
<td>6,265</td>
<td>10,164</td>
<td>+3,899</td>
<td>---</td>
<td>+3,899</td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>(31,089)</td>
<td>(34,260)</td>
<td>(42,260)</td>
<td>(31,089)</td>
<td>(38,260)</td>
<td>(+7,171)</td>
<td>(-4,000)</td>
<td>(+7,171)</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Social Security Administration</strong></td>
<td>36,331,934</td>
<td>32,231,862</td>
<td>32,136,862</td>
<td>32,203,985</td>
<td>32,113,862</td>
<td>-4,218,072</td>
<td>-23,000</td>
<td>-90,123</td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>29,894,268</td>
<td>25,676,562</td>
<td>25,676,562</td>
<td>25,710,188</td>
<td>25,666,562</td>
<td>-4,227,706</td>
<td>-10,000</td>
<td>-43,626</td>
<td></td>
</tr>
<tr>
<td>New advances, 1st quarter FY 1998 / 1999</td>
<td>(9,850,000)</td>
<td>(8,840,000)</td>
<td>(8,840,000)</td>
<td>(8,840,000)</td>
<td>(8,840,000)</td>
<td>(-1,010,000)</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>(6,437,666)</td>
<td>(6,555,300)</td>
<td>(6,460,300)</td>
<td>(6,493,797)</td>
<td>(6,447,300)</td>
<td>(+9,634)</td>
<td>(-13,000)</td>
<td>(-46,497)</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Title IV, Related Agencies</strong></td>
<td>37,411,054</td>
<td>33,450,497</td>
<td>33,272,434</td>
<td>33,342,283</td>
<td>33,279,377</td>
<td>-4,131,677</td>
<td>+6,943</td>
<td>-62,906</td>
<td></td>
</tr>
<tr>
<td>Federal Funds (all years)</td>
<td>30,973,751</td>
<td>26,793,840</td>
<td>26,714,891</td>
<td>26,748,349</td>
<td>26,732,040</td>
<td>-4,141,711</td>
<td>+17,149</td>
<td>-16,309</td>
<td></td>
</tr>
<tr>
<td>FY 1998 / 1999</td>
<td>(9,850,000)</td>
<td>(8,840,000)</td>
<td>(8,840,000)</td>
<td>(8,840,000)</td>
<td>(8,840,000)</td>
<td>(-1,010,000)</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>FY 1999 / 2000</td>
<td>(250,000)</td>
<td>(325,000)</td>
<td>(300,000)</td>
<td>(300,000)</td>
<td>(300,000)</td>
<td>(+50,000)</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>(6,537,303)</td>
<td>(6,656,657)</td>
<td>(6,557,543)</td>
<td>(6,593,934)</td>
<td>(6,547,337)</td>
<td>(+10,034)</td>
<td>(-10,206)</td>
<td>(-46,597)</td>
<td></td>
</tr>
<tr>
<td><strong>TITLE V</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Undistributed reductions</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-75,500</td>
<td>---</td>
<td>---</td>
<td>+75,500</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>---------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
<td>-------</td>
<td>--------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td><strong>SUMMARY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Title I - Department of Labor:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>8,739,722</td>
<td>9,422,852</td>
<td>9,225,845</td>
<td>9,362,815</td>
<td>9,335,127</td>
<td>+595,405</td>
<td>+109,282</td>
<td>-27,688</td>
<td></td>
</tr>
<tr>
<td>Current year</td>
<td>(8,739,722)</td>
<td>(9,422,852)</td>
<td>(9,125,845)</td>
<td>(9,112,815)</td>
<td>(8,085,127)</td>
<td>(+345,405)</td>
<td>(+40,718)</td>
<td>(+27,688)</td>
<td></td>
</tr>
<tr>
<td>1999 advance</td>
<td>(100,000)</td>
<td>(250,000)</td>
<td>(250,000)</td>
<td>(250,000)</td>
<td>(+250,000)</td>
<td>(+250,000)</td>
<td>(+250,000)</td>
<td>(+250,000)</td>
<td></td>
</tr>
<tr>
<td>Trust Funds</td>
<td>(3,432,410)</td>
<td>(3,726,020)</td>
<td>(3,596,917)</td>
<td>(3,579,643)</td>
<td>(3,613,817)</td>
<td>(+181,507)</td>
<td>(+17,000)</td>
<td>(+34,274)</td>
<td></td>
</tr>
<tr>
<td>Current year</td>
<td>(3,432,410)</td>
<td>(3,726,020)</td>
<td>(3,596,917)</td>
<td>(3,579,643)</td>
<td>(3,573,817)</td>
<td>(+141,507)</td>
<td>(+13,000)</td>
<td>(+5,726)</td>
<td></td>
</tr>
<tr>
<td>1999 advance</td>
<td>(40,000)</td>
<td>(40,000)</td>
<td>(40,000)</td>
<td>(40,000)</td>
<td>(40,000)</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
<td></td>
</tr>
<tr>
<td><strong>Title II - Department of Health and Human Services:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>210,126,904</td>
<td>200,820,796</td>
<td>201,864,367</td>
<td>201,889,745</td>
<td>199,440,652</td>
<td>-10,686,352</td>
<td>-2,123,816</td>
<td>-2,449,193</td>
<td></td>
</tr>
<tr>
<td>Current year</td>
<td>(176,482,911)</td>
<td>(169,202,607)</td>
<td>(169,948,178)</td>
<td>(170,071,556)</td>
<td>(167,722,363)</td>
<td>(-10,760,548)</td>
<td>(-2,225,818)</td>
<td>(-2,349,193)</td>
<td></td>
</tr>
<tr>
<td>1999 advance</td>
<td>(31,643,993)</td>
<td>(31,618,189)</td>
<td>(31,818,189)</td>
<td>(31,718,189)</td>
<td>(31,718,189)</td>
<td>(+74,196)</td>
<td>(+100,000)</td>
<td>(+100,000)</td>
<td></td>
</tr>
<tr>
<td>Trust Funds</td>
<td>(1,743,599)</td>
<td>(1,783,665)</td>
<td>(1,688,600)</td>
<td>(1,728,406)</td>
<td>(1,752,231)</td>
<td>(+46,631)</td>
<td>(+23,825)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Title III - Department of Education:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>28,957,978</td>
<td>32,069,494</td>
<td>32,144,189</td>
<td>31,965,703</td>
<td>32,506,056</td>
<td>+3,548,078</td>
<td>+361,867</td>
<td>+539,353</td>
<td></td>
</tr>
<tr>
<td>1999 advance</td>
<td>(260,000)</td>
<td>(260,000)</td>
<td>(260,000)</td>
<td>(260,000)</td>
<td>(260,000)</td>
<td>(+210,000)</td>
<td>(+50,000)</td>
<td>(+50,000)</td>
<td></td>
</tr>
<tr>
<td><strong>Title IV - Related Agencies:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>30,873,751</td>
<td>26,793,840</td>
<td>26,714,891</td>
<td>26,748,349</td>
<td>26,732,040</td>
<td>-4,141,711</td>
<td>+17,149</td>
<td>-16,309</td>
<td></td>
</tr>
<tr>
<td>Current year</td>
<td>(20,733,751)</td>
<td>(17,628,840)</td>
<td>(17,574,891)</td>
<td>(17,608,349)</td>
<td>(17,692,040)</td>
<td>(-3,181,711)</td>
<td>(+17,149)</td>
<td>(-16,309)</td>
<td></td>
</tr>
<tr>
<td>1999 advance</td>
<td>(9,850,000)</td>
<td>(8,040,000)</td>
<td>(8,040,000)</td>
<td>(8,040,000)</td>
<td>(8,040,000)</td>
<td>(-1,010,000)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust Funds</td>
<td>(1,250,000)</td>
<td>(325,000)</td>
<td>(300,000)</td>
<td>(300,000)</td>
<td>(300,000)</td>
<td>(+50,000)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Title V - Undistributed reductions:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>(6,537,303)</td>
<td>(6,656,657)</td>
<td>(6,557,543)</td>
<td>(6,539,934)</td>
<td>(6,547,337)</td>
<td>(+10,024)</td>
<td>(-10,206)</td>
<td>(-46,597)</td>
<td></td>
</tr>
<tr>
<td><strong>Total, all titles:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current year</td>
<td>(236,954,363)</td>
<td>(228,323,794)</td>
<td>(228,513,100)</td>
<td>(228,423,923)</td>
<td>(226,695,586)</td>
<td>(-10,258,776)</td>
<td>(-1,835,517)</td>
<td>(-1,728,337)</td>
<td></td>
</tr>
<tr>
<td>1999 advance</td>
<td>(41,493,993)</td>
<td>(40,458,189)</td>
<td>(40,816,189)</td>
<td>(41,168,189)</td>
<td>(41,018,189)</td>
<td>(+475,804)</td>
<td>(+200,000)</td>
<td>(+150,000)</td>
<td></td>
</tr>
<tr>
<td>2000 advance</td>
<td>(250,000)</td>
<td>(325,000)</td>
<td>(300,000)</td>
<td>(300,000)</td>
<td>(300,000)</td>
<td>(+300,000)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust Funds</td>
<td>(11,713,312)</td>
<td>(12,166,342)</td>
<td>(11,843,066)</td>
<td>(11,901,883)</td>
<td>(11,813,485)</td>
<td>(+200,173)</td>
<td>(+70,425)</td>
<td>(+11,502)</td>
<td></td>
</tr>
<tr>
<td>1999 advance</td>
<td>(40,000)</td>
<td>(40,000)</td>
<td>(40,000)</td>
<td>(40,000)</td>
<td>(40,000)</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
<td>(+40,000)</td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td>---------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>BUDGET ENFORCEMENT ACT RECAP</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds (all years)</td>
<td>278,698,355</td>
<td>269,106,983</td>
<td>269,649,292</td>
<td>269,892,112</td>
<td>268,013,775</td>
<td>-10,684,580</td>
<td>-1,635,517</td>
<td>-1,878,337</td>
<td></td>
</tr>
<tr>
<td>Less advances for subsequent years</td>
<td>-39,556,993</td>
<td>-38,458,189</td>
<td>-38,458,189</td>
<td>-38,458,189</td>
<td>-38,458,189</td>
<td>+1,098,804</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plus advances provided in prior years</td>
<td>40,386,350</td>
<td>38,949,993</td>
<td>38,949,993</td>
<td>38,949,993</td>
<td>38,949,993</td>
<td>-1,435,357</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjustment for savings related to CDRs</td>
<td>-100,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+100,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, mandatory, current year</strong></td>
<td>212,502,781</td>
<td>199,165,344</td>
<td>199,006,144</td>
<td>199,102,779</td>
<td>196,487,163</td>
<td>-16,015,618</td>
<td>-2,548,016</td>
<td>-2,616,016</td>
<td></td>
</tr>
<tr>
<td>Discretionary, total in bill</td>
<td>66,923,931</td>
<td>70,433,434</td>
<td>71,104,952</td>
<td>71,281,137</td>
<td>72,018,416</td>
<td>+5,094,485</td>
<td>+913,464</td>
<td>+737,279</td>
<td></td>
</tr>
<tr>
<td>Less advances for subsequent years</td>
<td>-2,187,000</td>
<td>-2,325,000</td>
<td>-2,660,000</td>
<td>-3,010,000</td>
<td>-2,860,000</td>
<td>-673,000</td>
<td>-200,000</td>
<td>+150,000</td>
<td></td>
</tr>
<tr>
<td>Plus advances provided in prior years</td>
<td>260,000</td>
<td>2,187,000</td>
<td>2,187,000</td>
<td>2,187,000</td>
<td>2,187,000</td>
<td>+1,927,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Scorekeeping adjustments:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust funds considered budget authority</td>
<td>6,110,432</td>
<td>6,597,917</td>
<td>6,378,594</td>
<td>6,392,849</td>
<td>6,458,019</td>
<td>+347,587</td>
<td>+79,425</td>
<td>+65,170</td>
<td></td>
</tr>
<tr>
<td>Childcare welfare reform rescission</td>
<td>-6,120</td>
<td></td>
<td></td>
<td></td>
<td>-6,120</td>
<td>-3,000</td>
<td>+3,120</td>
<td>-3,000</td>
<td>+3,120</td>
</tr>
<tr>
<td>Title I advance funding, 1997/1998</td>
<td>1,298,239</td>
<td>1,298,386</td>
<td>1,298,239</td>
<td>1,298,386</td>
<td>1,298,386</td>
<td>+147</td>
<td>+147</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title I advance funding, 1998/1999</td>
<td>-1,298,239</td>
<td>-1,298,386</td>
<td>-1,298,239</td>
<td>-1,298,386</td>
<td>-1,448,386</td>
<td>-150,147</td>
<td>-150,147</td>
<td>-150,000</td>
<td></td>
</tr>
<tr>
<td>LINEAP 1997 Contingency</td>
<td>300,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+500,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjustment to balance with 1997 bill</td>
<td>-9,778</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+9,778</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community schools transfer</td>
<td>(12,800)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(-12,800)</td>
</tr>
<tr>
<td>Adjustment for leg cap on Title XX SBGAs</td>
<td>120,000</td>
<td></td>
<td></td>
<td>-135,000</td>
<td>-81,000</td>
<td>-201,000</td>
<td>-81,000</td>
<td>+84,000</td>
<td></td>
</tr>
<tr>
<td>Emer designations, child care &amp; terrorism</td>
<td>-28,575</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+28,575</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>--------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
<td>------------------------</td>
<td>-------</td>
<td>--------</td>
</tr>
<tr>
<td>Reclassification of non-BA trust funds (1)</td>
<td>3,461,970</td>
<td>3,271,425</td>
<td>3,167,466</td>
<td>3,167,134</td>
<td>3,168,466</td>
<td>-293,504</td>
<td>+1,000</td>
<td>+1,332</td>
<td></td>
</tr>
<tr>
<td>Supplemental Child Care provision</td>
<td>1,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>HEAL provision</td>
<td>499</td>
<td>---</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>+501</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>SSA User Fee Collection</td>
<td>---</td>
<td>-35,000</td>
<td>-35,000</td>
<td>-35,000</td>
<td>-35,000</td>
<td>-35,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Direct Loan Administration limitation</td>
<td>-218,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>10,000</td>
<td>+228,000</td>
<td>+10,000</td>
<td>+10,000</td>
<td>+10,000</td>
</tr>
<tr>
<td>Pell Grant unobligated balances</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-96,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>+96,000</td>
<td>---</td>
</tr>
<tr>
<td>NH &amp; WY Disproportionate Share Hospitals</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>8,000</td>
<td>+8,000</td>
<td>+8,000</td>
<td>+8,000</td>
<td>---</td>
</tr>
<tr>
<td>Trust Fund advances for subsequent years</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-40,000</td>
<td>-40,000</td>
<td>-40,000</td>
<td>-40,000</td>
<td>-40,000</td>
</tr>
<tr>
<td>NIH Foundation</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>1,000</td>
<td>+1,000</td>
<td>+1,000</td>
<td>+1,000</td>
<td>---</td>
</tr>
<tr>
<td>Guaranty Reserve Recapture</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-280,000</td>
<td>-280,000</td>
<td>-280,000</td>
<td>-280,000</td>
<td>-280,000</td>
</tr>
<tr>
<td><strong>Total, discretionary, current year</strong></td>
<td>74,728,339</td>
<td>80,129,785</td>
<td>80,144,012</td>
<td>79,747,000</td>
<td>80,402,901</td>
<td>+5,674,542</td>
<td>+258,889</td>
<td>+655,901</td>
<td>---</td>
</tr>
<tr>
<td>Crime trust fund</td>
<td>61,000</td>
<td>144,000</td>
<td>144,000</td>
<td>144,000</td>
<td>144,000</td>
<td>144,000</td>
<td>144,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>General purposes</td>
<td>74,667,359</td>
<td>79,985,785</td>
<td>80,000,012</td>
<td>79,603,000</td>
<td>80,258,901</td>
<td>+5,691,542</td>
<td>+258,889</td>
<td>+655,901</td>
<td>---</td>
</tr>
<tr>
<td><strong>Grand total, current year</strong></td>
<td>287,231,140</td>
<td>279,296,129</td>
<td>279,180,156</td>
<td>278,849,779</td>
<td>276,890,064</td>
<td>-10,341,076</td>
<td>-2,290,092</td>
<td>-1,959,718</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total amount provided in this bill</strong></td>
<td>278,698,355</td>
<td>269,106,983</td>
<td>269,649,292</td>
<td>269,892,112</td>
<td>268,013,775</td>
<td>-10,684,580</td>
<td>-1,636,817</td>
<td>-1,878,337</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total 602(b) adjustments</strong></td>
<td>8,532,785</td>
<td>10,188,146</td>
<td>9,530,864</td>
<td>8,957,667</td>
<td>8,876,289</td>
<td>+343,504</td>
<td>+654,875</td>
<td>-81,378</td>
<td>---</td>
</tr>
<tr>
<td><strong>Grand total, current year</strong></td>
<td>287,231,140</td>
<td>279,296,129</td>
<td>279,180,156</td>
<td>278,849,779</td>
<td>276,890,064</td>
<td>-10,341,076</td>
<td>-2,290,092</td>
<td>-1,959,718</td>
<td>---</td>
</tr>
</tbody>
</table>

(1) Reflects adjustments in scoring adopted in FY98. These adjustments are included in the FY97 comparable figures only for the purposes of comparability.
Madam Speaker, I ask unanimous consent that it be in order at any time on Friday, November 7, 1997 or any day thereafter, to consider a conference report on the bill, H.R. 2264, that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read when called up.

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

There was no objection.

ENSURING THAT COMMERCIAL ACTIVITIES OF PEOPLE'S LIBERATION ARMY OF CHINA ARE MONITORED

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

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

Madam Speaker, given the litany that we have heard this afternoon of recent PLA-driven misdeeds, the People's Liberation Army clearly should be placed on constant notice that this President has the flexibility to take immediate action against their enterprises and assets that are in this country, and this bill, I just want to remind my colleagues, would give the President the ability to target specific PLA-owned firms doing business in the United States when these kinds of activities occur.

Now, let me stress again, it does not require the President to do anything, it only gives him the flexibility to do so, because in the past it has taken extraordinary emergencies like the Iraqi invasion of Kuwait or the Iranian seizure of American diplomats to trigger the provisions of IEEPA. I do not think the President should have to wait until a crisis of that magnitude develops to be able to signal in a clear way that we disapprove of PLA misdeeds in the case of Chinese military-owned firms which would be clearly identified beforehand. Under this legislation, he would have the flexibility to act immediately.

I think it is high time that we put the PLA on notice that their actions will be under close scrutiny by this government and that their enterprises and assets may be subject to increased regulation or seizure if the President so determines.

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

Mr. SNOWBARGER. Mr. Speaker, I rise in strong support of H.R. 2647, to monitor and restrict the commercial activities of the Chinese Peoples Liberation Army, or PLA.

China's Government imposes restrictions on their enterprises and barriers to companies that wish to enter its market—just as other countries do whose markets are beginning to develop. It is a fact of life that American and other foreign firms operating in China must pay for the privilege. We should do what we can to ensure that this payment is not going to the Peoples Liberation Army.

The PLA is heavily engaged in commercial activities. The PLA also maintains a vast industrial empire. These factories do more than make weapons. Up to 80 percent of its operation is engaged in civilian production—particularly for the export market. Each company is diversified as well. Norinco—North China Industries Group makes both toys and rifles.

The hard currency earned by such enterprises is then used for buying high-technology weapons systems and financing Chinese espionage. PLA commercial enterprises have also been involved in smuggling fully automatic AK-47's into the United States to supply drug gangs.

I believe that free and voluntary commerce is an effective method of opening up a society. Furthermore, I see such commerce as the acts of individual Americans and foreigners, not as the actions of nations. However, the armed forces of a totalitarian regime is not your garden-variety customer or merchant. The American economy should not be a tool in China's efforts to build its military.

Finally, I would like to relay a more personal note regarding the importance of restricting the PLA's commercial activities in the United States. A constituent of mine is the attorney for a Missouri family who had been given an SKS carbine as an inexpensive, first hunting gun. The gun was so poorly made that it discharged, with the safety on, when the butt struck the ground. The young man was killed. The family obtained a judgment against Norinco for its gross negligence. Unfortunately, it has proven impossible to enforce that judgment against the Chinese military in China. This is not just an issue of guns. It is virtually impossible to enforce liability against a subsidiary of the PLA for any defective product it may produce.

Please join me in supporting this important legislation. The right of people to engage in free and voluntary commerce is very important to me. However, there is a difference between businesses and armies—especially armies that are aiming intercontinental ballistic missiles at our citizens. This measure is vital to our country's national security.

The SPEAKER pro tempore. All time for debate has expired.

The bill is considered read for amendment, and pursuant to House Resolution 302, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

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

Mrs. FOWLER. Mr. Speaker, on that demand I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 10, not voting 15, as follows:

[Roll No. 634]

YEAS—408

Abercrombie, Batkus, Barrett (NE)
Ackerman, Bausler, Barrett (WI)
Aderholt, Baker, Bartlett
Balducci, Bartton
Andrews, Ballenger, Bass
Archer, Barcia, Batesman
Armey, Barr, Becerra

H10304

CONGRESSIONAL RECORD—HOUSE

November 7, 1997


MAKING IN ORDER ON FRIDAY, NOVEMBER 7, 1997, OR ANY TIME THEREAFTER CONSIDERATION OF H.J. RES. 101, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1998

Mr. LIVINGSTON. Madam Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of H.J. Res. 101 when called up; and that it be in order at any time on Friday, November 7, 1997, or any day thereafter to consider the joint resolution in the House; and that the joint resolution be considered as read for amendment; that the joint resolution be debatable for not to exceed 1 hour, to be equally divided and controlled by myself and the gentleman from Wisconsin [Mr. Obey]; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit with or without instructions.

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

Mr. OBEY. Madam Speaker, I have no objection. Free at last, free at last.

The SPEAKER pro tempore. Without objection, the request is agreed to.

There was no objection.

MAKING IN ORDER ON FRIDAY, NOVEMBER 7, 1997, OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT ON H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. LIVINGSTON. Madam Speaker, I share the sentiment of the gentleman from Wisconsin [Mr. Obey].
The SPEAKER pro tempore. The gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] each will control 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2264 and that the same include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, I am proud to bring to the floor today the conference report on fiscal year 1998 appropriations bill for the Departments of Labor, Health and Human Services, and Education, and related agencies.

As is normally the case, in the recent past, this bill has been through a long, torturous process from inception to the completion. The bill was on the floor for over 40 hours, and we had an unprecedented number of amendments offered. We have been almost 2 months in conference.

I feel constrained to add, Mr. Speaker, that virtually all of the issues that have delayed the timely consideration of this bill are authorizing in nature and have nothing to do with the funding activities of the Departments and agencies covered by this bill. Our work on dollar issues was completed long ago.

My experience over the last several years has given me a new appreciation for the rules of the House that prohibit legislating on appropriation bills, and the delay we faced speaks to the need to enforce it more stringently.

Mr. Speaker, with that said, I want to outline the remarkable policy initiatives we have achieved in this bill. The bill contains a revision of the Hyde amendment to ensure that no Federal funds are used to purchase health plans that pay for abortions except in the case of rape, incest, or endangerment of the life of the mother.

I am particularly proud that this signal achievement was accomplished by negotiation among the parties rather than the rancorous and divisive debates that have characterized this issue in the past and other issues during consideration of this bill.

I want to commend the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary, and the gentlewoman from Nevada [Ms. LEAVERTON] for their work on this issue, as well as their staff members Howard Wolfson, Brad Close, and my own staff member, Rob Bradner.

The conference report incorporates a revision of the Goodling amendment negotiated by the chairman, the gentleman from Pennsylvania [Mr. GOODLING]. I believe that he will be speaking.

CONFERENCE REPORT ON H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. PORTER. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the previous order of the House, the conference report is considered as having been read. (For conference report and statement, see prior proceedings of the House of today.)
on the substance of this agreement, and I will leave the description of it to him.

Goals 2000 State grants are funded at $464 million below last year's level.

The conference report prohibits OSHA from issuing any standards on ergonomics and prohibits the enforcement of any volunteer guideline relating to ergonomics under the general duty. Again, this divisive issue was resolved by negotiation within the committee. I want to commend the gentlemen from Texas [Mr. Bonilla] and the ranking member of both the subcommittee and the full committee, the gentleman from Wisconsin [Mr. Obey], for their work in resolving this issue.

The conference report prohibits the expenditure of any further Federal funds for a new election for the International Brotherhood of Teamsters. The conference report prohibits the use of Federal funds for needle exchange programs for 6 months and provides conditions for the administration of such programs if the Secretary of Health and Human Services permits them.

I want to thank the gentleman from Mississippi and member of the subcommittee [Mr. Wicker] and the gentlewoman from California [Ms. Pelosi], a member of the subcommittee, and the gentleman from Illinois [Mr. Hastert] for their work on this issue. While not all who worked on compromise are pleased with the final results, they all deserve our thanks for their hard work.

The conference report freezes funding for the National Labor Relations Board. In real terms, this funding level represents a cut in funding below fiscal year 1997. The gentleman from Arkansas [Mr. Dickey] has been a particularly strong advocate in this area.

The conference report prohibits implementation of NLRB regulations regarding single site bargaining units. If implementation of NLRB regulations remains strong, it will be a very damaging issue to all of us.

Mr. Speaker, there are many other provisions in this conference report that commend it to a broad spectrum of Members of the House. Probably the factor that I am most proud of is that from its inception to this very minute, this has been a bipartisan bill. I believe this conference report shows the benefit of this House following the instructions of the voters and putting aside partisan bickering and getting on with the business of governing.

Mr. Speaker, I urge the Members to support this conference report.

Mr. Speaker, I want to add at this point some additional personal comments. The passage of this bill is never easy and the fact that we are now about to complete action on it is testimony to the hard work of many, many people.

As I mentioned during the passage of the bill in the House, this bill has been shaped and its progress furthered by the work of the members of the subcommittee: the gentleman from Wisconsin [Mr. Obey], my ranking member, and the gentleman from Louisiana [Mr. Livingston], the chairman of the committee. I have only the highest respect and admiration for them and for the work they accomplished in fashioning this bill.

I want to spend a moment expressing my gratitude and that of the committee for each of the help staff who is leaving after this session to take another job. I am referring to Sue Quantius who is on the floor with us today.

Sue is leaving the committee to take a position with the Association of American Universities. She has been with the committee since 1989 and has been assigned to the Labor-HHS subcommittee the entire time. Prior to that time she worked for the Senate Appropriations Committee and the Office of Management and Budget. She has served our country with extreme dedication and distinction for all of this time.

With our subcommittee, her responsibilities have primarily been with various health programs that we fund, including most especially the National Institutes of Health and the Centers for Disease Control and Prevention. As Members know, I have had a particular interest in NIH over the years. Since I have been chairman, Sue has been a great help to me, especially with regard to NIH. Mr. Speaker, she has done absolutely magnificent work. I just do not know how we are going to replace her, and we all go very, very much. We wish her the very best of everything as she undertakes her new responsibilities. I hope that she will continue to stay in touch with all of us.

Finally, I want to express my thanks to the staff of the gentleman from Wisconsin, including Cheryl Smith, Mark Mioduski and Scott Lilly, his able staff director. As always, we have had the work of the full committee staff, headed by Jim Dyer, that has been invaluable to us.

I want to express my appreciation in addition to Sue Quantius; to my own subcommittee staff, Mike Myers, Bob Knsley, Tony McCann as well as Julie Debolt and Dr. David Sander of my own staff. Without the assistance of each of these individuals and their support and the support of many more, we would not have been able to achieve this conference report which will, I believe, be approved and signed into law by the President.

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

Mr. OBES, Mr. Speaker, I yield myself 8½ minutes. Before I get into the bill, I would simply like to take a moment to also, from the minority side of the aisle, extend our best wishes to Sue Quantius as she leaves to pursue other opportunities in life. As the subcommittee chairman indicated, Sue has been with our subcommittee for 9 years. She has worked for four full committee chairmen during that time, including myself and the gentleman from Louisiana [Mr. Livingston]. The gentleman from Illinois kindly left out that Sue had the great misfortune to begin her public service by serving as an intern on the Commission on Administrative Review, which was a reform commission which I chaired. We got half of our package through, the ethics package, but the other half of the package, the administrative changes in the House, were abruptly interrupted by a resounding “no” vote on the rule, and it took about 10 years for
most of those recommendations to be adopted on a piecemeal basis. That was an ignominious beginning to a distinguished career. I simply want to say that her work on biomedical research, on health issues in general and other issues, has been greatly served. The public was served and Sue is another one of those persons about whom the public never hears much but without whom Government simply would not work. I appreciate the work that she has done for all of us.

Mr. Speaker, one of my closest friends in politics is a man from Ireland by the name of J ohn Hume. J ohn Hume is many things that politics is supposed to be the settlement of fiercely held differences by peaceful means. As people know, I do not shrink from political fights or arguments, and I do not shrink from fights on substance. But I prefer not to have them. I think that we are all, or we all ought to be, happiest on this House floor when we are pursuing politics not as war but as a method by which we accomplish important things for the people we represent.

This bill more than any other bill that the Congress passes does that. This bill affects more human beings, more families in this country than any other bill that we touch. I think it is worthy of note to compare the atmosphere in which this bill was debated just 2 years ago with the atmosphere in which it is being debated today. Two years ago, this bill attempted to cut key programs for education and health and worker protection by some $6 billion. Those efforts to cut programs such as education and health and worker training were a principal reason that the education was cut in this bill by $3.5 billion, worker protection by almost 15 percent, job training for unemployed workers by almost 30 percent. Low-income families in order to heat their homes in the dead of winter was cut by about a third.

Today, in contrast, we do not have a Government shutdown. We do not have partisanship in this bill. The gentleman from Illinois [Mr. PORTER], right. This bill has been pursued in a bipartisan way with a bipartisan coalition producing very positive results. This bill is $5.8 billion above last year for key programs. The National Institutes of Health is increased by 7 percent. That means research that we do on all of the diseases that human beings fear, whether it is cancer or heart disease or Alzheimer’s or Parkinson’s or you name it. We are trying to make steady progress in attacking all of the diseases that plague mankind. Education is up by 12 percent, over $3 billion. Pell grants have a 24 percent increase. Pell grants for programs outside of student loans that help working-class kids get a decent education.

We have provided a $300 increase in the Pell grant for independent students and for dependent students. Special education services for disabled children, up by 18 percent in this bill. We have bilingual education increased by 35 percent in this bill. We have the most important education reform effort since title I, $150 million for comprehensive school reform to give local schools the tools to do the job locally so that we can raise student performance to meet high standards.

On education testing, we have a slightly different proposition from the original committee proposition. The administration can proceed with development of new tests and field-testing in the first year, which originally would have been allowed by the original committee agreement. It prevents test administration for 1 year, in contrast to the original committee bill that would have had a permanent prohibition on testing without new authorization.

Worker protection, workers’ rights to organize, to bargain for decent wages, to work in decent working conditions are all protected in contrast to the very sharp reductions made in those programs in past years, at least the attempts that were made. We have a $100 million increase for the exchange program in here that may be controversial, but which will save lives, which may proceed after March 31 of next year. This bill repeals the $50 billion ripoff that was being provided in the tax bill for the tobacco industry. It provides a $100 million increase for low-income heating assistance program, a 10 percent increase.

Cuts in family planning are fully restored.

Goals 2000, we reached a compromise at last year’s freeze level.

So, Mr. Speaker, I would say that this bill is worthy of the tradition left to this House by people like Bill Natcher and Silvio Conte who worked for years to make this a bipartisan product. It is, I think, something that is in the best interest of the Nation’s needs, and I make no apology and I urge Members to support this bill.

Mr. PORTER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee.

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

Mr. LIVINGSTON. Mr. Speaker, I believe very strongly that this bill represents the essence of what is good legislation and a great legislative process. The fact is that we looked at this bill a very long time ago, some 6 months ago, and could tell that there was no way on God’s Green Earth that this bill was going to pass without bipartisan support. There were Members on both sides who had problems with this bill, and there was a possibility that, if framed in an inappropriate manner, that the bill would never get signed into law, that we could end up in closure of government and repeat all the mistakes that have been made in the past with respect to issues involved in this bill.

Fact is we went through prolonged debate and through the incredible leadership of the chairman, the gentleman from Illinois [Mr. PORTER], and ranking minority member of the full committee, the gentleman from Wisconsin [Mr. OBEY], we were able to wend through the minefield of all of the obstacles and all of the hurdles that could have impeded this bill and prevented our ability to be here today.

For our Members in the minority, the gentleman from Wisconsin [Mr. OBEY] has listed a number of items of great importance to members of his party and to people throughout this country. In fact, there is lots more money for medical research and for education preferences.

But for our conservative friends, let me say also that following the allocation of money within the budget agreement, we were able to stop national education testing in its tracks with an agreement negotiated between President Clinton and the gentleman from Pennsylvania [Mr. GOODLING]. We expanded the traditional Hyde language to make sure no Federal funds were used to purchase health plans that would pay for abortions. There are additional prohibitions on the needle distribution and the needle exchange program. There is a prohibition on the use of human embryos for federally-funded research.

There is a prohibition on the expenditure of Federal funds for a new Teamsters election. There is a prohibition on issuance of new OSHA standards on ergonomics. There is a freeze on funding for the NLRB, the National Labor Relations Board.

My conservative friends have had many objections about this bill, and certainly their reservations have been answered and have been recognized and codified into law in this bill.

Does it satisfy everybody? Of course not. But this is a bill which spends tens of billions of dollars on important projects still eliminates 7 programs that were unnecessary and concentrates the resources on those areas where we need them. I commend the people that have worked on this bill, and I urge the adoption of the conference report.
Mr. OBEY. Mr. Chairman I yield myself 30 seconds.

Mr. Speaker, I was remiss in not also indicating my profound appreciation for the way that the gentleman from Illinois [Mr. PORTER] and the gentleman from Louisiana [Mr. LIVINGTON] and the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Missouri [Mr. STOKES], and the gentleman from Ohio [Mr. STOKES] have handled this bill. I urge my colleagues to join me in voting yes on the conference report on H.R. 2264.

Mr. PORTER. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. WICKER], a valued member of the subcommittee.

Mr. WICKER. Mr. Speaker, I thank the gentleman from Illinois for yielding the time.

I want to commend the chairman of the subcommittee as well as the ranking member of this subcommittee for their hard work and negotiation and the lengthy time that they put into this very important legislation. I support it. I hope we have strong support from both sides of the aisle for this legislation.

Mr. Speaker, it is not the type of bill that I would have written had I been writing it in a vacuum. It might not be a better bill if I wrote it, but it would be a different bill. But just think about this, Mr. Speaker; this is the first conference report of Labor HHS appropriation that we have had in 3 years, and I think it is better for this House and for the Senate and for the process to work its will rather than to go with continuing resolutions and resolve the issues that way.

I think the leadership is to be commended for pushing this through and for us finally getting to this stage for the first time in 3 years of actually being able to have a conference committee report a bill and for us to vote on it.

I commend the gentleman from Louisiana [Mr. LIVINGTON], and Mr. Livingston spoke about the things that were achieved for conservatives. I think a lot of the things that Mr. Wicker is going to talk about will help to strengthen the infrastructure at these vital institutions of higher education. For the health professions education and training, the conference measure provides $118.5 million. The HBCU is a national resource, and this investment would help to strengthen the infrastructure at these vital institutions of higher education.

For the health professions education and training, the conference measure provides $293 million. The funds are urgently needed to help ensure an adequate supply of health care providers, that is, young people have given up on themselves. I strongly believe that if we can help to keep all those who can help to get those who can help to provide adequate funding for these things that are important on this side of the aisle.

It has already been mentioned that this bill before us today contains the Goodling language that stops national testing. It contains an expansion of the Hyde amendment; a moratorium for the first 6 months of this fiscal year on needle exchange programs funded by taxpayer funds, which will allow the Congress to work its will on an authorizing piece of legislation next year; a prohibition on the use of human embryos for federally-funded research, again a very important issue to conservatives around this Nation.

The bill also contains important modifications in the law with regard to OSHA to make sure that we protect American jobs at the same time that we are protecting workers' health and safety and in addition a freeze on funding for the National Labor Relations Board and a host of other issues that are important to conservatives.

I stand in support of the Labor-HHS conference report. In particular I commend the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] for negotiating an excellent bipartisan bill, a bill in which the subcommittee can take considerable pride.

This conference report is a refreshing change from last 2 years when the bill had been the focus of ideological disputes and a vehicle for sending objectionable legislative riders to the President. Thankfully, thanks to the leadership also of our chairman of the full committee the gentleman from Louisiana [Mr. LIVINGTON], as well as the gentleman from Illinois [Mr. OBEY] and the gentleman from Wisconsin [Mr. OBEY], we have returned to the bipartisan tradition which has historically characterized this bill. As our former chairman Mr. Natcher would say, this is a good bill.

While this is a good bill, it is good because of the excellent work again, as I said, of the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY], who fought very hard to forge this bipartisan legislation. We were given the first difficult challenges by the Committee on the Budget, so that many problems that, ironically, it may have forced this responsible bipartisan bill.

I want to thank the gentleman from Wisconsin [Mr. OBEY] in particular for doing such an excellent job in reflecting progressive values in these negotiations.

With regard to labor programs, the bill makes significant investments in job training, Job Corps, Job Youth and adult training. At the same time, the fact that we have adequate funding for education programs, unlike the last 2 years, does not include riders designed to weaken the protection of American workers.
I am particularly pleased under an agreement negotiated by the gentleman from Illinois [Chairman PORTER] and the gentleman from Wisconsin [Mr. OBEY], OSHA will be able to continue its important work in developing and updating standards and be able to assist business in the next year to adopt important changes in work environment designed to prevent repetitive stress injuries.

With regard to health, the bill is a significant improvement over the budget agreement. In addition, the bill provides huge increases in AIDS drug assistance programs, and also will make a difference between life and death for thousands of Americans living with HIV disease. I am also particularly pleased with the compromise in the legislation about the needle exchange program which the gentleman from Illinois [Mr. PORTER] addressed in his remarks. This compromise, I think, will enable the needle exchange programs which are part of a HIV prevention program and which do not increase the use of drugs to proceed, and it retains for the Secretary the discretion, unless Congress works its will between now and next spring, to lift the prohibition on needle exchange programs, as long as, as I say, they are part of a program to prevent HIV and drug abuse.

With regard to education, I am pleased that so many of the President's important education priorities have been accommodated in this bill. I am particularly pleased with the funding for the bilingual education and the investment and support services and professional development to improve the quality of these programs. I am also pleased with the high priority placed on direct financial assistance to students for higher education.

For all these reasons, this is a great bill, and I urge my colleagues to support it.

Mr. PORTER. Mr. Speaker, I am very pleased to yield 2½ minutes to the gentlewoman from Kentucky [Mrs. NORTHUP], the newest member of our subcommittee team, who has done an absolutely outstanding job, the best of any freshman I have ever seen.

Mrs. NORTHUP. Mr. Speaker, I am pleased to have an opportunity to speak about this bill and to have served on this subcommittee. I want to thank the subcommittee chairman and the ranking member and the other members of the subcommittee that have worked so hard on this bill.

Many of the benefits of this bill, the appropriations that we have made, have been discussed previously, but I would just like to say that one of the reasons this is such a tough bill is because education and health are intrinsically different than anything else we spend our money for. It is perhaps harder to dispassionate about road construction or military buildup, but it is impossible to be dispassionate about our children. Moms and dads across this country feel passionately and emotionally about the schools that their children attend and whether or not they learn and how much they learn and whether they are prepared for the future.

This world our children will live in will be different than the world that we have known, and they have to be prepared in different ways and for different experiences. The way they will be pioneers in their lives will be different than the way we are pioneers in our lives. So as generations are grappling with change, it is difficult for their moms and dads and for all of us to pick the best of what we have and make sure we continue that and prepare it in new ways for new worlds.

We are also confused and not certain about what the Federal role is going to be in an educational system that has largely heretofore been a state responsibility and organization. Assuming that will continue and that we will expect all of us to look for the way that the best Federal investment can be made in our schools.

So I want to say that education is different. It is different than road construction, it is different than defense, an unpatched pothole is not very emotional, but if your child goes to school and does not learn to read, that is very emotional.

I want to in particular thank you, Mr. Chairman, and the subcommittee chairman, for your commitment to the blind community and the deaf community. I have served very closely with my husband and I have been very involved in this community, and we recognized here in this bill the importance of continuing access that the blind community needs to those services. So I want to thank the gentlemen in particular for that.

Mr. Speaker, I recommend this bill to the rest of the Members.

Mr. OBEY. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Maryland [Mr. Hoyer].

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, I rise in support of the conference report and to congratulate my chair and both the ranking member, the gentleman from Illinois [Mr. PORTER], with whom I have served on this committee for, I suppose, all of my career on the committee, which is from 1983 to date, and also to congratulate the gentleman from Wisconsin [Mr. OBEY].

Mr. Speaker, in many ways this is a bill that is not difficult from the standpoint that almost every member of Congress and the overwhelming majority of Americans probably believe it is important to do what we consider in this House on an annual basis as it affects themselves, their families, their children, the education of this Nation, as well as their children, the health care of themselves and this Nation.

Our former chairman, Mr. Natcher, used to say that if you take care of the health of your people and provide for the education of your children, you educate the priorities within the bill are agreed by all to be principal priorities, and, therefore, the allocation of resources between them is difficult.

Both the gentleman from Illinois (Chairman PORTER) and the ranking member, the gentleman from Wisconsin [Mr. OBEY], are always under a great deal of pressure, and the supplicants or the lobbyists or the interests that are represented in this bill are all good, and, therefore, it is very difficult to say no. But this bill, I think, represents a good piece of legislation, of which the American public can be proud. It was forged in a bipartisan basis, sometimes contentious, because there are strong differences on many issues. But this bill represents the priorities of all of us. Like, frankly, some previous bills in previous Congresses, reflects a commitment to invest in the future of our country by investing in our children.

Start is increased, critically important, to make sure that our disadvantaged children have an opportunity to be competitive, both in education and in the marketplace. It is important that they be partners as America completes in the global marketplace.

Chapter I, that tries to ensure that those same children and others who may have been disadvantaged in life will not be disadvantaged in terms of the focus of this Congress and of the education establishment. In making sure that we make a special effort to give them the capacity to learn, to work and to compete.

So, Mr. Speaker, I am pleased to rise in support of this conference report, which reflects a compromise, testing having been one of the more difficult items, block grants as opposed to categorical expenditures being another. But they were debated, sometimes hotly, strongly held views, but ultimately through the leadership of the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY], and I might also say the chairman of our committee, the gentleman from Louisiana [Mr. Livingston], who has done such an outstanding job leading the Committee on Appropriations through this difficult process, we have a bill of which we can all be proud and which we can enthusiastically support.

Mr. PORTER. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Pennsylvania [Mr. Goodling], the very able chairman of the Committee on Education and the Workforce.
Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me time.

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

Mr. GOODLING. Mr. Speaker, I would first like to thank the chairman and the ranking member, the subcommittee chairman, and all the colleagues for their hard work on a report that was not easy. I am sure I helped make it even more difficult. The national testing issue did not make it any easier for them. However, it was one of the most important policy battles I think we have had to fight. We want quality education, high academic standards, for all of our children, and we believe parents and local governments can best do that.

I want to thank the 295 Members and particularly the Speaker and the gentleman from South Carolina [Mr. GRAHAM] for all of their help and their support, and particularly the staff, the staff of the Appropriations Committee, the staff of my committee. If we had to pay all the overtime that they would have earned, we would be out of money for the rest of the year, I suppose.

I also want to talk just a little bit about some of the other good things that are there as far as I am concerned. I want to thank the gentleman from Illinois [Chairman PORTER] and the gentleman from Wisconsin [Mr. OBEY] for keeping their commitment to increase funding for special ed in the conference report. The agreement continues to make an important commitment to increase funding for special education, obligations to State and local school districts through a nearly $700 million increase to the Individuals with Disabilities Education Act.

I am pleased the report provides increases to high-priority programs such as Even Start and Chapter 2 education and block grants to the States. I want to thank the appropriators for including the Emergency Student LoanConsolidation Act, which will mean an awful lot to parents and students.

Finally, the bill makes important changes to the need analysis formula in the Higher Education Act, which ensures that students and families who qualify for new higher education tax credits will not be penalized in the Federal Government's determination of eligibility and student financial aid.

I thank again all who put this appropriations bill together. It is a very important bill, and I am sure it will receive overwhelming support.

Mr. Speaker, I'd like first to thank the chairman, the ranking member, and all the colleagues for their hard work on the conference report. The Labor, HHS bill is never an easy task. And the national testing issue did not make it any easier.

I am pleased to announce that, we have finally reached an agreement on testing. I wish to thank the Chairman and Ranking member and many other members of Congress for their input and hard work on this important matter. It was truly a team effort.

Three months ago when members of the House decided to fight the President's plan to give new federal tests to our school children, we started with children in mind. From the beginning, we believed that a new federal test would do nothing to help our children. If more testing were the answer to the problems in our schools, testing would have solved them a long time ago.

Everyone in this body supports high standards and accountability. No question about that. But we all agree new federal tests created by Washington bureaucrats are not the answer.

Most importantly the conference report stops the Department of Education's plans for new national tests for one year. As a result, this House—not the White House—now controls this issue.

This agreement stops the President's plan in its tracks for one year by prohibiting pilot testing, field testing, implementation, administration, and implementation of new national tests.

The White House acknowledges that Congress will now play a very large role in deciding if, how, and when any new national tests will be implemented.

The Administration recognizes that existing commercial tests now used in the states may very well fit their purposes and provide the kind of information we need to adequately assess our students. We have agreed to have the National Assessment of Educational Progress study this issue and report back to us next fall.

A few other key points of the conference agreement are: The existing test development contract entered into by the Department of Education will be transferred out of the Department to the National Assessment Governing Board; the National Academy of Sciences will study the technical quality of the test items already developed by the Department and recommend safeguards against testing being used in an inappropriate manner; no student is required to take any national test in any subject or grade; the Committee on Education and the Workforce will hold several hearings on the National Assessment Governing Board and the National Assessment of Educational Progress during the first half of 1998. At that time, the President will have an opportunity to have his testing proposal fully debated, and Congress will have the opportunity to work its will.

This is a clear victory. It affirms the 295-125 vote last month prohibiting funds for new federal tests. I thank each of those 295 Members who voted for the Goodling Amendment and stood with us in our negotiations with the White House.

On other matters, I want to thank Chairman PORTER and Mr. OBEY for keeping their commitment to increase special education in this conference report. This agreement continues to make great strides toward meeting our obligations to States and local school districts through a nearly $700 million increase to the Individuals with Disabilities Education Act Grants to States.

Second, I am pleased that the conference report provides increases to other high-priority programs, such as Even Start and Chapter 2 education block grants to States.

Third, I want to thank the appropriators for including the Emergency Student LoanConsolidation Act. This bill passed the House by a voice vote on October 21st, but stalled in the Senate until today. The bill will help thousands of students who have been unable to obtain a consolidation loan due to the Department of Education's shutdown of their direct loan consolidation processing center.

Finally, this bill makes important changes to the need analysis formula in the Higher Education Act which will ensure that students and families who qualify for the new higher education tax credits will not be penalized in the Federal Government's determination of eligibility for student financial aid.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York [Mrs. LOWEY], also a member of the subcommittee.

Mrs. LOWEY. Mr. Speaker, I am proud to support this conference report. The White House, under the strong leadership of the gentleman from Illinois, Chairman PORTER and the ranking member, the gentleman from Wisconsin [Mr. OBEY], along with our Senate colleagues, succeeded in producing a bill which reflects our shared priorities.

We worked very hard on this bill, and this bill truly reflects a real bipartisan effort. Again, I want to thank the chairman and the ranking member for creating the atmosphere and the commitment among all of us to work together.

I also want to thank the staffs on both sides who have been so very helpful and cooperative in reaching our goals.

Mr. Speaker, this conference report recognizes the clear need for an increased investment in children's education. I am pleased that we were able to provide $3.2 billion more than last year in funds for education. In particular, I am pleased that $40 million in new funds have been provided to keep our schools open after hours in order to provide a safe haven for our youth and to improve reading and other academic skills.

We increased the maximum Pell grant by $300 per student and overall Pell funding by $1.4 billion. The bill also includes language expanding the eligibility of independent students for Pell grants. In addition, we were able to restore funding to the SS1G student aid program which helps so many young people get that education.

We made a number of significant increases in health programs. We were able to provide the National Institutes of Health with a 7 percent increase over last year. This will allow the National Institutes of Health to increase funding for breast cancer research and other dreaded diseases so that advances in prevention and treatment will continue.

Funding for AIDS drug assistance has been increased by $119 million more than last year. This will help to provide life-sustaining medicine to AIDS patients across the country.

I am also very pleased that we provided $268 million for job training. In part, these funds will help to assist those on welfare so they can better obtain decent-paying jobs.
NIH, for disease prevention work at the Centers for Disease Control, and for important educational programs such as Head Start and IDEA.

I am especially proud that the conference report includes a substantial increase in funding for quality care, child care, and Head Start for children under the age of 3. New research has shown that the early years are a critical time of intellectual, emotional, moral, and physical development, which prepare a child to be healthy and productive in later life. We cannot afford to waste these critical learning years.

This conference report includes a $50 million increase in the child care and development block grant for States to improve the quality of care for our youngest children. It also includes $69 million more than the President requested to expand the Early Start, zero to 3 program, within Head Start. These funds will give thousands of additional children an opportunity to have the very best start in life.

I am pleased that the bill includes funding to improve our schools and hold our students to the highest standards, including the $200 million for whole school reform, to assist our least successful students in meeting educational goals. I have the experience of New Haven, CT and the Kolmer model of schools to point to as how whole school reform can work and does work.

Throughout this process, we have at times faced the possibility that the bipartisan spirit would be undermined by controversial riders regarding abortion, parental consent for contraceptives, needle exchange and other issues. I am glad to say that none of these controversial riders are in this bill.

I am pleased to support this conference report, and I urge my colleagues to join me in voting for its passage.

Mr. OBEY. Mr. Speaker, I yield 1 1/2 minutes to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Speaker, I want to thank the chairman for yielding me this time.

Compromise is probably not my greatest strength, and while there are many good things in this bill, there are many things that I not only dislike, I detest, but this is kind of the way how compromise works, and I appreciate working with the gentleman from Illinois [Mr. PORTER], the gentleman from Wisconsin [Mr. OBEY], with the gentleman from Louisiana [Mr. LIVINGTON] and all of the others on this committee.

When asked at the press conference today, "It's not a disappointment then, in the end?", Mr. McCurry was asked about the national testing, and he said, "Well, I mean in a perfect world we would have gotten our plan as it was designated by the Secretary of Education and the President, but it's not a perfect world when you have a Republican Congress, to say the very least.

And this is an accurate statement about how things work.

I appreciate the time we had to debate it and to air our differences. I think we have made progress on some of the issues for the movement conservatives, particularly on testing. We held a number of other issues. I probably will not say this too many times in my career, but I intend to vote for a Labor-HHS appropriations bill, and I appreciate the process we went through. I think it is a reasonable compromise given the differences we have between the House and the Senate and the President, and I thank the leadership for that.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURA], also a member of the subcommittee.

Ms. DELAURA. Mr. Speaker, I rise in support of this conference report, and I would like to thank Chairman PORTER and Ranking Member OBEY for their hard work and their bipartisan spirit. I am pleased that it contains a substantial increase for health research at the NIH, for disease prevention work at the AIDS research, and for many good things in this bill.

I am pleased that the bill includes more money for this important work, and I urge my colleagues on both sides of the aisle to support this bill.

Mr. PORTER. Mr. Speaker, I yield 1 1/2 minutes to the gentleman from Maryland [Mr. HOYER].

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

I am pleased that the bill includes funding to improve our schools and hold our students to the highest standards, including the $200 million for whole school reform, to assist our least successful students in meeting educational goals. I have the experience of New Haven, CT and the Kolmer model of schools to point to as how whole school reform can work and does work.

Throughout this process, we have at times faced the possibility that the bipartisan spirit would be undermined by controversial riders regarding abortion, parental consent for contraceptives, needle exchange and other issues. I am glad to say that none of these controversial riders are in this bill.

I am pleased to support this conference report, and I urge my colleagues to join me in voting for its passage.

Second of all, from what I can tell from the bill, it does not make the changes that were proposed in the immunization funding or that would have affected the carryover funds. That is terribly important to my State of Maryland, particularly in light of the Tuberculosis giveaway.

I am pleased that the bill includes funding for the immunization program, particularly for the indigent, and I appreciate the fact that the conference committee was wise enough not to cut those funds back.

I want to commend again the chairman and the ranking member. This is a good bill. I intend to support it, and I hope my colleagues will do so.

Mr. PORTER. Mr. Speaker, I yield 1 1/2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, 2 years ago I met a young Army soldier in my constituency, a very fortunate entity in my district. Thank you very much.
Mr. Speaker, as we wind up this first session of the 105th Congress, all of us think are pretty well exhausted. We have had little sleep night after night, especially during the last week. We have been in intense negotiations for hours and hours on end. Nerves are frazzled. We say things we may not mean. We make accusations that perhaps are unfair. We even raise questions about the processes of democracy so that we can have things come out our way. It is a time when Republicans sometimes are fighting it out with Democrats, the White House is fighting it out with the Congress, the Senate is fighting it out with the House, authorizers are opposite appropriators, committee chairmen are against other committee chairmen, and often things get a bit out of hand.

Several of the bills, there are four that remain, including this one, have been subject to intense negotiations. This conference report has certainly been one of them. But in the end, Mr. Speaker, all of us believe in the processes of democracy that allow us to work with one another and to find the middle, the place where the American people are. Compromise in my judgment is not at all a bad word, it is exactly what our Founders envisioned for us. It was their intent that we had to cooperate with one another, work together as Americans, and find how we can best reflect the values of the American people.

I am very proud that this year we have managed to work together and managed to work through a very, very difficult process, and still come out with great results. I have tremendous respect for my colleague, the gentleman from Wisconsin [Mr. OBEY]. I think we do work well together. That is a very positive thing.

I believe we have fashioned a bill that really does reflect the values of this country, and have done so in a very strong, bipartisan fashion, in the true traditions of the democracy of this great land we all are privileged to live in and to serve.

Mr. Speaker, I would commend this bill to the Members. I think we have done the best job that possibly could have been done. I thank everyone for their willingness to work together. Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore [Mr. LATOURRETTE]. The gentleman from Wisconsin [Mr. OBEY] is recognized for 3½ minutes.

Mr. OBEY. Mr. Speaker, I simply would like to do two things. First of all, the gentleman from Illinois, Chairman PORTER, was gracious enough to mention the contributions made by all our staff on both sides of the committee.

I would also like to add, in addition to my staff, the many people who have appeared before the chair, I would also like to add Christina Hamilton, from my personal office, who worked very hard on this bill.

I would also like to express our best wishes to the gentleman from California [Ms. PELOSI], who has worked for the gentlewoman from California [Ms. PELOSI] for the past 10 years on this bill. Dr. Steve Morin is moving back to San Francisco. We will miss his expertise on many health and labor programs, most notably, his great work on the issues relating to AIDS, and trying to minimize the terrible damage that that disease causes, and giving researchers the resources they need to search for a cure.

So, Mr. Speaker, I believe that this bill truly does represent, through bipartisan work, through true compromise, through honest negotiation, exactly what the American people expect of us.

This is a great bill, and particularly on impact aid. I say thank you.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, let me join my friend from Texas in complimenting the gentleman from Illinois [Mr. PORTER] and our ranking member the gentleman from Wisconsin [Mr. OBEY], the gentleman from Missouri [Mr. PORTER] for their outstanding leadership and not forgetting those young children and military families who may not ever see their parents at graduation because their parents may end up giving the ultimate sacrifice in time of war.

This is a great bill, and particularly on impact aid. I say thank you.
This conference report includes $32.6 million for Rural Outreach Grants, which is an increase of $4.8 million above the fiscal year 1997 level and $7.6 million above the amount requested by the President. This important program supports projects that provide health services to rural populations not currently receiving them and that enhance access to existing services.

The National Health Service Corps receives $115.4 million in this conference report, which is equivalent to both the fiscal year 1997 level and the amount requested by the President. One of the top health care concerns in rural America is the shortage of physicians and other health professionals to serve in the difficulties rural areas have in attracting and retaining primary health care professionals. The National Health Service Corps program addresses this need by providing scholarships to, and repays loans of, primary care professionals in rural areas.

The program also provides matching grants to states for a loan repayment program. These incentives for health professionals and physicians to serve in rural areas are greatly needed.

This Member is also pleased that this conference report includes $1.5 million for Ellender Fellowships. Earlier this year, this Member testified before the subcommittee regarding this important program. This amount is the same as the fiscal year 1997 level, even though the President's budget did not include any funds for the extraordinary valuable citizen education program for American high school students. The Ellender Fellowships are designed to enable low-income students to participate in the highly successful Washington Close Up program.

Each year the Close Up foundation awards thousands of Ellender Fellowships, which included 3,942 students during the 1995-1996 school year. Nationally, since 1971 over 480,000 students and teachers have participated in the Washington Close Up Program. Almost 95,000 of those participants received full or partial fellowships.

Again, Mr. Speaker, this Member commends the distinguished gentleman from Louisiana [Mr. LIVINGTON], the Chairman of the Committee on Appropriations, the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking member of both the full committee and the subcommittee, and the distinguished gentleman from Illinois [Mr. PORTER], for their continued support of these important programs.

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

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

The SPEAKER pro tempore. The question is 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 352, nays 65, not voting 16, as follows:
NOTICE OF INTENTION TO DISCHARGE H.R. 2631, DISAPPROVING CANCELLATIONS TRANSMITTED BY THE PRESIDENT

Mr. PACKARD. Mr. Speaker, pursuant to section 1025(d) of the Congressional Budget Act of 1974, as amended, I hereby give notice of my intention to offer for discharge H.R. 2631. The form of the motion is as follows:

Mr. PACKARD moves to discharge the Committee on Appropriations from further consideration of the bill, H.R. 2631, disapproving cancellations transmitted by the President on October 6, 1997, regarding Public Law 105-45.

CONFERENCE REPORT S. 1026, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 1997

Mr. CASTLE submitted the following conference report and statement on the Senate bill (S. 1026) to reauthorize the Export-Import Bank of the United States.

CONFERENCE REPORT (H. Rept. 105-392)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1026), to reauthorize the Export-Import Bank of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Export-Import Bank Reauthorization Act of 1997.”

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Extension of authority.
Sec. 3. Tied aid credit fund authority.
Sec. 4. Extension of authority to provide financing for the export of nonlethal defense articles or services.
Sec. 5. Advisory Committee for sub-Saharan Africa.
Sec. 6. Administrative Counsel.
Sec. 7. Advisory Committee for sub-Saharan Africa.
Sec. 8. Increase in labor representation on the Advisory Committee of the Export-Import Bank.
Sec. 9. Outreach to companies.
Sec. 10. Clarification of the objectives of the Export-Import Bank.
Sec. 11. Including child labor as a criterion for denying credit based on the national interest.
Sec. 12. Prohibition relating to Russian transfers of certain missiles to the People’s Republic of China.

SECTION 2. EXTENSION OF AUTHORITY.

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i±3(c)(2)) is amended by striking “through” and all that follows through “1997”.

(b) AUTHORIZATION.—Section 10(e) of such Act (12 U.S.C. 635i±3(e)) is amended by inserting “(including child labor)” after “2001”.

SEC. 3. TIED AID CREDIT FUND AUTHORITY.

(a) EXPENDITURES FROM FUND.—Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635±3(c)(2)) is amended by striking “through” and all that follows through “1997”.

(b) REPORTS TO CONGRESS.—Within 6 months after the date of enactment of this Act, the Board of Directors of the Export-Import Bank of the United States shall submit to Congress a report on the development and implementation of policies and programs designed to support the expansion described in subparagraph (A).

SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES.

The Board of Directors of the Export-Import Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank.

SEC. 5. ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i±3(c)(2)) is amended by striking “through” and all that follows through “1997”.

(b) AUTHORIZATION.—Section 10(e) of such Act (12 U.S.C. 635i±3(e)) is amended by inserting “(including child labor)” after “2001”.

SEC. 6. ADMINISTRATIVE COUNSEL.

Section 3(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635±3(e)) is amended—

(1) by inserting “(1)” after “(e)”; and

(2) by adding at the end the following: “Each such determination shall be delivered in writing to the President of the United States and the Secretary of the Treasury.”

(3) by adding at the end the following: “The General Counsel of the Bank shall ensure that the directors, officers, and employees of the Bank have available appropriate legal counsel for advice on, and oversight of, issues relating to personnel matters and other administrative law matters by designating an attorney to serve as Assistant General Counsel for Administration, whose duties, under the supervision of the General Counsel, shall be concerned solely or primarily with such issues.”

SEC. 7. ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i±3(c)(2)) is amended by striking “through” and all that follows through “1997”.

(b) AUTHORIZATION.—Section 10(e) of such Act (12 U.S.C. 635i±3(e)) is amended by inserting “(including child labor)” after “2001”.

(1) by adding at the end the following: “(1) by inserting “(1)” after “(e)”; and

(2) by adding at the end the following: “The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to support the expansion described in subparagraph (A).

(b)(1) The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank’s financial commitments in sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank.

(b)(2) The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to support the expansion described in subparagraph (A).

SEC. 8. INCREASE IN LABOR REPRESENTATION ON THE ADVISORY COMMITTEE OF THE EXPORT-IMPORT BANK.

(a) IN GENERAL.—Section 301 of the Export-Import Bank Act of 1945 (12 U.S.C. 635±3(b)(1)) is amended—

(1) by inserting “(A)” after “(2)”;

(2) by adding at the end the following: “(B) Not less than 2 members appointed to the Advisory Committee shall be representative of the labor community, except that no 2 representatives of the labor community shall be selected from the same labor union.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on September 30, 1997.

SEC. 9. OUTREACH TO COMPANIES.

Section 201(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635±3(b)(1)) is amended—

(a) IN GENERAL.—Section 201(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635±3(b)(1)) is amended by striking “(including child labor)” after “2001”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on September 30, 1997.

SEC. 10. CLARIFICATION OF THE OBJECTIVES OF THE EXPORT-IMPORT BANK.

Section 201(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635±3(b)(1)(A)) is amended—

(a) IN GENERAL.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635±3(b)) is amended by striking “through” and all that follows through “1997”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on September 30, 1997.

SEC. 11. INCLUDING CHILD LABOR AS A CRITERION FOR DENYING CREDIT BASED ON THE NATIONAL INTEREST.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635±3(b)(1)(B)) is amended—

(a) IN GENERAL.—Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635±3(b)(1)(B)) is amended by striking “(including child labor)” after “2001”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on September 30, 1997.

SEC. 12. PROHIBITION RELATING TO RUSSIAN TRANSFERS OF CERTAIN MISSILES TO THE PEOPLE’S REPUBLIC OF CHINA.

Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635±3(b)) is amended—

(a) IN GENERAL.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635±3(b)) is amended—

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on September 30, 1997.

SEC. 13. TIED AID CREDIT FUND AUTHORITY.

(a) EXPENDITURES FROM FUND.—Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635±3(c)(2)) is amended by striking “through” and all that follows through “1997”.

(b) AUTHORIZATION.—Section 10(e) of such Act (12 U.S.C. 635±3(e)) is amended by inserting “(including child labor)” after “2001”.

(1) by adding at the end the following: “(1) by inserting “(1)” after “(e)”; and

(2) by adding at the end the following: “The President of the United States shall undertake efforts to enhance the Bank’s capacity to provide information about the Bank’s programs to small and rural companies which have not previously participated in the Bank’s programs. Not later than 1 year after the date of enactment of this subparagraph, the President of the United States shall submit to Congress a report on the activities undertaken pursuant to this subparagraph.”

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on September 30, 1997.

JAMES A. LEACH, MICHAEL N. CASTLE, DOUGLAS BEREUTER, J. OHIO J. LAFAULCE, FLOYD H. FLANDERS, M Managers on the Part of the House.

ALFONSE D’AMATO, ROD GRAMS, CHUCK HAGEL, PENN KELLY, CAROL MOSLEY-BRAUN, Managers on the Part of the Senate.
The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1026) to reauthorize the Export-Import Bank of the United States, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

SECTION 1—SHORT TITLE: TABLE OF CONTENTS
Present law
No provision.

Senate bill
The Senate bill (sec. 1) titles this Act the “Export-Import Bank Reauthorization Act of 1997.”

House amendment
No provision.

Conference agreement
The conference agreement is the Senate provision.

SECTION 2—EXTENSION OF AUTHORITY

Present law
The charter of the Export-Import Bank of the United States (Eximbank), which expired on September 30, 1997, was extended by continuing resolution through November 7, 1997.

Senate bill
The Senate bill (sec. 2) extends the charter of Eximbank for four years through September 30, 2001.

House amendment
The House amendment (sec. 1) has an identical provision.

Conference agreement
The conference agreement extends Eximbank’s charter through September 30, 2001.

SECTION 3—TIED AID CREDIT FUND AUTHORITY

Present law
Eximbank’s authority to use the Tied Aid Credit Fund pursuant to section 10 of the Export-Import Bank Act of 1945 (Eximbank Act) expired on September 30, 1997.

Senate bill
The Senate bill (sec. 3) extends Eximbank’s authority to use the Tied Aid Credit Fund for four years through September 30, 2001.

House amendment
The House amendment (sec. 2) has a similar provision extending Eximbank’s authority to use the Tied Aid Credit Fund through September 30, 2001.

Conference agreement
The conference agreement extends Eximbank’s authority to use the Tied Aid Credit Fund through September 30, 2001.

SECTION 4—EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NON-LETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES

Present law
Eximbank’s authority pursuant to section 2(b)(6)(I)(i) of the Eximbank Act to provide finance for dual-use items (i.e., nonlethal defense articles or services the primary end use of which will be for civilian purposes) expired on September 30, 1997.

Senate bill
The Senate bill (sec. 4) extends Eximbank’s authority to finance the export of dual-use items for four years through September 30, 2001.

House amendment
The House amendment (sec. 3) has an identical provision.

Conference agreement
The conference agreement extends Eximbank’s authority to finance the export of dual-use items through September 30, 2001.

SECTION 5—CLARIFICATION OF PROCEDURES FOR DENYING CREDIT BASED ON THE NATIONAL INTEREST

Present law
Section 2(b)(1)(B) of the Eximbank Act provides that the President of the United States may instruct Eximbank to deny an application for credit for non-financial or non-commercial considerations only in cases where the President determines that such action would clearly and importantly advance United States policy in such areas as international terrorism, nuclear proliferation, environmental protection, and human rights.

Senate bill
No provision.

House amendment
The House bill (sec. 4) amends section 2(b)(1)(B) of the Eximbank Act to provide that (1) the President, when considering whether to deny Eximbank credit based on the national interest, must consult with the Committee on Banking and Financial Services of the House of Representatives and Committee on Banking, Housing and Urban Affairs of the Senate and (2) the determination to deny credit must be delivered to the President of Eximbank in writing, state that the determination is made pursuant to this section, and specify the applications or categories of applications for credit which should be denied by the Bank in furtherance of the national interest.

Conference agreement
The conference agreement is the House provision.

SECTION 6—ADMINISTRATIVE COUNSEL

Present law
The House amendment (sec. 5) amends section 3(e) of the Eximbank Act to instruct the General Counsel of Eximbank to designate an attorney to serve as Assistant General Counsel for Administration whose sole or primary duty shall consist of providing advice to Eximbank’s officers, employees, and agents as to the interpretation and application of the laws, rules, regulations, and administrative law matters.

Conference agreement
The conference agreement is the House provision with an amendment limiting the authority of the Assistant General Counsel for Administration to personnel matters and other administrative law matters.

SECTION 7—ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA

Present law
No provision.

Senate bill
No provision.

House amendment
The House amendment (sec. 5) amends section 2(b)(1)(I)(I)(i) of the Eximbank Act to instruct Eximbank to encourage the participation of small business in international commerce by developing a program which gives fair consideration to making loans and providing guarantees for the export of goods and services by small business.

Senate bill
The Senate bill (sec. 5) amends section 2(b)(1)(I)(II)(I) of the Eximbank Act to instruct the President of Eximbank to encourage the expansion of Eximbank’s capacity to provide information about Eximbank’s programs to small and rural companies which have not previously participated in Eximbank’s programs, and to report within 1 year on actions taken pursuant to this provision.

House amendment
The House amendment (sec. 8) amends section 2(b)(1)(I) of the Eximbank Act to instruct the Chairman of the Bank to design and implement a program to provide information about Bank programs to companies which have not yet participated in its programs, and to report within 1 year on actions taken pursuant to this provision.

Conference agreement
The conference agreement is the Senate provision.

SECTION 8—INCREASE IN LABOR REPRESENTATION ON THE ADVISORY COMMITTEE OF THE EXPORT-IMPORT BANK

Present law
Section 3(d)(2) of the Eximbank Act establishes an Advisory Committee, which is to consist of 15 members broadly representative of production, commerce, finance, agriculture, labor, services, and State government, no fewer than three of which shall be representative of the small business community.

Senate bill
No provision.

House amendment
The House amendment (sec. 7) amends section 3(d)(2) of the Eximbank Act to require that no fewer than two of the members of the Advisory Committee be representative of the labor community.

Conference agreement
The conference agreement is the House provision, with an amendment requiring that no two representatives of the labor community appointed to the Advisory Committee shall be selected from the same labor union.

SECTION 9—OUTREACH TO COMPANIES

Present law
The House amendment (sec. 8) amends section 2(b)(1)(I)(II)(I) of the Eximbank Act to instruct Eximbank to encourage, annual from 1993 to 1997, to increase the Federal Bank and its Board of Directors to prescibe regulations and implement procedures to ensure that, in selecting from among how Eximbank can facilitate greater support by U.S. commercial banks for trade with sub-Saharan Africa, and (3) report to the Congress within 6 months after enactment of this Act, and annually thereafter, on steps the Board has taken to implement this provision and any recommendations of the advisory committee.

Conference agreement
The conference agreement is the House provision.

SECTION 10—CLARIFICATION OF THE EXPORT-IMPORT BANK
firms to which to provide financial assistance. Eximbank gives preference to any firm that has shown a commitment to reinvestment and job creation in the United States.

Conference agreement

The conference agreement amends section 2(b)(1)(A) of the Eximbank Act to state that it is the policy of the United States to foster the expansion of exports, thereby contributing to economic growth and job creation in the United States.

SECTION 11—INCLUDING CHILD LABOR AS A CRITERION FOR DENYING CREDIT BASED ON THE NATIONAL INTEREST

Present law

No provision.

Senate bill

No provision.

House amendment

The House amendment (sec. 10) amends section 2 of the Eximbank Act to prohibit Eximbank from providing assistance in support of exports to entities that employ children in a manner that would violate United States law regarding child labor if the entity were located in the United States or has not made a binding commitment to not employ children in such manner.

Conference agreement

The conference amendment amends the "Chafee Amendment" in section 2(b)(1)(B) of the Eximbank Act to identify child labor as a human right that could serve as the basis for a Presidential determination to deny applications for credit for non-financial or non-commercial considerations.

SECTION 12—PROHIBITION RELATING TO RUSSIAN TRANSFERS OF CERTAIN MISSILES TO THE PEOPLE'S REPUBLIC OF CHINA

Present law

No provision.

Senate bill

No provision.

House amendment

The House amendment (sec. 12) amends section 2(b) of the Eximbank Act to require the President, if made aware that Russia has transferred or delivered to the People's Republic of China an SS-N-22 or SS-N-26 missile system, to notify Eximbank which, upon receipt of such notification, shall discontinue financing exports to Russia.

Conference agreement

The conference agreement amends section 2(b) of the Eximbank Act to require the President, upon determining that the Russian Government or military has transferred or delivered to the People's Republic of China an SS-N-22 missile system, that the transfer or delivery represents a significant threat to the security of the United States, to notify Eximbank which, upon receipt of such notification and if so directed by the President, shall discontinue providing finance in connection with the purchase of any good or service by the Russian Government or military.

For purposes of this provision, the definition of "Russian Government or military" shall include state-owned enterprises.

PREPREFERENCE IN EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO CHINA TO BE PROVIDED TO COMPANIES ADHERING TO CODE OF CONDUCT

Present law

No provision.

Senate bill

No provision.

House amendment

The House amendment (sec. 10) amends section 2 of the Eximbank Act to instruct the Board of Directors, when determining whether to provide financial support for exports to the People's Republic of China, to give preference to entities that the Board determines are adhering to a code of conduct set forth in the provision.

Conference agreement

The conference agreement is no provision.

The committee urges the Government of the United States, consistent with the primary mission of export finance to protect and expand jobs in the United States by supporting exports that would not otherwise go forward, to promote efforts among recipients to respect internationally recognized human and worker rights. These would include a recipient's good faith effort to provide a safe and healthy workplace, avoid child and forced labor; avoid discrimination based on race, gender, national origin, or religious beliefs; respect freedom of association, the right to organize and bargain collectively; pay not less than a country's minimum wage required by local law, provide all legally mandated benefits; obey all applicable environmental laws; comply with international standards regarding illicit payments; respect free expression; encourage good corporate citizenship and make a positive contribution to the communities in which the entity operates; and encourage similar behavior by partners and suppliers.

Especially regarding China, the committee expects the Government to carefully consider the business practices of those entities receiving financing. The Committee believes the promoting and recognizing good corporate citizenship will ensure that a "constructive engagement" policy towards China indeed promotes democracy and human rights; improve the quality of our relationship with China; and provide us with another domain of influence and leverage on China to improve its human rights and political practices.

RENAMING OF THE U.S. EXPORT-IMPORT BANK

Present law

No provision.

House amendment

The House amendment (sec. 12) amends the first section of the Eximbank Act to rename Eximbank to the "Export-Import Bank of the United States."

Conference agreement

The conference agreement is no provision.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I ask for this time for the purpose of inquiring of the majority leader, the gentleman from Texas [Mr. ARMLEY], as to the schedule for this evening and for the remainder of the weekend.

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

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Texas [Mr. BONIOR] for yielding.

Mr. Speaker, I am pleased to announce that we have been able to schedule a vote for the evening. We will continue with the bill making continuing appropriations through Sunday. As my friend, the gentleman from Michigan [Mr. BONIOR], has pointed out, we have agreement on both sides that we will be able to do this without another recorded vote. I would like to express my appreciation for that consideration.

The House will meet at noon tomorrow to consider the following suspensions: H.R. 2594, agriculture research bill; H.R. 307, visibly-impaired currency; H.R. 2514, Reading Excellence Act; S. 813, Veterans Cemetery Protection Act; S. 1377, a bill making technical corrections to the American Legion Act; S. 1139, Small Business Administration reorganization; S. 713, Homeless Veterans Act; H.R. 2513, line item veto fix; H.R. 2813, waive time limitation on awarding Medals of Honor; H.R. 2631, a bill regarding military construction appropriations line item verifications; H.R. 1125, the Microenterprise Act; and House Concurrent Resolution 22, a resolution regarding religious persecution in Germany.

Of course, other suspensions may be added with the required 1-hour notice from the floor.

I should mention to the Members that we hope to have additional appropriations work before us tomorrow. While we are here, we would obviously work as late as is necessary to complete the necessary work to be done before we adjourn while we wait for appropriations conference reports.

I cannot tell my colleagues with any degree of certainty how late we will be tomorrow night, certainly no later than tomorrow night. We expect to finish our work so that we might adjourn sine die.

Mr. BONIOR. Reclaiming my time, could the distinguished majority leader, the gentleman from Texas [Mr. ARMLEY], tell us when he anticipates the fast track legislation to come before this body?

Mr. ARMLEY. Mr. Speaker, I would expect that to be sometime on Sunday.

Mr. BONIOR. I also might ask the gentleman if it is indeed possible, as many Members have requested the opportunity to have a chance to speak at special orders this evening, if special orders will be part of the day's proceedings.

Mr. ARMLEY. I thank the gentleman for that request. That one has been a difficult one. I have thought on this throughout the day off and on, understanding the gentleman's desire. I also
have been concerned and am concerned for the staff of the House. It has been a tough week, it will continue to be, their working on Saturday and Sunday, and it had been my intention to adjourn the House in their interest and that of their families.

Mr. BONIOR. Let me, if I might, ask the gentleman from Texas to reconsider that, because let me make the case that with respect to fast track, a highly controversial, momentous piece of legislation, probably one of the most important bills that we will have faced, certainly this Congress, the Committee on Rules has only allowed 2 hours of debate on this bill. We have hundreds of Members who want to speak on this issue. We are boxed in a situation which the gentleman knows is a difficult situation. People need to be able to express themselves on this, and so we ask the opportunity on this side of the aisle to engage in special orders this evening for those who want to discuss other issues.

We even ask that the Committee on Rules, which we understand will go back and come out with another rule, expand that debate time. It is not only on our side. The gentleman is going to have to concede, if not hundreds of Members have, certainly 100 members on his side of the aisle, who will not have an opportunity to speak on this. We cannot put together a cogent argument, we cannot put together a rational debate when we are given 30 seconds or a minute. I would ask my friend from Texas to reconsider the time on the bill in general debate, and I would also ask him to allow special orders without going ahead and adjourning this evening.

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

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

Mr. SOLOMON. Mr. Speaker, as the gentleman from Michigan knows, I am sympathetic to his cause, but let me just cite to the gentleman the traditional rule that has been made in order on other GATT agreements. In 1988 there were 2 hours of debate only. In 1993 there was 1 hour of debate only. With the 1 hour that will be extended on the rule and 2 hours of general debate, it gives 3 hours on the issue. I know that there are some on the gentleman's side that thought that that was not enough. There were also some Democrats on the Committee on Ways and Means, that thought that that was ample time. But traditionally that is the amount of time.

Keep in mind this is not the agreement. When the agreement comes back, the gentleman and I and others will probably have about 8 hours to debate that agreement and even to amend it, as the gentleman knows.

Mr. BONIOR. I yield to the gentleman from New York to whom I will yield in a second, the distinguished ranking member of the Committee on Ways and Means, requested 8 hours. I think the gentleman understands quite well that it is not just Members on our side of the aisle. We are going to have many Members on his side of the aisle who are going to want to speak and who will not be able to speak on this issue.

Mr. ARMEY. The gentleman will yield further, perhaps I could offer something on this.

I do appreciate the gentleman from Michigan's point about the special orders. I am sure the gentleman from Michigan would understand the natural concern I have had with respect to the members of the floor staff and their families, but I understand the gentleman's point, there are some folks on this side of the aisle who are interested, and I would not preempt their right to have the special order opportunities this evening.

Mr. BONIOR. I thank the gentleman. Mr. RANGEL. Mr. Speaker, will the gentleman yield?

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

Mr. RANGEL. Mr. Speaker, I would like to make a special appeal to my friend, the leader of the New York delegation, a leader in the House, and the chairman of the Committee on Rules. Under the rule, the Democrats that are in opposition to the fast track would have only 30 minutes. I know that the gentleman wants to stick by the tradition in how they have handled these things before, but I cannot begin to tell the Members that are asking just to be heard to express themselves. There is a frustration that exists in the House where I truly believe that people do want to hear the debate. But in addition to this, I think that people want to explain their vote. Whether they vote for it, whether they vote against it, they want to have an opportunity to explain through whatever way to their constituents why they are voting that way on a subject that is so national in its interest that is well known to the American people. I know it is extraordinary action to take a review of the decision that the full committee has made, but in view of the fact that he has said more than once that senior members of the Committee on Ways and Means have said this is appropriate time, I can tell the gentleman that senior members of the Committee on Ways and Means have said this is appropriate time, I can tell the gentleman that senior members of the Committee on Ways and Means have asked for a half-hour themselves to be able to debate. I hope whatever they stand up for, because we are catching the devil trying to allocate time. The gentleman would do this House a great service if he could be more flexible in tradition of the Committee on Rules.

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

Mr. BONIOR. I yield to the gentleman from Indiana.

Mr. PEASE. I thank the gentleman from Indiana for yielding. As the majority leader and minority leader are aware, the leadership of the freshman Democrats and the freshman Republicans, once the schedule for the weekly
CONGRESSIONAL RECORD — HOUSE
November 7, 1997

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1998

Mr. LIVINGSTON. Mr. Speaker, pursuant to the order of the House of today, I call up the joint resolution (H.J. Res. 101) making further continuing appropriations for the fiscal year 1998, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:


Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(3) of Public Law 105-46 is further amended by striking “November 7, 1997” and inserting in lieu thereof “November 9, 1997”, and each provision amended by sections 122 and 123 of lieu thereof “November 9, 1997”, and each striking “November 7, 1997” and inserting in lieu thereof “November 9, 1997” was substituted for “October 9, 1997”.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may for 10 legislative days within which to revise and extend their remarks on House Joint Resolution 101 and that I may include tabular and extraneous material.

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

There was no objection.

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

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

Mr. LIVINGSTON. Mr. Speaker, the second fiscal year 1998 continuing resolution expires tonight. Currently, 7 of the 13 appropriations bills have been enacted into law and two others are pending at the White House. We have just adopted the conference report on the Labor-HHS bill, leaving three appropriations bills left to finish in the House. Because these remaining bills will have been enacted into law by tonight, it is necessary now to proceed with an extension of the current short-term continuing resolution so that the Government can continue to operate.

The joint resolution now before the House merely extends the provisions of the initial continuing resolution until November 9, or for 2 more days, while we wrap up our work. The basic funding rate would continue to be the current rate. We retain the provisions that lower rate. We maintain the provisions that might be at too high a level and would therefore impinge on final funding levels. Also, the traditional restrictions such as no new starts and 1997 terms and conditions are retained. The expiration date of November 9 should give us time to complete our work.

Mr. Speaker, I urge the adoption of the joint resolution.

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

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

Mr. Speaker, I frankly have misgivings and mixed feelings about this continuing resolution. People who know me know that I have a big Irish soul and that I often worry about the downside of life, but even I, until 2 days ago, was very optimistic that we would be able to get out of here with all of our work done on the appropriations bills without the need for a continuing resolution. Indeed, up until 2 days ago, I think we were on that track.

But then something happened, because of some of the sudden flexibility which we thought we saw on the part of that side of the aisle and this side of the aisle all of a sudden seemed to disappear, and now we have heard disturbing rumblings regarding the implications of fast track legislation with the remaining appropriation bills. And I must say that I find it disconcerting to go into a conference on the State-Justice-Commerce appropriation bill today and to discover that the conferees are being told that they must begin the conference without knowing what the language is that we will be asked to vote on issues such as the census, for instance.

Now, I happen to be in a peculiar position. I have supported the Republican Party position on the issue of sampling in the census, but it is apparent to me that there is a deal or near deal between the Republican leadership and the White House on that language, and yet rank-and-file Members on neither side of the aisle have so far been given access to whatever that language is. Now, regardless of one’s position on the issue, Members have a right to know what it is, and it seems to me that we would not have this CR before us if games were not being played. We were, in fact, told that one Member of the leadership today indicated that the language on the census could not be made public until the vote on fast track by which I mean, quote, cost, quote, cost votes on fast track.

Now, I do not know which side of the aisle is likely to be sold out on that issue, whether it is our side of the aisle or their side of the aisle, but somebody apparently is, and it seems to me that what is happening is very simple. These other appropriation bills are being stalled out in terms of our getting any full information until fast track votes have been achieved.

Now, that greatly complicates the appropriations process, it greatly adds to the mistrust in this place, and it is, in my view, the only reason why we even have this CR before us tonight.

The issues on appropriation bills were easily resolvable before they became linked to the fast track train, and it just seems to me that rank-and-file Members need to know that we are in the position of needing yet another CR not because of any failure of the Committee on Appropriations to do its work, or certainly not because of any failure of the chairmen of the Committee on Appropriations, or to see it that these appropriations bills are done, but simply because people at very high levels are envisioning things that ought not be linked and, as a result, this committee once again is prevented from doing its business in a timely fashion.

I find that very much regrettable and very much not in the public interest, and I am tempted to call a roll call on this because of that, but in the interests of accommodating the Members who would finally like to get out of here, and get a decent meal, and get some sleep, I will withhold. But I do not think Members should be fooled. There is very clearly linkage that certain parties are trying to establish on these issues, and I think that is unfortunate because it gets in the way of our ability to deal with these bills straight up and on the square.

Mr. LIVINGSTON. Mr. Speaker, is the gentleman from Wisconsin prepared to yield back the balance of his time?

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

Mr. LIVINGSTON. Mr. Speaker, in the interests of staff throughout the House and my own desire to end this long week and engage in further discussions on additional bills tomorrow, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the order of the House today, the joint resolution is considered read for amendment. Pursuant to the order of the House today, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

The JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker’s approval of the JOURNAL of the last day’s proceedings.

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

DESIGNATION OF HON. STEVEN C. LATOURETTE TO ACT AS SPEAKER PRO TEMPORE ON TODAY

The SPEAKER pro tempore laid before the House the following communication from the Speaker:
The White House has turned into a virtual trading bazaar. I cannot believe what I am hearing from my colleagues; offers from the White House of guaranteed $150,000 fund-raisers before the end of the year to replace any money you lose in sweat shops in labor, after you sell out the American working people. You know, deals of bridges, deals of military projects that no one wants and haven’t been funded, pork; pork is available.

Every time of the White House Cabinet is calling, burning up the lines. They have got a so-called war room here somewhere on Capitol Hill, I do not know where it is, where the 1 or 2 dozen Democrats supporting this are working, all phones with intelligence, things are caught on the floor, two members of the Cabinet and to the White House and the President and the Vice President. They are busing people down to the White House. They are offering them meetings, the stars, and they can offer it. You know why? Because they offered it to everybody for their vote on NAFTA, and they never delivered it. So they can give it away twice. Is it not beautiful? It is a little bit like Lucy and the football.

How many times are Members of Congress going to hear the siren song of President Clinton, and now Vice President Gore, on these issues; the promises that they will fix it all later, or we will have side agreements that take care of the environment and labor, do not worry. And then people buy that, and then, oops, did I ever talk to you before? Do I know you? And now they need us again 3 years later, and suddenly we have got these great deals, side agreements on labor and the environment, because the Republicans will not let us have an honest labor and environment in this bill, and they need the Republican votes.

Well then they maybe ought to get all their votes on that side of the aisle. What is it? But what we are angry was to hear the President question the motivation of people on this side of the aisle while he is offering people fund-raisers, while he is offering people bridges, while he is offering people other projects.

We have a failed trade policy in this country, and perhaps, just perhaps, this week end the American people will be well-served by this body. We will begin to question on down votes on trade policy, no amendments allowed, whatever your concerns or perspectives are, giving up our prerogative as Members of the House of Representatives to perpetuate and continue policies that are piling up huge and growing trade deficits.

You know, someday those bills are going to come due. The U.S. is a trillion dollars in debt overseas, growing the interest on that, and by the yearday someone is going to say, we are not sure of the U.S. economy and the U.S. dollar anymore. We want our money back.

What is going to happen to future generations? We are at the point trade with the deficit where we were with the U.S. fiscal deficit about 10 years ago.

People are saying, oh, it does not matter. Is it not nice they want to lend us that money and run a deficit? We are losing jobs, prosperity. We need a new policy, and we have an opportunity to get it this weekend if we defeat fast track.

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Washington (Mrs. SMITH) is recognized for 5 minutes.

Mrs. SMITH of Washington addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.

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

Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

INDIVIDUAL REINVESTMENT ACT

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

Mr. SAXTON. Mr. Speaker, I listened carefully to my friend from Oregon talk very articulately about the needs of middle-class Americans, and I agree.

The middle-class American family has many needs; the need to, of course, provide for current-day living expenses, the need to provide for the futures of their kids and save money for that, the need to provide for retirement programs for themselves, the need to provide housing, et cetera.

We did something good for middle-class America this year, because we put in place an Individual Retirement Account Program extension to help them save for those things, because, you see, today, under the Tax Code, the norm is that when we earn money, we are taxed on that income, and then when we put that money away for some future use and we earn income in the form of interest or dividends or capital gains, we are taxed again. So on a lot of America’s income, we are not taxed just once, we are taxed twice, once when we earn it and once when it earns some income for us.

So, wisely enough, on a bipartisan basis for middle-class American families, we decided this year to expand the IRA program, and, as far as it went, it was good, and it is good.

This year, the eligibility level or the income total amount that a family can earn is not any longer $40,000; it is twice that, it is $80,000. It used to be, last year, that if a spouse was a home-maker, that spouse could not take the
full $2,000 provision in the way of a deduction and put that money away tax-free. Henceforth, he or she will be able to do that.

We also permitted withdrawal without penalty for first-time home buyers, and that was circularity a great expansion. We also put in place a little provision to help save for our children’s higher education, and that was good. So we did some pretty neat expansions.

But let me say it seems to me that that is not going to be the way to save the way we need to. The IRA program is good, it has been proven good for middle-class American families, and has been proven to help people save. It has encouraged savings throughout our society, and it seems to me that in all the talk that is going on around here about tax reform, that we ought to look at how we can help even more.

Now, the $2,000 limit we are still living with today was established decades ago, and decades ago $2,000 was a lot of money. It is still a lot of money, but it was multiple times as much money in real terms back when it was established.

Some time ago, I introduced a bill to increase that $2,000 amount by $500 a year, so that after 10 years from the time my program would be adopted, the amount that we could save, put away each year in our IRA and have as a deduction, would be $7,000. Built on top of the $2,000 that we have now, $500 a year for 10 years. 2 plus 5 is 7. I think that is real progress.

We also proposed that middle-class America, yes, middle-class America fits within $80,000, but when you have got a couple of folks working, say they are both schoolteachers, and say the combined income is $100,000; today they do not even qualify under the expanded program that we put in place this year.

So I suggest we increase that not to $80,000, as we already have, but to $100,000, so that folks working together whose mom and dad go out and make $50,000 apiece working hard can also qualify.

In addition, we might want to consider there are some other worthwhile needs we need to save for and can withdraw from the program without penalty. Retirement is one currently, higher education is one currently, and first-time home buyer is one currently, with different little ramifications along the way, along the path.

Unemployment is a need we have traditionally saved for, and we might want to consider adding unemployment as a provision we could withdraw for without penalty.

Adoption is another one, obviously, that folks on both sides of the aisle talk about as being a very worthwhile activity. So we might want to look and talk among ourselves about some other things that we could withdrawing from the fund for penalty-free.

So, the individual retirement account bill I think is a very worthwhile bill to consider in terms of expansion. I call the new bill that I introduced the Individual Reinvestment Act, or IRA. The Individual Reinvestment Act. Let me also say, Mr. Speaker, that as chairman of the Joint Economic Committee, I know that throughout our society not only would individuals who save under this program benefit, but our entire economy, the entire society would also benefit under the program, because one of the things that is absolutely necessary for economic growth across the board is the ability to have access to capital.

When people in small businesses or people in medium-sized businesses or people in large businesses want to expand their business, they have to borrow, and having those funds available in institutions to be borrowed is very important. This bill will help expand the pool of money available to us as well.

So, Mr. Speaker, thank you very much for this time. I urge everybody to give this matter very serious consideration.

OPPOSITION TO FAST TRACK

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

Mr. LIPINSKI. Mr. Speaker, I rise tonight in opposition to fast track. There are many, many, many reasons to oppose fast track. Certainly one reason you could oppose it is because of the hypocrisy of President Clinton and Vice President Gore when they spoke about pressure being put on individuals to oppose fast track.

The hypocrisy is that it has been the President, the Vice President, and the Republican leadership that have been putting pressure on individuals in this body to support fast track. That is where the pressure has been coming from, that is where the intimidation has been, and, as I say, that would be one reason to vote against fast track right off the bat, the hypocrisy of the Clinton administration.

You could also vote against fast track because none of our trade policies over the last 15 to 20 years have done anything whatsoever to improve the standard of living or the working conditions of foreign workers. Our trade policy has done nothing to improve, along with our condescending view of the entire world in foreign nations where we have signed trade agreements. Those would be more reasons for voting against fast track.

But to me, the most important reason for voting against fast track is the fact that it will continue the downward slide of the standard of living of all American working people.

Twenty years ago, the standard of living of the American working man and woman was tops in the world. Because of the trade policy that we have followed in those 20 years, there has been an erosion in that standard of living. NAFTA accelerated that erosion considerably.

If we support fast track tomorrow or on Sunday in this House of Representatives, we simply are saying to the American working man and woman that we do not care about your standard of living. We do not care if your standard of living falls down by 25 percent, 50 percent, 75 percent. All we care about is what profits the corporations in this Nation and in other nations of the world can make at the expense of American working men and women.

With the economy that we have in this country, the strong economy, the prosperous economy, every nation in the world wants to get into this economy, wants to trade with this economy. Because of that, we should be in a position to negotiate trade agreements that are totally and completely advantageous to the American working man and woman.

That is what we should be doing. That is what we could be doing. And if we could defeat fast track body this weekend, then we can start to turn things around and start rebuilding the American dream for the American working man and woman.

ERADICATION OF DISEASE, A NEW NATIONAL GOAL

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

Mr. GEKAS. Mr. Speaker, today I have introduced legislation that would create a Presidential-congressional type of commission for the investigation of ways and means on the part of the American people, through their elected officials and through their institutions, to commit themselves to a new national goal.

Mr. Speaker, during the 20th century the main goal of the United States was the cold war, the desire to defeat the aggressive totalitarian governments that tried to dominate the 20th century and also to defeat communism as a world power or global entity.

In those attempts, the United States was successful, and today we find ourselves, after the Berlin Wall, as the only superpower left and with no really visible goal in front of us.

The bill that I introduced allows our fellow Members, who would serve on a commission, along with others to be appointed by the President and the Senate, to fashion a new national goal, which is to eradicate disease from the face of the Earth.

Now, this may sound lofty and unattainable, and it probably is not within our means to totally eradicate every vestige of disease known to mankind. But if we have that as a national goal, knowing that the United States already leads in biomedical research, in the production of health care, of pharmaceuticals, of new ways of producing medical devices, the whole host of things that benefits the human condition, if we make that our
November 7, 1997

CONGRESSIONAL RECORD – HOUSE

H10321

goal for the next century, then not only will humankind be better off throughout the world, but the economy of the United States, the enterprise of the United States, the leadership of the United States will continue in wondrous ways for the benefit of our people, because when we talk about an attempt, a bold attempt, to eradicate disease from the face of the Earth, are we not talking about trade between countries on matters that would lead to new products in health care, new medicines, new ways of treating disease? Would we not have our hospitals and our medical colleges and our universities honed in on the great goal that we are going to be articulating? This is so important to me personally and, I believe, to our country, to focus our energies, our innate initiatives that have served us so well over the years, into this goal of humanitarian capacity in such a way that it benefits every society; not just the health care community, but everyone in the community who, in one way or another, will have to come into contact with the health care system and with those things that benefit humankind.

I have had discussions about this with individuals at the National Institutes of Health, with people in the medical universities, with newsman and media people who have more than a passing interest in this kind of issue, and have found a warm reception in every one of those projections.

1930

So I would invite my colleagues to join with me in this bill. We would create this commission, we all would have input as to the ways and means that they would adopt for achieving this national goal, and then when our time is completed in the Congress of the United States, we will have laid the groundwork for a 21st century replete with American accomplishment.

MESSAGE FROM THE SENATE

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

H. J. Res. 91. Joint resolution granting the consent of Congress to Alachua-Chattahoochee-Flint River Basin Compact.
H. J. Res. 92. Joint resolution granting the consent of Congress to Alabama-Coosa-Tallapoosa River Basin Compact.
H. J. Res. 101. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

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

S. 739. An act to restate the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

NAFTA IS NOT GOOD FOR AMERICA

The SPEAKER pro tempore (Mr. BRAY). Under a previous order of the House, the gentleman from Ohio [Mr. KUCINICH] is recognized for 5 minutes. Mr. KUCINICH. Mr. Speaker, for those who have been following the debate over fast track, I would just like to review a few facts. First of all, fast track is legislation which provides for expedited congressional consideration. It is called fast track because it is a way to force through Congress an up-or-down vote on a major trade package. Those who are interested in the history of this should remember that fast track was created by Congress the year 1994, that it gave the President the ability to move along trade agreements.

In 1994, fast track expired, after the approval of NAFTA and the Uruguay round of the General Agreement on Tariffs and Trade, also known as GATT.

What is happening now is that the President is asking for renewed fast-track authority, and wants to expand NAFTA and the free trade zone to include Chile and the other South American countries, and he wants trade agreements with even more countries as well, using the fast-track legislation.

We believe that fast track does not provide for any amendments, so that this Congress has no ability to change the terms of the fast-track agreement and, therefore, to have an impact on American trade policy. The reason why in Congress are concerned about this issue is this: I would like to look at the effect that NAFTA has had, because we are really talking about expanding NAFTA here, at northeastern Ohio.

Now, I am from the State of Ohio, I am in the 10th Congressional District in Ohio, and I represent an area that includes the city of Cleveland and surrounding suburbs. My constituents include auto workers, steel workers, and their families. They are very dependent on the auto industry and the steel industry for jobs. These are people who have fought for this country, who believe in this country, who have given much to this country, who helped to build this country through building the major industries with their labor. Americans secured its freedom through major industries with their labor.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries. Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

NAFTA IS NOT GOOD FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes. Mrs. CLAYTON. Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and we have seen the consequences with the great strawberry scare of a few months ago when school children in a few States were adversely affected by the pesticides which were put on strawberries.
SECRETARY BABBITT'S ABUSE OF POWER

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

Mr. GIBBONS. Mr. Speaker, I stand before you today in disbelief, in fact in total disgust. I stand here before you in an effort to seek the truth in campaign fund-raising allegations involving the Secretary of Interior, Mr. Bruce Babbitt, a serious abuse of power.

I am here to inform my colleagues of the mounting evidence that Secretary Babbitt potentially misused his administrative power to influence the outcome of a 1995 Department of Interior decision regarding an Indian gaming permit to a group of Chippewa Indians in Wisconsin, all that in exchange for political contributions and volunteerism for campaign work. In short, he was a great friend to workers and a great voice for change, and his passing leaves us missing a powerful and passionate ally.

Babbitt on July 14, 1995, after being told by another Interior Department official that the casino planned by 3 Wisconsin Chippewa tribes was being disapproved. Eckstein proceeded to tell the Senate Governmental Affairs Committee that Mr. Babbitt's response was that the Deputy Interior Chief of Staff, Harold Ickes, had directed him to issue the decision that day. In a 1996 letter to Senator John McCain, a Republican of Arizona, the Interior Secretary denied making the comment about the application for the gaming permit. Mr. Babbitt again recanted, acknowledging that he did, in fact, make the remarks to Mr. Eckstein simply to get the lawyer out of his office.

Well, the contradiction in Secretary Babbitt's responses troubles me almost as much as the act of trading favors for campaign money. The blatant misuse of administrative power for monetary gain is a serious offense. If no other inconsistencies were uncovered beyond this, this would still warrant the appointment of an independent counsel.

At issue in this case is whether Secretary Babbitt's efforts to deny the application was influenced by the promise of political contributions and whether his actions came as a result of an order from higher up in the administrative ladder.

Mr. Speaker, it is not my intent to stand here before the House in an attempt to influence the outcome of this case, nor to comment on any more specific details of the event that precipitated this matter. However, the apparent seriousness of the allegations of this wrongdoing and underlying facts clearly dictate further investigations into this matter.

I have in my office investigative reports, many from major news publications on this subject, that confirm in precise detail the pervasive, serious and potentially unlawful conduct of Secretary Babbitt's 1995 decision.

The likelihood that government policy was made in return for a political donation in this case clearly brings into question whether criminal misconduct occurred in fund-raising efforts for the 1996 federal election.

Mr. Speaker, I stand before you today fully aware of major malfunctions in the campaign fund-raising machine for the 1996 election, and I am also here to inform my colleagues of my intent to pursue this matter further.

In fact, I would like to report on Friday of last week I sent a letter to the Attorney General, lauding the Justice Department's decision to open a 30-day initial review to see how Secretary Babbitt handled the application for an Indian gaming permit back in 1995. But this is not enough. In this same letter I expressed my deepest sense of urgency on behalf of the American people in pushing forth with the appointment of an independent counsel to investigate this scandal.

The White House has still refused to send this memo. For the reason given on the previous order of the House for a fast track trade bill, Friday after the White House circulated a 7-point memo promising continued support for the tobacco price support program and immunity from health-related lawsuits for tobacco farmers.

The paper also promised reform of import duties that farmers say encourages imports of foreign tobacco. Lobbyists said the moves were aimed at garnering the Congressmen's support.

This deal is troubling for a whole bunch of reasons. Mr. Speaker. As the ranking Democrat on the Subcommittee on Health and Environment on the Committee on Commerce, the subcommittee that, under the leadership of the gentleman from California [Mr. Waxman] and other Members of Congress brought forward many of the issues with tobacco executives and some of the problems, particularly the health problems, that Mr. Waxman is very passionate about.

Unfortunately, the President has purportedly made, according to the AP wire story, with some Members of Congress in order to get their votes for the fast track legislation.

Immediately, upon reading this story, I called the White House to ask for a copy of this 7-point memo that was about tobacco, about protecting tobacco, that would bring in the support from Members of Congress for the fast track legislation.

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, I appreciate the opportunity to address the House for a few minutes this evening.

I read earlier today a story on the AP wire about some of the deals that have been made between the White House and Members of Congress on the fast track legislation. What you may not be aware of is the intense ongoing pressure to consider today, but has been pushed back until Sunday, frankly because Speaker Gingrich and the President do not have enough votes with the deals they are making to jam this bill through the Congress of the United States.

What troubled me today, and I would like to share for a moment one of those deals that was mentioned in the AP wire story. I will quote:

A Member of Congress announced his support for fast track trade bill Friday after the White House circulated a 7-point memo promising continued support for the tobacco price support program and immunity from health-related lawsuits for tobacco farmers.

The paper also promised reform of import duties that farmers say encourages imports of foreign tobacco. Lobbyists said the moves were aimed at garnering the Congressmen's support.

This deal is troubling for a whole bunch of reasons, Mr. Speaker. As the ranking Democrat on the Subcommittee on Health and Environment on the Committee on Commerce, the subcommittee that, under the leadership of the gentleman from California [Mr. Waxman] and other Members of Congress brought forward many of the problems with tobacco, many of the issues with tobacco executives and some of the problems, particularly the health problems, that Mr. Waxman is very passionate about.

Unfortunately, the President has purportedly made, according to the AP wire story, with some Members of Congress in order to get their votes for the fast track legislation.

Immediately, upon reading this story, I called the White House to ask for a copy of this 7-point memo that was about tobacco, about protecting tobacco, that would bring in the support from Members of Congress for the fast track legislation.

I read earlier today a story on the AP wire about some of the deals that have been made between the White House and Members of Congress on the fast track legislation. What you may not be aware of is the intense ongoing pressure to consider today, but has been pushed back until Sunday, frankly because Speaker Gingrich and the President do not have enough votes with the deals they are making to jam this bill through the Congress of the United States.

What troubled me today, and I would like to share for a moment one of those deals that was mentioned in the AP wire story. I will quote:

A Member of Congress announced his support for fast track trade bill Friday after the White House circulated a 7-point memo promising continued support for the tobacco price support program and immunity from health-related lawsuits for tobacco farmers.

The paper also promised reform of import duties that farmers say encourages imports of foreign tobacco. Lobbyists said the moves were aimed at garnering the Congressmen's support.

This deal is troubling for a whole bunch of reasons, Mr. Speaker. As the ranking Democrat on the Subcommittee on Health and Environment on the Committee on Commerce, the subcommittee that, under the leadership of the gentleman from California [Mr. Waxman] and other Members of Congress brought forward many of the problems with tobacco, many of the issues with tobacco executives and some of the problems, particularly the health problems, that Mr. Waxman is very passionate about.

Unfortunately, the President has purportedly made, according to the AP wire story, with some Members of Congress in order to get their votes for the fast track legislation.

Immediately, upon reading this story, I called the White House to ask for a copy of this 7-point memo that was about tobacco, about protecting tobacco, that would bring in the support from Members of Congress for the fast track legislation.

I read earlier today a story on the AP wire about some of the deals that have been made between the White House and Members of Congress on the fast track legislation. What you may not be aware of is the intense ongoing pressure to consider today, but has been pushed back until Sunday, frankly because Speaker Gingrich and the President do not have enough votes with the deals they are making to jam this bill through the Congress of the United States.

What troubled me today, and I would like to share for a moment one of those deals that was mentioned in the AP wire story. I will quote:

A Member of Congress announced his support for fast track trade bill Friday after the White House circulated a 7-point memo promising continued support for the tobacco price support program and immunity from health-related lawsuits for tobacco farmers.

The paper also promised reform of import duties that farmers say encourages imports of foreign tobacco. Lobbyists said the moves were aimed at garnering the Congressmen's support.

This deal is troubling for a whole bunch of reasons, Mr. Speaker. As the ranking Democrat on the Subcommittee on Health and Environment on the Committee on Commerce, the subcommittee that, under the leadership of the gentleman from California [Mr. Waxman] and other Members of Congress brought forward many of the problems with tobacco, many of the issues with tobacco executives and some of the problems, particularly the health problems, that Mr. Waxman is very passionate about.

Unfortunately, the President has purportedly made, according to the AP wire story, with some Members of Congress in order to get their votes for the fast track legislation.

Immediately, upon reading this story, I called the White House to ask for a copy of this 7-point memo that was about tobacco, about protecting tobacco, that would bring in the support from Members of Congress for the fast track legislation.

I read earlier today a story on the AP wire about some of the deals that have been made between the White House and Members of Congress on the fast track legislation. What you may not be aware of is the intense ongoing pressure to consider today, but has been pushed back until Sunday, frankly because Speaker Gingrich and the President do not have enough votes with the deals they are making to jam this bill through the Congress of the United States.

What troubled me today, and I would like to share for a moment one of those deals that was mentioned in the AP wire story. I will quote:

A Member of Congress announced his support for fast track trade bill Friday after the White House circulated a 7-point memo promising continued support for the tobacco price support program and immunity from health-related lawsuits for tobacco farmers.

The paper also promised reform of import duties that farmers say encourages imports of foreign tobacco. Lobbyists said the moves were aimed at garnering the Congressmen's support.

This deal is troubling for a whole bunch of reasons, Mr. Speaker. As the ranking Democrat on the Subcommittee on Health and Environment on the Committee on Commerce, the subcommittee that, under the leadership of the gentleman from California [Mr. Waxman] and other Members of Congress brought forward many of the problems with tobacco, many of the issues with tobacco executives and some of the problems, particularly the health problems, that Mr. Waxman is very passionate about.

Unfortunately, the President has purportedly made, according to the AP wire story, with some Members of Congress in order to get their votes for the fast track legislation.

Immediately, upon reading this story, I called the White House to ask for a copy of this 7-point memo that was about tobacco, about protecting tobacco, that would bring in the support from Members of Congress for the fast track legislation.

I read earlier today a story on the AP wire about some of the deals that have been made between the White House and Members of Congress on the fast track legislation. What you may not be aware of is the intense ongoing pressure to consider today, but has been pushed back until Sunday, frankly because Speaker Gingrich and the President do not have enough votes with the deals they are making to jam this bill through the Congress of the United States.

What troubled me today, and I would like to share for a moment one of those deals that was mentioned in the AP wire story. I will quote:

A Member of Congress announced his support for fast track trade bill Friday after the White House circulated a 7-point memo promising continued support for the tobacco price support program and immunity from health-related lawsuits for tobacco farmers.

The paper also promised reform of import duties that farmers say encourages imports of foreign tobacco. Lobbyists said the moves were aimed at garnering the Congressmen's support.

This deal is troubling for a whole bunch of reasons, Mr. Speaker. As the ranking Democrat on the Subcommittee on Health and Environment on the Committee on Commerce, the subcommittee that, under the leadership of the gentleman from California [Mr. Waxman] and other Members of Congress brought forward many of the problems with tobacco, many of the issues with tobacco executives and some of the problems, particularly the health problems, that Mr. Waxman is very passionate about.

Unfortunately, the President has purportedly made, according to the AP wire story, with some Members of Congress in order to get their votes for the fast track legislation.
we are seeing a deal cut by a President that has gone around the country and a Vice President that has gone around the country talking about the evils of teenaged smoking, something I agree with.

On the one hand, the President and the Vice President have exacerbated the tobacco situation by having talked about how the tobacco companies market to children, and on the other hand, on an unrelated trade deal, the administration seems to have cut a deal on tobacco in order to get the vote of one Member of Congress.

Mr. Speaker, called the White House and could not get a copy of this memo. So we placed calls to the American Cancer Society, the Coalition for Tobacco-Free Kids, the Heart Association, and several other public health groups to try to get a copy of this memo. We have been able to except supposedly this Congressman that has made this deal with the President.

I think, Mr. Speaker, that when the American people find out about this, that on a trade deal, on an unrelated trade deal, the President of the United States and the Vice President of the United States, both people who have led the charge against teenage smoking, and I admire them for that, I respect them for that, I applaud them for that, they have turned around and cut a deal in order to get an unrelated fast track trade bill through the Congress, I think that action is outrageous when they hear this, when they hear that this kind of deal has been cut simply to get a vote on the floor of Congress on an unrelated trade bill.

Again, Mr. Speaker, the President and the Vice President have moved this country admirably, have moved forward in a very positive way in exposing the evils of teenage smoking. They have, through our subcommittee and through other committees in Congress, helped to lead the charge in eradicting smoking among teenagers, and have played a very positive role in helping people stop smoking in this country. Yet, they turn around and do this.

I think, Mr. Speaker, that we will see a torrent of calls to the White House wanting to know more about this deal, wanting to know what exactly has happened. When does this kind of deal-making stop?

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

[Mr. TRAFICANT 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 Ohio [Mr. PORTMAN] is recognized for 5 minutes.

IN RECOGNITION OF DAVID E. LARKIN

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the remarkable work of David E. Larkin on behalf of Cincinnati’s Dan Beard Council of the Boy Scouts of America. David’s achievements in Greater Cincinnati Scouting are both extraordinary and numerous, and I would like to cite just a few examples.

He has provided outstanding leadership, motivation, and direction in the development of the Dan Beard Council’s Executive Board, one of the most philanthropic youth service organizations in the Greater Cincinnati and Northern Kentucky area.

More than 1,000 “at risk” young people in the Greater Cincinnati area have had the opportunity to experience the cherished values of Scouting thanks to Challenge Camp, which David created.

David’s imagination and creativity brought into being “The Scout Family Jamboree,” an event attracting some 45,000 attendees showcasing not only Scouting, but many community activities and events.

Through his exceptional leadership and global vision, David has provided the catalyst for the approval of a comprehensive $14.5 million Camp Re-Development Capital Campaign to construct a 25-acre lake, Cub World, and Boy Scout camp to serve the Dan Beard Council well into the 21st century.

David has provided the leadership, quality standards, the means and methods necessary to expand the scouting program in Southwest Ohio and Northern Kentucky to annually involve a record 65,000 youth and adults.

David’s leadership has also enabled him to be involved in other vital community programs. He has worked to enrich the relationships of scouting with the United Way and Community Chest, which has helped increase awareness and funding for these highly worthwhile service organizations. In addition, David has successfully initiated a positive alliance between the Boy Scouts and the Greater Cincinnati, Northern Kentucky Schools and educational institutions, resulting in expansive growth in “Learning for Life” and Career Explorer programs.

David has been asked to be the new Chief Executive of the Atlanta Boy Scout Council, and will soon be leaving the Cincinnati Dan Beard Council, on which he has so ably served. We in Cincinnati will certainly hate to lose David, but his selfless dedication and tireless work on behalf of Scouting and our community will not be forgotten. We wish him the best.

TRANSFER OF SPECIAL ORDER TIME

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to claim the special order time of the gentleman from Illinois [Mr. POSHARO].

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

There was no objection.

THE RECIPROCAL TRADE AGREEMENT AUTHORITY ACT

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in opposition to fast track. Mr. Speaker, the labor movement has always been the home of the American worker. It has been the safe haven for the American dream. But today we are in a time of conflict. There are contentious winds blowing the direction of the American worker.

I have always believed that democracy vests its rights in the living person: one person, one vote. However, the economic markets recognize only money, not people: one dollar, one vote. These markets give no choice to the workers or their families. When the market seeks solely to make a profit, it is an instrument of oppression. It is an instrument which allows the few to monopolize society’s resources, leaving the less fortunate without health care, jobs, and other means of livelihood.

Some say that the opponents of fast track would stop United States participation in the global economy and threaten our Nation’s jobs. Supporters say fast track helps our country stay competitive and maintain a strong economy by ending unfair trade barriers imposed by foreign governments.

Throughout my public career I have always been an advocate for equality and fairness, but I recognize the difference between fairness and laissez faire-ness. This trade agreement will only consider corporate interest deals, while efforts to improve the conditions of workers’ rights are muffled.

According to a University of Illinois study, the city of Chicago lost 80,000 manufacturing jobs between the years 1980 and 1990. These jobs were jobs that enabled workers to purchase homes, pay college tuition, participate in the American dream. At present, my district has recently lost five industries to other countries, leaving 704 workers unemployed and jobless.

Mr. Speaker, markets are important institutions, and they have an essential place in any democratic society, as long as these markets function within the framework of democratically determined rules and public safeguards.

I am in support of American competitiveness and want a democratically fair playing ground for all of our country’s companies. But there is nothing democratic about giving jobs to other countries. There is nothing democratic about reducing American workers’ benefits and wages. There is nothing democratic about environmental deregulation, and there is nothing democratic about ignoring the rights of thousands of workers for the approval of a few companies.

A. Phillip Randolph once said:

At the banquet table of life, there are no reserved seats. You get what you can take, and you keep what you can hold. If you can’t take anything, you won’t get anything, and...
CONGRESSIONAL RECORD – HOUSE
November 7, 1997

H10324

if you can't hold anything, you won't keep anything.

A. Phillip Randolph was so right. So today let us take back workers' rights, so that the American workers can hold onto their lives and hold on and make real the American dream.

ON THE USE OF THE DRUG MYOTROPHIN FOR SUFFERERS OF LOU GEHRIG'S DISEASE, AND A CAUTIONARY NOTE ON USE OF THE INTERNET

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

Mr. DUNCAN. Mr. Speaker, sometime in the next couple of weeks, the Food and Drug Administration has told my office that it will make a decision about the drug called myotrophin. This is the only drug currently available that gives some hope to the victims in the advanced stages of the deadly illness we all know as Lou Gehrig's disease.

As almost everyone knows, this is a horrible nerve disorder that slowly robs people of their ability to walk, talk, move freely, and eventually even to eat, swallow, and breathe on their own. There is no cure. The disease has always been fatal. But now, finally, there is a drug, myotrophin, that gives victims of Lou Gehrig's disease some small glimmer of hope.

Unfortunately, this drug has not been approved by the Food and Drug Administration. There is no question that this drug is absolutely safe, but the FDA questions if it actually improves quality of life.

The patients and doctors who have worked in the experimental trials are convinced it does improve and extend the lives of these victims. Demonstrating that improvement to an absolute mathematical statistical certainty is going to be a very long, arduous task. Thousands of people will be robbed of their only hope in the meantime.

An advisory committee of the FDA voted to reject final approval of the drug until more evidence is gathered. Sometime in the next couple of weeks the FDA will make the final decision on whether these sufferers will be allowed to use this drug.

The drug is safe, Mr. Speaker. There is some concern about its effectiveness, but many doctors and patients believe in myotrophin and want to use it. They should be allowed to do so. The FDA should not play God. They should not take away the last hope these people have. If this is still a free country, these victims of Lou Gehrig's disease should be allowed to use this drug if they and their doctors feel that they should.

Mr. Speaker, I want to move to an unrelated but also very important subject. Last week, last Friday, on the ABC program “2020,” Barbara Walters helped present what she described as the most important hour ever shown on national television. This was a program attempting to alert parents to the horrible, sick, warped things that millions of children are being exposed to on the Internet. There are all types of pornography which cannot be totally effectively blocked, and, even worse, sexual predators preying on children over the Internet.

I know that for some reason there are some people who worship computers today and are greatly offended if anyone even implies that anyone or anything should restrict their use in even the slightest way. I also know that computers do wonderful and miraculous things and have greatly enhanced our quality of life. But I also know that there is a downside to becoming totally, completely dependent on and controlled by computers and the Internet.

We started out controlling the computers, and now they seemingly control us.

Mr. Speaker, I simply happen to believe that we should worship God, not Bill Gates. We have allowed far too much power to be concentrated in the hands of one man and one company, so I applaud the Justice Department for taking on Mr. Gates and Microsoft, although probably the government will lose in the end.

I heard on the national news a few months ago that the Massachusetts Division of Motor Vehicles was going totally online and hoped that they didn't have to see a live customer 10 years from now. I heard a leading Washington sports columnist on the radio a few days ago say that when people called him to get his e-mail address and found out they were talking to him in person, they frequently, quickly hung up.

The Washington Post this week had a story about how the Internet was drawing some families closer together, because college students would have conversations over their computers that they would never have in person.

I read an article recently by a Harvard professor who said, we are allowing the electronic media to isolate us from each other, and that membership in all sorts of organizations, good organizations, is rapidly declining.

We worried about our children spending too many hours in front of television screens, so now we have placed them in front of computer screens that oftentimes have things on them far worse than what is on television.

With each passing year we seem to be talking less and less with each other. People do not know their next-door neighbors. They tell us that more and more people are working out of their homes. We are spending less and less time with our fellow live human beings, and more and more time in front of television and computer screens.

I sometimes wonder how much human contact there will be 50 or 100 years from now. On the 2020 program they reported about the 11-year-old boy in New Hampshire who was murdered while selling door to door for his school. He was killed by a 15-year-old boy whose mind was warped and filled with rage after a homosexual relationship with an adult he met over the Internet.

And then we have the year 2000 problem which Newsweek said is going to cost us $1 trillion in litigations and software costs and other expenses simply because these computers cannot realize that we will change from 1999 to the year 2000.

This is crazy. It will cause everything to cost more.

I am not saying that we should do away with computers. I know that frequently, when someone disagrees, they resort to childish sarcasm because that is easier and simpler than arguing on the merits.

I know that some will be sarcastic about what I have said tonight.

Again, Mr. Speaker, I am not saying, throw out our computers, but I am saying, do not get addicted to them, either. Do not go crazy over them. Do not let them get out of control and destroy the lives of innocent children. Be alert that there are dangers, and spend less time in front of screens and more time talking to and helping each other.

TRANSFER OF SPECIAL ORDER TIME

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California [Mr. FILNER].

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

Mr. SHERMAN. Mr. Speaker, I rise today to focus on a generous gift to my alma mater, but looking at the history of Troy, I have learned that sometimes one must look a gift horse in the mouth.

The Government of Turkey has offered over $1 million to fund a chair at my alma mater, UCLA, in the study of Ottoman and Turkish history. While the generosity of such an offer should be noted, I note the concern in the academic community and concern among those of us concerned with international relations for the academic integrity and historical accuracy of the academic work that will be done by the occupant of this chair.

Our concern for history is based on history. The Turkish Government has endowed other chairs at other American universities, and the occupants of those chairs have sought not to report and analyze history, but to rewrite it and cover it up.

Mr. Speaker, as a Jewish American, I am very concerned with those who would want to cover up the history of
genocide, or claim that the Holocaust against the Jewish people did not occur or did not occur on a massive scale. But as an American and as a citizen of the world, I am equally concerned about attempts to cover up and deny other genocides.

I am certainly concerned that the occupant of this chair at UCLA may feel about attempts to cover up and deny the great massacres at Smyrna, or the genocide of the Armenian people that occurred in the first two or three decades of this century.

Those of us concerned with history must remember that those who forget history are doomed to repeat it, and those of us concerned with avoiding genocide must remember, never forget and never again. Indeed, the history of the Ottoman Empire and the Republic of Turkey are two subjects of academic study. But that study should be unbiased and uninfluenced.

I would suggest that UCLA look at a number of academics who have studied the history of Anatolia, the history of the Caucasus, who have established their academic freedom and their academic independence. For example, Marjorie Housepian Dolkin or Speros Vrionis would make excellent occupants of this new chair in Turkish and Ottoman history, and their academic independence would be beyond question. Whoever occupies any chair looking at the modern history of Turkey should look not only at the promise of this nation, but also some of its misdeeds as well.

Last week, I had a chance to talk to Kathryn Cameron Porter and to talk also with several others who, along with her, are fasting to protest the Turkish Government’s imprisonment of Leyla Zana, a duly elected member of the Turkish Parliament who has been arrested for addressing a committee of this House of Representatives.

As an American, I am offended that someone would be imprisoned for giving us their views. And as a graduate of UCLA, I want to make sure that any review of modern Turkish history is complete and full and focuses on some of the human rights abuses, including the imprisonment of Ms. Zana.

I look forward to UCLA expanding upon its reputation as one of America’s and one of the world’s great universities and look forward to UCLA doing so by looking at all aspects of Turkish history and the history of the Ottoman Empire.

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 Extension of Remarks.]

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET

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

Mr. KASICH. Mr. Speaker, pursuant to section 251(b)(2)(C) of the Deficit Control Act of 1985, as amended by the Balanced Budget Act of 1997 (P.L. 105–33), when an appropriation specifies an amount for “Continuing Disability Reviews” under the “Limitation on Administrative Expenses” account for the Social Security Administration, the allocation to the Committee on Appropriations and the aggregate budget totals shall be adjusted for the additional budget authority and resulting outlays subject to limits set forth in that act.

On July 28, 1997, an additional $245 million in budget authority and $232 million in outlays was provided upon the reporting of the appropriations bill for the Departments of Labor, Health and Human Services, Education and related agencies for fiscal year 1998 (H.R. 105–2264).

The conference report on H.R. 105–2264 has been filed and contain $290 million in budget authority and $273 million in outlays for continuing disability reviews. These amounts are within the limits established for fiscal year 1998. Therefore, the allocation to the Appropriations Committee and the aggregate budget totals for fiscal year 1998 are being raised by $45 million in budget authority and $41 million in outlays as shown on the attached table.

These adjustments shall apply while the legislation is under consideration and shall take effect upon enactment of the legislation.

The aggregate levels for budget authority and outlays for fiscal year 1998 are increased as follows:

<table>
<thead>
<tr>
<th>Discretionary</th>
<th>Current allocation</th>
<th>Change</th>
<th>Revised allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Purpose</td>
<td>$520,120</td>
<td>+45</td>
<td>$520,165</td>
</tr>
<tr>
<td>Violent Crime Reduction Trust Fund</td>
<td>$3,592</td>
<td>-</td>
<td>$3,592</td>
</tr>
<tr>
<td>Total</td>
<td>$525,620</td>
<td>+45</td>
<td>$525,665</td>
</tr>
</tbody>
</table>

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, experts tell us that the bumblebee should not be able to fly. They tell us that the bee’s body is too heavy and its wings are too small. Washington experts, with similar assuredness, told us that the budget could not be balanced, entitlements were too large, taxes were too low. Experts can be wrong.

Just a few years ago, the experts said that the Republicans could not take control of Congress. It had not been done, after all, in 40 years. Well, the voters proved them wrong in 1994, when they sent a new majority here to Washington. I was a member of that new class of representatives, that I like to call the Bumblebee Brigade, because we did not know what we could not do.

As we reach the end of this session of Congress, let us see how the hive is doing. In 1995, Republicans swarmed onto Capitol Hill with the promise to reform Congress and vote on 10 historic bills within our first 100 days. We called that promise the Contract with America. The experts told us that we were too ambitious and that it could not be done. Instead of listening to them, we kept our promises, and today almost all of that Contract has been signed into law.

Those same experts told us that we could not reform welfare. Well, once again, they were wrong. We passed the Personal Responsibility and Work Opportunity Act last summer. By converting much of the program into block grants and requiring work, we have nudged more than one million families off welfare rolls and onto payrolls. Today we are saving money. But more importantly, Mr. Speaker, we are saving people.

The critics told us we could not cut taxes while we were balancing the budget. On this issue, too, they were wrong. This summer, we passed the Taxpayer Relief Act, providing American families with their first tax cut in 16 years. We also encouraged investment and savings by slashing capital gains taxes by more than 30 percent.

Despite this, the experts have continued to criticize this Republican Congress. But as John Adams said, “Facts are stubborn things.” The truth sometimes stings. The critics say that “business as usual” is still the rule on Capitol Hill and nothing has changed.
in the last 2½ years. The facts say otherwise. We cut congressional committee staffs by one-third, passed term limits for the Speaker of the House and committee chairmen, opened congressional hearings to the public, forced Congress to get a three-fifths vote before overruling a President, and made it live by the laws it passes. And that was all done on just the first day of the 104th Congress.

Shortly thereafter, we cut congressional spending by 10 percent, banned lobbying gifts to Members of Congress, and rescinded more than $9 billion in 1995 spending agreed to under the old majority.

Critics say that Government spending has not changed since 1995. The fact is that in the 7 years before the GOP Congress, Government spending grew by an average of 5.3 percent per year. In the last 2 years, however, spending has grown by an average of only 3.1 percent. In the 20 years before a GOP majority, Congress spent an average of $1.21 for every dollar it took in. Today that number is $1.01.

The critics have been especially rough on our balanced budget agreement, saying that it does too little to entitlement programs and assures a future of tall clover, balancing the budget with rosy economic forecasts. The fact is that Government spending slows the rate of growth of entitlement spending by over $400 billion over the next 10 years. Rather than relying on pie-in-the-sky economics, the agreement actually assumes that the economy, which has been growing at an average of 2.7 percent in the last 5 years, will actually slow down and grow by only 2.1 percent over the next 5 years.

The critics say that we have gotten off track in our plan to balance the budget. Once again, they are wrong. In our 7-year balanced budget plan, we estimated that we would collect about $1.43 trillion in revenue in 1996 and $1.45 trillion in 1997. Similarly, we projected spending $1.59 trillion in 1996 and $1.62 trillion in 1997. Because of the strong economy, however, we have actually taken in $134 billion more than we expected. And the sweeter news is that in only 2 years we have actually spent $48 billion less than our projections.

To put it another way, for 2 years Congress has had $134 billion more to spend than it planned. But unlike previous Congresses, we held the line on spending and came in $48 billion under our goals. Does anyone seriously believe that if a Democratic Congress found itself with nearly $150 billion in unexpected revenue it would spend $48 billion less than its budget targets?

Teddy Roosevelt once said, "It is not the critic who counts." Similarly, the bumblebee really does not care what the experts or critics say about how he is flying. He just flies and goes about his business. He simply does not know any better.

Since we buzzed into Washington to begin our work in 1995, the stock market has doubled, interest rates have dropped by 25 percent, and 6.4 million new jobs have been created. Above all, this year the deficit stands at $23 billion, the lowest it has been in more than 20 years.

If the critics can continue to ignore the facts, we will just have to ignore the critics. To paraphrase the old Arab proverb, "Dogs may bark in the night, but the bumblebee brigade flies on."

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

Mr. LaFalce addressed the House. His remarks will appear hereafter in the Extension of Remarks.

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

Mr. Towns addressed the House. His remarks will appear hereafter in the Extension of Remarks.

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

Mr. Fazio addressed the House. His remarks will appear hereafter in the Extension of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Ms. Kaptur] is recognized for 5 minutes.


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

Mr. Sanders addressed the House. His remarks will appear hereafter in the Extension of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Ms. Furse] is recognized for 5 minutes.


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

Mr. Hoyer addressed the House. His remarks will appear hereafter in the Extension of Remarks.

TRIBUTE TO JOHN N. STURDIVANT

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

Mr. Rush. Mr. Speaker, tonight, I rise to give tribute to the late John N. Sturdivant, President of the American Federation of Government Employees. John died last week, after a heroic battle with leukemia. Family, friends, and co-workers said farewell to John Sturdivant this week at a memorial service. He will be deeply missed.

John Sturdivant dedicated his life to working people, especially federal workers. As leader of AFGE—178,000 members representing one-third of our federal workforce—John fought tirelessly to transform the union into a dynamic advocate for the working and middle class Americans who make up the D.C. and federal workforce.

John led a vigorous national campaign for pay raises, better benefits, and working conditions. He worked hard with legislators at all levels, to encourage "locality pay." This promotes a salary system that makes sure that federal workers are paid at a comparable level with private sector workers.

John was at the forefront of a struggle that my constituents who are public service and federal workers face daily: the fight against privatization. He also fought for the use of "official time," and was a champion of the struggle to protect federal workers' retirement benefits.

We will remember John Sturdivant for many contributions. He championed the right of federal workers to have a voice in politics. Working in a bipartisan manner, John Sturdivant worked to secure reforms to the Hatch Act. These changes now allow federal workers to contribute money, attend fundraisers and do volunteer election work such as staffing phone banks.

I have worked closely during my years in public service with AFGE. It will be hard for the union to replace John. But I know that his example, courage, and leadership have made the union and the entire labor movement stronger.

I offer my deepest sympathy to John Sturdivant's companion, Peggy Potter, his daughter, Michelle, his mother, Mrs. Ethel Jessie, and his brothers.

I thank you for this chance to remember an outstanding American, an outstanding African-American labor leader, and an outstanding human being truly committed to social justice for all.

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

Mr. McNulty addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

RECOGNIZING 50TH ANNIVERSARY OF FLEMINGTON JEWISH COMMUNITY CENTER

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. Mr. Speaker, in just a few weeks, congregants of the Flemington Jewish Community Center in Flemington, New Jersey, and many of their friends will gather to celebrate several significant milestones in their faith and in their community. On November 23, the Flemington Jewish
Community Center will celebrate its 50th anniversary at a gala dinner dance
at the Martinsville Inn in Martinsville, New Jersey.

Over the past 50 years, the community center has inspired, educated, counseled, and comforted countless members of the Jewish faithful. While the dinner will recognize the 50 years that center has been located at its present location in Flemington, it is important to note that the group itself was in existence for many years before gathering throughout the community. This year also marks a significant time for the entire Jewish community, as it marks the 50th anniversary of the State of Israel.

The celebration will also recognize another notable occurrence. It was over 10 years ago that Rabbi Ely Jaffe, a native of Denver, was chosen as the spiritual leader of the Flemington Jewish Community Center. During the decade that he has spent in New Jersey, Rabbi Jaffe has become an instrumental and active leader in the Jewish community throughout the state.

Aside from the spiritual leadership he has demonstrated throughout his years at the synagogue, he has distinguished himself by service to the community by serving the elderly members of the faith at the Edison State Nursing Home and the Greenbrook Regional Center. Additionally, he serves as the Jewish chaplain to Jewish inmates in Hunterdon and Warren counties and serves as chaplain at both the Hunterdon Medical Center and the Hagedorn Geriatric Center.

Beyond the celebration of High Holy Days and weekly services, the center has truly become a center for the faithfulness of the community to gather for cultural, social, and educational purposes. The tremendous amount of work, planning, and dedication of those who have persevered to establish the center so many years ago lives on today. What began with a few families, business people, and farmers has evolved into a comprehensive center which continues to grow each year. Today, this facility serves over 230 families throughout Hunterdon County and the surrounding areas, and each year that number continues to grow.

This year, the 50th year of the Community Center and Rabbi Jaffe in particular have proved to be a place of comfort for those in times of sorrow and have been an instrumental part of the joy and happiness of many families and individuals. Whether it was the newfound joy of a child or the sorrow of a death while grieving the death of a loved one, the spirit, support, and faith he provides and they provide to congregants is invaluable.

November 7, 1997

CONGRESSIONAL RECORD — HOUSE H10327

Mr. BRADY. Under a previous order of the House, the question of the hour from Kansas [Mr. MORAN] is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, with Thanksgiving around the corner and this session hopefully coming soon to an end, it is probably useful to remind ourselves that unfortunately we often take the freedoms we have been granted and enjoy in this country for granted. In the United States we do not have to fear going to church. No one tries to stop us from praying in our own homes. In this country you might get into an argument with your neighbor over the relationship between church and State, but he or she does not kidnap your children, brainwash them, and sell them into slavery just to punish you for your faith.

But that is a scenario that is not alien to Christians in the Sudan, where in the course of civil war and a campaign of terror millions of Sudanese Christians have been killed or displaced, and they are not alone. It has been estimated that more Christians have died for their faith in the 20th century than in the previous 19 centuries combined. The Roman emperors at their worst could not have imagined the magnitude of persecution that goes on today. That is not to say that Christians are the only victims of religious persecution in today's world. Far from it.

The tremendous amount of work, planning, and dedication of those who founded the Flemington Jewish Community Center as they celebrate their 50th anniversary will allow us the opportunity to remember the portion of the Torah which they were to share with the congregation. The outpouring of love and pride that day is something I will not soon forget.

Recently, I was fortunate to have the opportunity to visit Israel. The Jewish federations of the five counties in my district made this possible, including many of the members of the Flemington Jewish Center. While I have always been a staunch supporter of Israel, I came away even clearer about the needs of the region, the tenuous balance the Israeli people are trying to maintain, and the absolute need for a lasting peace.

The United States must remain strong in its support of the efforts of the Israeli people. They have succeeded through determination, resolve, hard work, and now how to facilitate an independent and flourishing nation and to remain connected to the Jewish people throughout our country and countries around the world.

So, Mr. Speaker, I look forward to joining with the friends, families, and members of the Flemington Jewish Community Center as they celebrate their 50th anniversary, their faith, their traditions, and values. This upcoming 50th anniversary dinner will allow us the opportunity to fondly recall the past, celebrate all that has been accomplished, and continue to look ahead to the future.

For the last 50 years, the Flemington Jewish Community Center has served the faithful and the community at large very well. If the spirit, dedication, and faith of those who founded the center are any indication of what the future holds, this community can only grow stronger. So today, I would like to wish the Flemington Jewish Community Center and Rabbi Jaffe a hearty mazel tov.

[Reprinted from the November 7, 1997, issue of the Congressional Record.]
No matter how thankful we may be for our freedoms, we must not be lulled into complacency about the situation faced by so many Christians and others persecuted for their religious practices and convictions. As a nation that has become prosperous in large part because we jealously guard our individual freedoms, we have a responsibility to project the ideals of freedom around the globe. The responsibility belongs to individuals and advocacy groups, to businesses and to churches, but it also belongs to the government.

While we have taken steps to recognize all religious persecution as a serious problem and to monitor its prevalence, we need to take the next step and develop clear-cut, specific responses to persecution once it is identified. The solution may not be readily apparent but the crisis demands our full attention.

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

[Mr. SANFORD is recognized.] His remarks will appear hereafter in the Extensions of Remarks.)

**FAST TRACK**

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

Mr. HUNTER. Mr. Speaker, as we stand on the eve of the debate on fast track that is the giving of a major part of our constitutional power to the President and the Vice President and his negotiating team to negotiate trade arrangements with other nations, I think it is important for us to look at what the Founding Fathers said about the granting of such power. In short, Mr. Speaker, they were not for it.

I want to start with James Madison. James Madison said it should never be forgotten that the great object of the Convention was to provide by a new Constitution a remedy for the defects of the existing one and that among these defects was out of a power to regulate foreign commerce, that in all nations this regulating power embraced the protection of domestic manufactur- ers by duties and restrictions on imports. That means that James Madison believed that it was important for a nation, particularly the United States, to have the right to regulate goods coming into the United States and to establish tariffs so that American companies and American workers would not be hurt. Thomas Jefferson, who was a free trader before 1812, after he became a President became a pragmatist, and he said, "The prohibiting duties we lay on all articles of foreign manufacture which procure requires us to establish at home, with a patriotic determination to use no foreign articles which can be made within ourselves without regard to difference in price, secure us against a relapse into foreign dependency."

Thomas Jefferson realized that we could become dependent on foreign products. And what would he say today? He would say that the balance of our trade deficit that we have each week that we have to either borrow or sell capital goods to pay for, this massive foreign debt that we have accumulated as a function of our trade deficit. Daniel Webster said, "My object is and has been with the protective policy, the true policy of the United States that the labor of the country is properly provided for. I am looking not for such a law as will benefit capitalists, they can take care of themselves, but for a law that will induce capitalists to invest their capital in such a way as to occupy and employ American labor." That meant that Daniel Webster wanted to have tariffs and regulate trade so that American companies would invest in United States instead of moving to Guadalajara or moving to other places that are offshore and using other workers from other countries to make goods that then would be sold back into the United States.

And our own Abraham Lincoln, the founder of my party, the Republican Party, said in the platform, "We commend that policy of national exchanges which secures to the working man liberal wages, to agriculture remunera- tive prices, to mechanics and manufacturers an adequate reward for their skill, labor and enterprise and to the Nation commercial prosperity and independence." And that other great Republican who, with Abraham Lincoln, is on Mount Rushmore, Teddy Roosevelt, said in 1911, "I can put my position on the tariff in a nutshell. I believe in such measure of protection as will equalize the cost of labor here and abroad, that is, will equalize the cost of labor here and abroad. I believe in such supervision of the workings of the law as to make it certain that protection is given to the man we are most anxious to protect, the laboring man."

Mr. Speaker, I am a Republican, I am a capitalist, I think I have got a 13 percent AFL-CIO rating, but I understand that it is important for Americans to make good wages. We have driven wages down, and the record of NAFTA, the trade agreement that we allowed President Clinton to make with Mexico and Canada, has been disastrous for us. We had a $3 billion trade surplus over Mexico when we negotiated NAFTA. Today we have got a $19 billion annual loss. Today we have a $20 billion annual loss with Canada. That same bright team that President Clinton has sent forth through the world to negoti- atate trade treaties has given us this year a $135 billion trade loss. This team is a losing team, Mr. Speaker, and the idea that this Congress is going to give away the constitu- tional duty that was given to us by the Founding Fathers to a losing team which will negotiate us down the drain to the point where we have American industry having to move off- shore to compete with the other industries that are employing people at $2.38 an hour, I would invest in the United States instead of moving to Guadalajara or moving to other places that are offshore and using other workers from other countries to make goods that then would be sold back into the United States.

And our own Abraham Lincoln, the founder of my party, the Republican Party, said in the platform, "We commend that policy of national exchanges which secures to the working man liberal wages, to agriculture remunera- tive prices, to mechanics and manufacturers an adequate reward for their skill, labor and enterprise and to the Nation commercial prosperity and independence." And that other great Republican who, with Abraham Lincoln, is on Mount Rushmore, Teddy Roosevelt, said in 1911, "I can put my position on the tariff in a nutshell. I believe in such measure of protection as will equalize the cost of labor here and abroad, that is, will equalize the cost of labor here and abroad. I believe in such supervision of the workings of the law as to make it certain that protection is given to the man we are most anxious to protect, the laboring man."

Mr. Speaker, I am a Republican, I am a capitalist, I think I have got a 13 percent AFL-CIO rating, but I understand that it is important for Americans to make good wages. We have driven wages down, and the record of NAFTA, the trade agreement that we allowed President Clinton to make with Mexico and Canada, has been disastrous for us. We had a $3 billion trade surplus over Mexico when we negotiated NAFTA. Today we have got a $19 billion annual loss. Today we have a $20 billion annual loss with Canada. That same bright team that President Clinton has sent forth through the world to negoti- atate trade treaties has given us this year a $135 billion trade loss. This team is a losing team, Mr. Speaker, and the idea that this Congress is going to give away the constitu- tional duty that was given to us by the Founding Fathers to a losing team which will negotiate us down the drain to the point where we have American industry having to move offshore to compete with the other industries that are employing people at $2.38 an hour, I would invest in the United States instead of moving to Guadalajara or moving to other places that are offshore and using other workers from other countries to make goods that then would be sold back into the United States.

And our own Abraham Lincoln, the founder of my party, the Republican Party, said in the platform, "We commend that policy of national exchanges which secures to the working man liberal wages, to agriculture remunera- tive prices, to mechanics and manufacturers an adequate reward for their skill, labor and enterprise and to the Nation commercial prosperity and independence." And that other great Republican who, with Abraham Lincoln, is on Mount Rushmore, Teddy Roosevelt, said in 1911, "I can put my position on the tariff in a nutshell. I believe in such measure of protection as will equalize the cost of labor here and abroad, that is, will equalize the cost of labor here and abroad. I believe in such supervision of the workings of the law as to make it certain that protection is given to the man we are most anxious to protect, the laboring man."

Mr. Speaker, I am a Republican, I am a capitalist, I think I have got a 13 percent AFL-CIO rating, but I understand that it is important for Americans to make good wages. We have driven wages down, and the record of NAFTA, the trade agreement that we allowed President Clinton to make with Mexico and Canada, has been disastrous for us. We had a $3 billion trade surplus over Mexico when we negotiated NAFTA. Today we have got a $19 billion annual loss. Today we have a $20 billion annual loss with Canada. That same bright team that President Clinton has sent forth through the world to negoti- atate trade treaties has given us this year a $135 billion trade loss. This team is a losing team, Mr. Speaker, and the idea that this Congress is going to give away the constitu- tional duty that was given to us by the Founding Fathers to a losing team which will negotiate us down the drain to the point where we have American industry having to move offshore to compete with the other industries that are employing people at $2.38 an hour, I would invest in the United States instead of moving to Guadalajara or moving to other places that are offshore and using other workers from other countries to make goods that then would be sold back into the United States.

And our own Abraham Lincoln, the founder of my party, the Republican Party, said in the platform, "We commend that policy of national exchanges which secures to the working man liberal wages, to agriculture remunera- tive prices, to mechanics and manufacturers an adequate reward for their skill, labor and enterprise and to the Nation commercial prosperity and independence." And that other great Republican who, with Abraham Lincoln, is on Mount Rushmore, Teddy Roosevelt, said in 1911, "I can put my position on the tariff in a nutshell. I believe in such measure of protection as will equalize the cost of labor here and abroad, that is, will equalize the cost of labor here and abroad. I believe in such supervision of the workings of the law as to make it certain that protection is given to the man we are most anxious to protect, the laboring man."

Mr. Speaker, I am a Republican, I am a capitalist, I think I have got a 13 percent AFL-CIO rating, but I understand that it is important for Americans to make good wages. We have driven wages down, and the record of NAFTA, the trade agreement that we allowed President Clinton to make with Mexico and Canada, has been disastrous for us. We had a $3 billion trade surplus over Mexico when we negotiated NAFTA. Today we have got a $19 billion annual loss. Today we have a $20 billion annual loss with Canada. That same bright team that President Clinton has sent forth through the world to negoti- atate trade treaties has given us this year a $135 billion trade loss. This team is a losing team, Mr. Speaker, and the idea that this Congress is going to give away the constitu- tional duty that was given to us by the Founding Fathers to a losing team which will negotiate us down the drain to the point where we have American industry having to move offshore to compete with the other industries that are employing people at $2.38 an hour, I would invest in the United States instead of moving to Guadalajara or moving to other places that are offshore and using other workers from other countries to make goods that then would be sold back into the United States.
Mr. Speaker, I want to particularly salute the men and women of the IUE in central New Jersey for refusing to accept the loss of these Allied Signal jobs without a fight, and, although they have an uphill fight, their efforts to move the daylight saving time debate to the top of the agenda, and to educate the wider public about the negative effects of these trade deals will go a long way to derailing fast track and putting our trade policy on the right track.

And, Mr. Speaker, I wanted to use Allied Signal as an example, but I also wanted to talk in general about fast track because I believe that one of the major reasons that I oppose the fast track relates not only to labor concerns and worker concerns here in the United States, but also to environmental concerns.

We were, of course, those of us, and I was not, those of us who were asked by the administration to support NAFTA a few years ago, were told that if they did, there would be adequate addressing in NAFTA of their concerns on the environment, and there would be adequate enforcement if environmental problems arose. But the reality is with NAFTA that none of that happened. There has not been any environmental enforcement, there has not been any real impact to make an impact on the environment.

And if I can just give an example, most of the commitments that were made by the administration then were put into what is called an environmental side agreement, a side agreement to NAFTA that was supposedly going to protect the environment. What we found out since NAFTA began is that these side agreements are, in effect, unenforceable, and so any suggestion pursuant to the fast track legislation that is likely to come this week is that somehow there will be environmental provisions contained therein or their side agreements will be enforcemental on protective environmental concerns, there is no reason to believe that, because it did not happen with NAFTA.

More than 3 years ago, the Commission on Environmental Compliance, the CEC, was established under NAFTA for environmental cooperation. This was the North American Agreement for Environmental Cooperation, the environmental side agreement to NAFTA. The CEC could be considered to be the sort of EPA equivalent under NAFTA. Yet of the 10 enforcement cases submitted to the CEC, the Commission on Environmental Compliance, under NAFTA, only one has resulted in an investigation.

Enforcement cases submitted to the CEC have included: sewage pollution in Alberta, Canada; water pollution from livestock farming in Quebec; untreated sewage discharges into the Magdalena River in Sonora, Mexico; a massive bird die-off in the Silver Reserve in Mexico; and dynamiting of a coral reef in Hawaii. That, in a protected natural reserve in Cozumel, Mexico, for the construction of a cruise ship pier.

Now, although it was submitted almost 2 years ago, a final decision on this last case, the Cozumel pier case, the one case with the CEC that has agreed to investigate, is being delayed pending a vote by the CEC members. Of the remaining nine cases, four have been rejected, one has been withdrawn, two have been objected to by the Canadian Government, and two are still pending review.

So this is all nonsense. There is not going to be any enforcement. Anybody who has brought to the attention of the CEC, this Commission that was set up under NAFTA for environmental concerns, anybody who brought any concerns to them has basically been told go away, or somehow has been swept under the rug.

In fact, the Wall Street Journal recently wrote, and I quote, that both supporters and opponents of NAFTA agree that the side agreements, not only the environmental side agreements, but all the side agreements, the labor side agreement, have had little impact, mainly because the mechanisms that created them have almost no enforcement power. Our experience with NAFTA has proven that environmental side agreements are not enforceable, and that is why environmental groups, even groups that support NAFTA, are solidly united in opposition to fast track.

Last time there were a number of environmental groups who supported NAFTA. This time they are all unanimously opposed to fast track because they realize that these environmental side agreements have been completely ineffective.

Let me talk a little bit more about what the President and the Vice President told us in trying to address the concerns the people like myself and others who have concerns about the environment, in trying to address our concerns in the context of fast track. The President and the Vice President have stated that the negotiating objectives outlined in the administration’s fast track legislation would include specific references to the environment.

Let me say that all that is simply window dressing. None of that means a thing.

It is not enough to simply make the environment a negotiating objective. In order for fast track to truly address...
environmental concerns, it would have to clearly set environmental protection guidelines for all parties involved. It would be critical that fast track require that environmental concerns be directly addressed in negotiated trade agreements. Environmental protection has not been adequately addressed separately in these unenforceable side agreements, the experience of which we had in NAFTA. They cannot possibly adequately protect the health and safety of American families.

And agreements negotiated under fast track also should be required to include enforcement mechanisms that will serve to hold governments to set environmental protection standards. None of this is being proposed with the fast track legislation that we are going to see possibly this weekend.

Again the inadequacy of the environmental side agreement to NAFTA and its protection of the United States-Mexican border environment serves as a disturbing example of the ineffectiveness of the environmental side agreements that the administration has proposed. The number of factories along the already heavily polluted United States-Mexico border has increased by 20 percent since NAFTA went into place, yet little is being done to insure that these new facilities are complying with environmental standards. The health and safety of American families are being put at risk by the 44 tons of hazardous waste that are illegally dumped by these border facilities every day.

Free trade agreements, I should say, also create pressure on neighboring governments to relax environmental regulations in an effort to lure manufacturers across borders, thereby allowing these companies to profit by polluting and abusing natural resources. We had this underlying problem that, in effect, what NAFTA has done and, in effect, the fast track agreement will do if there is not adequate protection, which this legislation does not do, is that they basically create a ratcheting down so that environmental laws, environmental protection became less and less because of the competition between the countries and between the companies, each country, in effect, trying to provide less and less environmental protection in order to lure jobs and companies.

Rather than entering into trade agreements that directly undermine U.S. efforts on the environment, these agreements should establish a level playing field among neighboring countries that requires all parties involved to adequately protect the environment, natural resources, and human health, but this is not happening, Mr. Speaker. This is not happening with the fast track legislation that we may see tomorrow or Sunday or perhaps at some later time.

It is not just the environment. Another major issue that has come to the forefront, an area that is not being adequately addressed, is that of food. There are tremendous food safety problems that have resulted from the NAFTA experience. Many of my colleagues have highlighted; I wanted to mention Ms. DeLauer of Connecticut, one of my dear colleagues just a couple of days ago which she calls fast track stomachache, and she points out that each year overburdened American Customs inspectors allow more than 3 million trucks carrying produce from Mexico to cross the border without any inspection. Less than 1 percent of all trucks crossing the border are stopped and thoroughly inspected. Canadian beef is not properly inspected at the United States border for dangerous chemicals. More than 200 cases of the potentially fatal hepatitis-A have been associated with strawberries imported from Mexico. But NAFTA’s regulations have denied us the chance to change that situation.

Under section 7171(a), the gentlewoman from Connecticut [Ms. DeLauer] writes, an increase in inspections of meat, produce and other perishables are considered a rechallenge on trade. So the continued absence of inspections makes it even less likely that workers will continue to cut corners, jeopardizing our food safety to guarantee larger profits for themselves.

Again, whether it is the environment, human health, food safety, labor laws, none of these, none of these are being protected, none of these are being addressed under NAFTA, and there is absolutely no reason to believe that they will be addressed under the fast track agreement that we are being asked to consider today or Sunday.

Now, I wanted to get into some of the labor issues as well because in the same way that I am concerned about the impact of fast track on the environment, I am also concerned about the impact on labor, on wages, on people’s ability to retain their jobs, going back to Allied Signal and the example I used again from my home county of Monmouth County, NJ. Public Citizen, which is a watchdog group, put out a publication just a few days ago where they point out how the labor side agreements, or the labor side agreement under NAFTA, that those have also not been enforceable and have not managed to protect a single worker essentially under NAFTA, and there is no reason to believe that the experience would be any different with fast track.

I wanted to just use a couple examples from the document called Deals for NAFTA, Votes to Bait and Switch, which Public Citizen put out this month. There are many examples of broken promises in this document, but just to give a few examples here in this evening.

One of the promises that were made with those who were concerned about displaced workers pursuant to NAFTA related to assistance for harmed workers. In other words, the idea is if you lose your job because of NAFTA, you were going to be made whole in some fashion. There is absolutely, the whole history of this effort called trade adjustment assistance for harmed workers has been one of failure.

Just to give an example, this program was created, as I said, to hold harmless workers, and it is estimated that more than 400,000 Americans have been laid off due to NAFTA. The NAFTA-implementing legislation created the Transitional Adjustment Assistance Program. To date only one-third of NAFTA job loss victims are being certified as potential recipients of benefits under this program, and as of mid-October 1997, 144,691 workers have been certified as eligible for assistance. So of the 400,000 that we estimate have lost their jobs under NAFTA, only 144,000 have been certified to even receive assistance.

Now, that does not mean that they are not going to receive assistance. Essentially you have to show that you are directly impacted in some way to qualify, and the reality is that many of these workers have had a very difficult time getting any kind of benefits under the Transitional Adjustment Assistance Program, under this hold harmless program.

The other thing that was promised pursuant to NAFTA again by the administration was an effort to protect and promote labor rights in Mexico. In other words, some of us were concerned about protecting working conditions there; others were concerned about what would happen to workers in Mexico. President Clinton promised to use existing trade laws to take action if Mexico’s policies denied internationally recognized workers’ rights, but not only did the administration not fulfill its promise in this regard, which required issuance of an executive order, but it has since taken steps in its fast track proposal to ensure that neither President Clinton nor any future President has the authority to do so.

So what we have been seeing in Mexico is that not only are labor laws not respected or not enforced, but, in fact, what has been happening is that the actual, the protections and the wages for Mexican workers have actually gotten less, and the amount of money that they are making, the minimum wage, has not only not risen, it has moved in the opposite direction. Between 1993 and the first quarter of 1997, productivity in Mexico manufacturing rose by over 38 percent while real hourly wages for production workers fell 21 percent.

The national average minimum wage fell by 20.43 percent during the first 4 years and 9 months of NAFTA.

So the labor side agreement, the environmental side agreement, it has really been effectively worthless. There is absolutely no reason to believe that anything would be any different with the fast-track legislation that we are considering.
If I could just summarize in a way some of the concerns, it is that none of those of us who are opposed to fast track are opposed to free trade. I do not see it as a vote on free trade at all. What we are concerned with, though, is we do not want to negotiate away on one fell swoop, if you will, any ability on our part, on Congress’ part, if you will, to protect the American workers, to protect the environment.

We want to reserve the right, if you will, of the agreements that would be negotiated individually and to make sure that there are adequate protections of the environment, adequate labor protections, adequate food safety protections, in those agreements.

The problem is that if you simply pass fast track, in effect you are giving the administration a blank check to extend NAFTA without Congress having the opportunity to seriously address the problems that have been raised with NAFTA.

If we look at our trade deficit, if we look at what is happening, the United States trade deficit with Mexico has skyrocketed. In the auto sector alone the cost of products has dropped from $3,000 on to $15 billion. A number of jobs have already been lost because of NAFTA. Drug trafficking, violent crime in our border regions has increased, and I already talked about the public health, of course.

So what those of us who are opposed to fast track are saying is the experience with NAFTA tells us we cannot simply give the administration the blank check that they are looking for with fast track. We have to have input into the trade agreements that are being negotiated, and, if we do not, we believe that there will be more tragic consequences that result in the same way that the tragic consequences have resulted from what has happened with NAFTA and the experience of NAFTA over the last few years.

TURKISH STUDIES CHAIR AT UCLA

Mr. Speaker, I wanted to just talk briefly about a few other issues. First of all, I should say that my colleague from California, Mr. SHERMAN, touched on two issues that I wanted to mention briefly also this evening. He mentioned that the University of California at Los Angeles, UCLA, is establishing a Turkish Studies Chair, funded I may add, from a gift from Longacre Company, in recognition of its contributions to the development of American-Turkish cooperation. I wanted to join the gentleman in expressing my serious concern about this unfortunate use of a major prestigious university as a vehicle of indoctrination by another country.

In my home State of New Jersey, we had a similar situation where Princeton University set up a study program that was financed by the Government of Turkey. As a result, the information that was coming out of the study program essentially denied the Armenian genocide. There has been a history with the Ottoman Empire and the Republic of Turkey to basically deny that the Armenian genocide ever occurred.

My concern, and I know that of Mr. SHERMAN as well, is that by establishing these chairs or these Turkish study programs in different parts of the country, in my case at Princeton, in his case at UCLA, the Turkish Government has been trying to basically deny history and deny the facts of the Armenian genocide. In fact, it is really a brazen opportunity, if you will, a brazen attempt by a foreign government to manipulate an American university. Of course, the difference is that Germany at least accepts responsibility, and apologizes for the Holocaust of the Jewish people. The Turkish Government, still defying the historical record, denies that the Armenian genocide ever happened.

I just want to mention this evening with the Armenian community in the United States in appealing to the officials at UCLA, in the same way that I did at Princeton University about a year ago, and ask the board of regents to stop the effort of filling the heads of young Americans with revisionist propaganda in the name of so-called scholarship.

This is something that we have seen happen before, and therefore, the Turkish Government has been financing these study programs or chairs at various American universities in order to basically deny the Armenian genocide.

PLIGHT OF THE KURDISH PEOPLE

I know Mr. SHERMAN also mentioned earlier that my mother of my colleague from California, Bob FILNER, has basically spearheaded this effort, there has been a group of Kurdish Americans who have been fasting for the steps of the Capitol, on the main steps for a number of days, probably more than a few weeks, in order to highlight, if you will, the ongoing tragedy in the mountains of Kurdistan, where, again, the Turkish Government, which is, of course denying the Armenian genocide and continues to, is basically trying to essentially obliterate, not only individually by killing Kurds in Turkey, but also by denying Kurds the ability to speak their own language, to earn about their culture, to go to school in Kurdish, and this fast, conducted by supporters of the Turkish people on the Capitol steps, includes the human right activist Cameron Porter, the husband of one of my colleagues, the distinguished gentleman from Illinois [Mr. JOHN PORTER].

I just want to say these fasters deserve tremendous credit for the dedication, courage and perseverance. It has been going on for the last 10 days in Washington, but that has not deterred them.

Last Friday I joined with a group of my colleagues, members from both sides of the aisle, to visit with the fasters and supporters. I know Congressman SHERMAN and Congressman FILNER were out there with me. Every day as we pass by these people sacrificing for the causes of peace and human rights, we certainly will respect the right of these protesters on the Capitol steps is a reminder to all people of conscious of the plight of the Kurds and the governments that hold them down, most notably the Government of the Republic of Turkey.

I would like to depart briefly as we come into the Capitol to cast votes on legislation, sent here to do a job by the constituents who elected us, I hope we will remember one of our fellow elected legislators who does not have the opportunity to represent her constituents, Mrs. Leyla Zana, one of the most prominent victims of Turkey’s cruel, irrational anti-Kurd policies.

Leyla Zana was elected to a seat in the Turkish Parliament in 1991 representing her hometown. She was elected with 80 percent of the total vote, and she became the first Kurd to break the ban on the Kurdish language in the Turkish Parliament, for which she was later tried and convicted. She had uttered the following words: “I am taking this constitutional oath as the fifth generation of my family to be born and brought up in the brotherhood of the Turkish and Kurdish peoples.”

On May 17, 1993, she and one of her colleagues addressed the Helsinki Commission of the U.S. Congress. The testimony was used in support of her. Finally, on March 2, 1994, her constitutional immunity as a member of Parliament was revoked and she was arrested, taken into custody, tried in a one-sided mockery of justice, convicted, and sentenced to 15 years in prison.

Leyla Zana, who is 35 years old and the mother of two children, is well into the third year of her 15 year sentence at a prison in Ankara, the Turkish capital.

Leyla Zana’s pursuit of Democratic change by nonviolent means was honored by the European Parliament, which unanimously awarded her the 1995 Sakharov Peace Prize. She has received major consideration for the Nobel Peace Prize. More than 150 Members of this House, my colleagues, have written to President Clinton on her behalf, and I hope a majority of the Members of this House will join with the European Parliament in asking the human and civil rights of this brave woman, and I might remind my colleagues, a fellow Parliamentarian, a fellow elected official. We owe her our moral support and to urge our ambassador in Ankara to raise Mrs. Zana’s money with the Turkish authorities at the highest levels.

Mr. Speaker, I just want to share with the Members of this body and anyone watching this some of the basic goals of Mrs. Lasagna, of the fasters outside this building, and of the repressed Kurdish people of Turkey. The Kurdish identity must be recognized. The use of the Kurdish language in
Mr. Speaker, I would like to request a policy of forced assimilation which is essentially written into the Turkish Constitution. To date, 3,134 Kurdish villages have been destroyed and more than 3 million of their residents have been forced to become refugees, either in Kurdistan abroad.

Mr. Speaker, if I may, I would like five minutes to pay tribute to this gentleman from Mississippi [Mr. TAYLOR], and I guess then he could yield to the gentleman from Indiana [Mr. VISCLOSKEY].

Mr. Speaker, I believe most Americans should be frankly appalled to know a country that has received so much in the way of American largesse is guilty of so many breaches of international law and simple human decency. I have joined with many of my colleagues in denouncing Turkey's illegal blockade of Armenia. We acknowledge responsibility for the Armenian genocide of 1915 through 1923, its ongoing illegal occupation of Cyprus and its threatening military maneuvers in the Aegean Sea.

The brutal treatment of the more than 15 million Kurds living within Turkish borders offers a major argument for cutting back on military and economic aid to Turkey, or to at least attach very stringent conditions to provisions of that aid.

If Turkey wants the benefits of inclusion in Western institutions that are supposed to be founded on the defense of democracy and human rights, then that country should start living up to the agreements it has signed.

Again, the situation in Kurdistan is just another example of the type of treatment that Turkey has done historically with the Armenian people and other peoples, and it must stop.

Mr. Speaker, I would like to do one more thing tonight, if I could. This is because of a couple of events that are going to occur this weekend, both at the Embassy of India and also at the Kennedy Center with regard to the legendary sitar virtuoso and composer, Ravi Shankar. I just wanted to make a tribute to Ravi Shankar this evening before the House.

On this Sunday, November 9, at the Kennedy Center Concert Hall, Ravi Shankar, the legendary sitar virtuoso and composer, will perform in concert with his daughter. Ravi Shankar is India's most esteemed musical ambassador and a singular phenomenon in the classical music worlds of both East and West.

His pioneering work in bringing Indian music to the West has helped to cultivate an unprecedented audience, making him an important and respected cultural influence for over 40 years. As a performer, composer, teacher, and writer, he has obtained a level of admiration and respect, both in India and in the West, that is unique in the annals of the history of music.

Mr. Speaker, two quotes from musicians representing widely different points on the musical spectrum, both of whom have been friends and collaborators with Ravi Shankar, show the profound reach of his enigmatic genius. The great classical violinist Yehudi Menuhin said, "Ravi Shankar has brought me a precious gift and through him I have added a new dimension to my experience of music." To me, his genius and humanity can only be compared to that of Mozart." George Harrison, the former Beatle, said, "Ravi Shankar is the Godfather of World Music."
I want to begin by thanking the gentleman from New Jersey [Mr. Pallone] for being so generous with his time. I want to compliment him, a very active member of the Democratic Party, and compliment the previous speaker, the gentleman from California [Mr. Hunter], also a very active member of the Republican Party, for their very articulate remarks against giving President Clinton fast track authority to negotiate new free trade agreements with the President.

Mr. Speaker, we have a constitutional crisis in our country. In addition to everything that the gentleman from Mississippi [Mr. Green] said, which was on the mark, and everything that the gentleman from New Jersey [Mr. Pallone] said that was on the mark of why this trade agreement is bad, it is bad because it violates the Constitution of the United States.

And I want to say, for a number of Congressmen who, after working very hard to get here, decided that they do not want to do their job. The first time that Congress gave away their constitutional responsibility was on the War Powers Act. When we look at Article I, Section 8 of the Constitution, it very clearly gives to Congress and Congress alone the power to declare war. Our Founding Fathers did that because they grew up in an era where one king or one queen could decide for anyone that the Nation's youth would go off and die, and they wanted to change that. So they saw to it that the people's representatives and only the people's representatives by a majority vote could make that decision.

When Congress gave the President the War Powers Act, it was the first time they gave away their constitutionally mandated responsibilities. They did that last year when the majority in Congress voted to pass the line-item veto. That was espoused at the time as something to cut the pork out of the budget, but they failed to mention that it was in effect saying that we, as Congress, give up our responsibility. It was in effect saying that we, as Congress, give away our responsibility.

I voted against that, and I predicted at the time that all that it would be used to do is cut the defense budget. Thus far, Mr. Speaker, I am 90 percent right, because 90 percent of all of the things that have been vetoed by the President of the United States are defense related, and none of them contained any pork.

Either tomorrow or Sunday, this body will once again have to make a decision as to whether or not we want to keep our constitutionally mandated duties or give them to the President of the United States. I am going to vote to keep those duties that I want the citizens of south Mississippi to have, and I think that more than half of my Democratic colleagues, for a variety of reasons, will give the things they want to address my talk tonight to my Republican colleagues and those people who consider themselves to be Republicans.

Mr. Speaker, almost on an hourly basis my Republican colleagues come to the House floor and say that President Clinton cannot be trusted. And they point to some things that would certainly give a great deal of credibility to what they are saying. I hope that they are saying what they mean, and that they will mean what they say, because they will be asked either tomorrow or Sunday to give away their constitutionally mandated responsibility to the President. Article I, Section 8, clause 3 of the Constitution to regulate commerce. They will be giving that, if they vote for fast track, to the man they say cannot be trusted. It is a very powerful argument for every Republican in this Congress to vote against fast track.

Mr. Pallone is right when he talks about people being hurt. I represent 5% of this country. In that 5% of this country, 5 factories have been closed. The people who want to give the President fast track authority tout it as being somehow a way to smack the unions about. Not one of those factories was a union factory, not one. What it was was a place that in most instances employed women who had grown up in a microcosm where they grew up in an era where one king or one queen could decide for someone that the Nation's youth would go off and die, and they wanted to change that.

I represent the people's representatives and only the people's representatives by a majority vote. It is simply naive for Congress to imagine that they will mean what they say, because they will be asked either tomorrow or Sunday to give away their responsibility.

Mr. Speaker, Congress gave the President the War Powers Act, it was the first time they gave away their constitutional responsibility. That was last year when the majority in Congress voted to pass the line-item veto. It was espoused at the time as being somehow a way to smack the unions about. Not one of those factories was a union factory, not one. What it was was a place that in most instances employed women who had grown up in a microcosm where they grew up in an era where one king or one queen could decide for someone that the Nation's youth would go off and die, and they wanted to change that. So they saw to it that the people's representatives and only the people's representatives by a majority vote could make that decision.

When Congress gave the President the War Powers Act, it was the first time they gave away their constitutionally mandated responsibilities. That was last year when the majority in Congress voted to pass the line-item veto. It was espoused at the time as being somehow a way to smack the unions about. Not one of those factories was a union factory, not one. What it was was a place that in most instances employed women who had grown up in a microcosm where they grew up in an era where one king or one queen could decide for someone that the Nation's youth would go off and die, and they wanted to change that. So they saw to it that the people's representatives and only the people's representatives by a majority vote could make that decision.

When Congress gave the President the War Powers Act, it was the first time they gave away their constitutionally mandated responsibilities. That was last year when the majority in Congress voted to pass the line-item veto. It was espoused at the time as being somehow a way to smack the unions about. Not one of those factories was a union factory, not one. What it was was a place that in most instances employed women who had grown up in a microcosm where they grew up in an era where one king or one queen could decide for someone that the Nation's youth would go off and die, and they wanted to change that. So they saw to it that the people's representatives and only the people's representatives by a majority vote could make that decision.

I appreciate the recognition and I appreciate the gentleman from New Jersey as well as the gentleman from Mississippi yielding time to me, and I would also start out by associating myself with the remarks made by both the gentleman from New Jersey as well as the gentleman from Mississippi on the proposed fast track authority that we in this Chamber will be voting on sometime Sunday.

Mr. Speaker, we live in a global economy and we are engaged in a global competition. I know this and so do the tens of thousands of working Americans that I represent. The people I represent in northwestern Indiana are not afraid of competition. They embrace it, because they work hard and do their job better than anyone else in the world. The steel workers and other working men and women I represent are happy to trade their products in the world's markets, but in trading them, they do not want to trade away a living wage.

For half a century, the people of America, at the cost of thousands of lives and trillions of dollars, have fought and worked hard to export the unique American value of democracy. As we look back on history and at the world today, we can see we have achieved success in doing so. But as we stand here today, we must think about exporting another important American value, the value that hard work is rewarded. This is a value that I was taught growing up in Gary, Indiana. I was taught that if one studied in school and worked hard in life, one would be rewarded with a living wage that would allow you to marry, buy a house, have children, send them to school, and then enjoy an economically secure retirement.

But in today's debate on fast track, instead of working to export the American value of hard work globally, we are diminishing the value of work for all. The competition that will arise from the trade strategy we are debating today will not result in a race to the top, but in a drop to the bottom. And my fundamental concern is that if we in this House and others in this government do not export the value of labor and reward hard work in America, no one else will.

I find it interesting that prior to the adoption of NAFTA 3 years ago, a local industry told me that they supported the agreement because it would be good for us. Prior to NAFTA, the same industry had a trade surplus with Mexico. Since NAFTA, that industry has a trade deficit with Mexico 20 times as large. But they have never complained. Why? Because their bottom line has not changed, and in fact, it has increased. They invest overseas, paying
people less and make more money. Unfortunately, the thousands of employees they have left stranded in places like Gary, Indiana; New Chicago, Indiana, have no recourse. In abrogating their responsibility, the responsibility to fairly reward hard work, these corporate citizens of the United States of America have dashed the American dream of many of the people we represent.

We must not take the world economy as we find it and adapt to it, as so many have suggested we do. We must make the world economy adapt to our fundamental American economic principle that hard work pays. It pays in the form of a living wage to working people.

It might not happen this year; it might not happen next year, it might not happen in 20 years, but if it happens 50 years from now, our grandchildren will look back and say that we today here in this place did not break our covenant with the next generation of American citizens.

I would ask all of my colleagues to join with me in opposing giving President Clinton his fast track authority.

THE BENEFITS FOR THE UNITED STATES OF SUPPORTING FAST TRACK AUTHORITY

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

Mr. KOLBE. Mr. Speaker, tonight I come here to this House, along with my colleague, the gentlewoman from Connecticut, to talk about an issue that we believe is so critical to the future of this country that is, trade.

In the end, though, trade is not really about statistics. It is not, in a sense, even about jobs. It is about the opportunities for jobs. It is about the opportunities that American consumers have to make choices. It is about getting lower prices for goods and better quality, of having competition. Yes, it is about American leadership. It is about our place in the world. It is whether the United States is going to lead on trade or whether we are going to follow on trade.

The fact of the matter is there are very few countries in the world that benefit as much from trade as the United States of America does. I would just like to begin with this one chart, which shows how American businesses and American workers have benefited by the fact that U.S. exports have increased more than 3,000 percent in the last 35 years.

It is not that far back to 1961, when we look at the value of U.S. exports, they were less than $100 billion, around $50 billion. It did not reach $100 billion until about 1973. Then it has simply taken off since then. The most steep rise is in the last 2 years, the last 4 years, since 1993. Even as Americans continue to worry about trade deficits, we continue to have a very substantial growth in exports.

What does that mean? Does exports mean something to other than just a number on a chart, other than a line on a chart? It means a great deal. It means a lot about the growth. Growth, of course, means something about the jobs that are available to Americans.

I would like to begin with this one chart, which shows just how much of America's economy depends on exports, that first one. The U.S. exports have increased 3,000 percent in the last 35 years. I do not think most of the people in America are conscious that 30 percent of our economic growth is the result of exports.

We saw in the gentleman's next chart how the number of jobs associated with exports is growing far more rapidly than the number of jobs associated with domestic sales. That is what fast track is all about. It is about whether or not we are going to be at the table to negotiate new markets for our exports.

I was thinking, as my friend and colleague, the gentleman from Mississippi, Mr. Gene Taylor, spoke about the jobs lost in his district to international competition, about the jobs lost in my district to international competition, and nothing is more agonizing than to see a factory close or a business fail, because it is just a business failure, that is people out of work.

But competitiveness has nothing to do with fast track. Those factories closing has nothing to do with fast track. In fact, if we do not negotiate access to new markets, if we cannot get American goods into new markets, far more factories will close because the issue is twofold.

The first issue is competitiveness; the second issue is open markets. We have to be competitive. You go down to your grocery store, you go down to your drugstore, you go down to the hardware store, you go down to the department store. Any store in every American community has imports and domestic-made products.

America has to be able to sell the highest-quality, the lowest-cost product right here in their own hardware stores and department stores and grocery stores and pharmacies, and they also have to be able to sell the highest-quality, lowest-cost product in every other nation in the world in order for us to succeed.
Mr. KOLBE. Reclaiming my time, I appreciate what the gentlewoman from Connecticut has just said. As she well knows, at the other end of the technology sale, you might say, is agriculture, that we have a very technologically innovative agricultural industry. We are the leader in the other end.

We are, again, the largest exporter of agricultural products in the world. Those talks are scheduled to take place in the year 1999 in Geneva. And the question is, will the United States be there? Will we take responsibility for negotiating at the door, demanding that other countries, Europe in particular, which has very high protective tariffs against our agricultural products, which we can and would love to sell to Europe and the rest of the world, whether we are going to be able to get those tariffs lowered, whether we are going to be able to sell more of our products overseas, more wheat, more soybeans, more of the grains and the rice and all the specialized products.

Mr. KOLBE. And more dried milk if you are a dairy State.

Mr. KOLBE. And more dried milk if you are a dairy State. That is exactly right.

So whether it is high technology at one end or whether it is agriculture at the other end, those talks are very vital to us.

And then finally, in the year 2000, investment services. The gentlewoman from Connecticut [Mrs. JOHNSON] comes from a State where this is extraordinarily important. Insurance and investment and brokerage services, those are absolutely vital. Financial services are absolutely vital. The United States again is the leader.

And now, if we turn away from fast track, if we deny fast track to the President, and I think we need to explain exactly what that means “fast track,” but if we deny that, we are saying to the rest of the world, we are not going to be at the table, we are not going to be at the negotiating table on behalf of the United States.

I wonder if the gentlewoman from Connecticut [Mrs. JOHNSON] would just,
since people might be wondering, what does she mean when she says “fast track”? If I have somebody out there asking this question, I wonder how the gentlewoman from Connecticut [Mrs. JOHNSON] would answer: So why do we need fast track authority to sit at the table and negotiate with the world, with the European Union, or with any other country?

Mrs. JOHNSON of Connecticut. This is why we need fast track. Really, it is so very simple. We think of sitting down together as a family and we have a dispute and a problem, and one kid wants one thing, one kid wants another thing, one kid wants another thing, dad wants another thing, mom has another opinion. And we get together and decide, we are going to do this much because Jennifer wants it; we are going to do this to consider Don’s concerns; we are going to do this to consider the twins’ interest, and mom and dad. And we get a package, and we all agree. It is not everything Jennifer wanted. It is not everything everything dad wanted. And the twins are kind of miffed because they did not get X, Y, or Z. But they all got something and that is what matters. That, while they got something, the other member of the family got something; and, so, this agreement was good for everyone. It was not everything anyone wanted, but it was something everybody wanted and we all got something.

Now, everyone has to commit to that agreement. If they do not commit to that agreement, it falls apart. Well, when we go to negotiate with 10 other countries or 20 other countries about how agriculture products are going to move in the world market, everyone has to trust that everyone at the table means what they say and is going to deliver on the agreement.

And so, at the end, and this is always a very important international agreements, it is the way it is in families, it is the way it is at any level of negotiations, whether it is union or whether it is not union or wherever it is, at the end, there are a lot of things we can agree on, and then there are some things that are hard and at the end there are a few things that are very, very hard.

And people have to make hard decisions about what is most important to them in the whole process of negotiations. And when it is an international agreement, it is the way it is in families, it is the way it is at any level of negotiations, whether it is union or whether it is not union or wherever it is, at the end, there are a lot of things we can agree on, and then there are some things that are hard and at the end there are a few things that are very, very hard.

And people have to make hard decisions about what is most important to them in the whole process of negotiations. And when it is an international agreement, it is the way it is in families, it is the way it is at any level of negotiations, whether it is union or whether it is not union or wherever it is, at the end, there are a lot of things we can agree on, and then there are some things that are hard and at the end there are a few things that are very, very hard.

And people have to make hard decisions about what is most important to them in the whole process of negotiations. And when it is an international agreement, it is the way it is in families, it is the way it is at any level of negotiations, whether it is union or whether it is not union or wherever it is, at the end, there are a lot of things we can agree on, and then there are some things that are hard and at the end there are a few things that are very, very hard.
from the United States, imports into Latin America. The President of the United States called all the Latin American countries, all the countries of the western hemisphere, together for a summit, as my colleague knows, in December, we made a commitment. We got a commitment to come to a free-trade agreement with all the American countries of Latin America, Central America, North America by the year 2005. These are countries that heretofore had been closed. Many of them were not democracies. They had import substitution kinds of economies. They were completely closed. They were poor economies. They were not doing well. We did not have many markets there. But now the world is changing, and these countries are changing, they are growing, they have growing economies and growing hunger for American exports. And there is a tremendous opportunity out there. And the question is, are we going to sit down with those countries and negotiate a trade agreement for the Latin American countries, $300 million worth? That is just the first one here.

The agricultural negotiations that we talked about earlier with the World Trade Organization are worth roughly $600 billion in the global market.

Mrs. JOHNSON of Connecticut. $600 billion.

Mr. KOLBE. $600 billion that we are talking about that are available.

Mrs. JOHNSON of Connecticut. Our whole economy produces $1.5 trillion of goods each year. So $600 billion is more than a third of our whole economy.

Mr. KOLBE. Here we go here with WTO. The procurement negotiations. We are talking about government buying goods, whether it is some countries are not completely privatized, they have state-owned aircraft industries, or, of course, we are talking about defense, other things like communications, telephones and telecommunications. We are talking about a trillion-dollar global market that is available to us there that, again, if we are not going to engage in these procurement negotiations, which is also scheduled to take place in Geneva, it does not mean we will not be able to sell anything. I do not think any of us would try and suggest that nothing is going to be sold. But we will not have the access to this market and that is the thing that we are afraid of. We are afraid of this, we are afraid of trying to expand these markets. If we do not have fast track, I can tell the gentlewoman that the happiest people in the room are those who have fair trade negotiations with us when it comes to the agricultural negotiations. They have been resisting opening up their markets for years and they will be delighted that the United States will not be there in Geneva pounding on the table insisting that these negotiations be opened up.

Mrs. JOHNSON of Connecticut. They will be delighted. And yet just in Connecticut, just Connecticut, manufacturing has increased. Connecticut manufacturing is on the rise, doing more just during the first half of 1997 over the first half of 1996, $500 million, a half a billion dollars more in manufactured exports went out the door from Connecticut plants in just the first half of 1997. If you are expanding, if you are expanding activity at that rate, you are hiring people. And if you are selling abroad, your wages are higher than domestic companies. So in Connecticut, we are selling more abroad. The jobs we are creating in that sector, all of those jobs, I absolutely acknowledge that, but more and more jobs are associated with exports and those jobs on average pay 16 percent more. So if you want your kids to do
well, you want to live in a State that exports a lot so your kids can get into exporting industries so they can have the opportunity to have higher paying jobs and good livings.

Mr. KOLBE. I think that the gentlewoman is supposed something that I think is indicative of the problem that we face in trying to make this appeal on trade and make the sale. I am sometimes puzzled as to why it is so difficult for us to make this case. I think one of the reasons is that whenever there is a plant that closes or moves some of its operations to an offshore setting, which by the way is not necessarily bad because they may be sourcing many of the materials from this country itself, but when they move that plant, if a plant closes in Missouri and they move the assembly plant to Mexico, that is a big headline and 200 jobs get lost because a plant moved to Mexico, or as we have seen of late where Fruit of the Loom announced it is going to move some of its, where they manufacture underwear, they are going to move some of that to Mexico and to some of the Caribbean countries and jobs are going too. I much less agree that this is tough. That is tough for the people who are losing those jobs. But what never makes the headlines is the fact that on that same day, all over the country, hundreds of companies hired new people, 1, 2, or 20 or 50 because they go into a market to sell a product into Mexico or to China or to Germany or elsewhere. There is never a story about that, because we do not see it. It is not visible. You do not open a factory just to sell to another country. But when you close a factory and move it to another country, it is a different story.

Yet the fact is the doomsayers that we hear from people who are against fast track, who are against this kind of opportunity that we have, they say that they alone, the Members sometimes say, “Oh, this is just all about NAFTA.” We know that fast track is not about NAFTA, but it is a curious thing that since the North American Free-Trade Agreement went into place, we have, as the gentlewoman knows, we have provisions in that legislation that is called trade adjustment assistance where a job that is lost, is certified it is lost because the factored out or a plant or a portion of the plant closed and it moved it overseas because of the trade agreement, they qualify for special assistance. A total of 125,000 jobs have been certified as having been lost because of that. You say 125,000 jobs seems like a lot, but when you remember that during that same time we created 12 million new jobs, you begin to see, well, maybe we benefited a lot from this because a lot of these new jobs were coming because of trade agreements. In America, when we were selling more automobiles to Mexico, we were selling more petroleum drilling equipment to Mexico, and so forth. So the bottom line is that the numbers of the aggregate numbers are not bad. What we have to say is that we are at the lowest unemployment level that this country has had in years. We are at the highest wage growth, personal income growth that we have had in years. This comes because we have had trade. I know the gentlewoman has worked hard on these issues in Connecticut with some of her companies and trying to encourage more trade and exports. I think we agree that that really is the future for the people that we represent. We are able to have these opportunities for trade.

Mrs. J. JOHNSON of Connecticut. One of the hardest things today and all of us feel it in every one of our districts, it is really hard to see plants that really are good, quality good, how we gradually have to lay people off and go under. But that has nothing to do with negotiating authority. It has to do with the fact that consumers today demand very high-quality products at a reasonable price. We have to have choice of products from all over the world. For America to be competitive and American companies to be successful, they have to be the best and the lowest cost in their own local market, around the Nation and across the seas. The exciting thing is that they have risen to this challenge. It took years to do it but I can tell the gentleman, I represent the best workers in the world. They do top quality work individually, they work as a team, they day in and day out, you walk into any factory in my district and they can tell you stories about how the latest move that some group in that factory has made to identify by thinking, by working together, to identify a way to cut costs, improve quality, improve productivity together, same men and women, same hours, same equipment, thinking smart, working as a team, and doing a far better job than we used to do. It is not so much as we are frantically so many areas absolutely the best. So we are competitive. One of the things that makes me saddest in this whole trade debate is the idea that somehow trade policy sends jobs abroad. Any American company could establish their factory here or abroad 10 years ago, 5 years ago, 1 year ago, today. They will have that right tomorrow, they will have that right 10 years from now. If they were going to go to another large company, buy or acquire some of my friends say to me, “Well, gee how can we compete with 25 cents an hour?” We have been competing with 25 cents an hour. We do compete with 25 cents an hour, and we win. Why? Because we are far better. We produce a far better product at a reasonable cost. So that is not the issue. Companies establish plants abroad for only two reasons: First, to feed their high-technology production capability by the old rules, they had a factory in Mexico to sell in Mexico. As soon as we passed NAFTA, they closed their plant in Mexico and came home. Why? Because they could produce better here. Now with the free-trade agreement, they could sell into Mexico without having a factory in Mexico.

Mr. KOLBE. So despite the fact that the wages they would have had to pay in Mexico, or they did pay in Mexico were a fraction, maybe a tenth of the amount.

Mrs. J. JOHNSON of Connecticut. Much lower. Because Connecticut is a high-cost State, and they pay high wages. Mr. KOLBE. So they were paying a tenth as much in Mexico as they paid. They moved the production back to Connecticut. The answer is because of the productivity that they have. Mrs. J. JOHNSON of Connecticut. You bet they did. Because it was a better work force, and a higher quality product.

Mr. KOLBE. And more capital investment and more technology. That is, of course, what countries like the United States have. That is the advantage they had to have.

Let me just tell the gentlewoman my example that I always use is the copper industry in my own State. Copper was riding high back in the 1960’s and 1970’s and right up to 1982 when the world copper price collapsed Half some mines in Arizona closed as a result of that. The other half were struggling selling copper at below the market price, so they were losing money with every pound of copper that they were selling. They knew that in order to stay competitive, they had to make some big changes. What they did was they put a tremendous investment in capital into those mines. We now have the most technologically advanced copper mines in the world in Arizona. Everything is computer controlled, they use robots, they use all kinds of things. The bottom line is yes, there is half the people working in the copper industry in Arizona but there is still a copper industry and they are producing more copper today than they were in 1982 with less than half of the number of people. The result is they can compete and they can outproduce in copper Chile, which is a medium-priced country in terms of wages, Zambia which is at 25 cents an hour or Zaire or those other countries which are at the very rock bottom there. We can still beat them because we have much more productivity. Being able to invest in capital and
in technology and have a well-trained work force is really the key to being able to compete.

But I have not found any American companies that are afraid of that. They all want to be able to do that.

Mrs. JOHNSON of Connecticut. Well, I agree they are able to compete, but they have to be able to get into a market.

Mr. KOLBE. They have to get into market. They cannot do it if we do not—

Mrs. JOHNSON of Connecticut. Right.

Mr. KOLBE. Agreements with other countries and let them in.

Mrs. JOHNSON of Connecticut. Right, under the old rules, Mexico had tariffs of 20, 30 percent on a lot of it.

Mr. KOLBE. In some cases it was as much as 100 percent.

Mrs. JOHNSON of Connecticut. Right, so if you had 100 percent tariffs, I do not care how good you were producing in the United States, you could not sell in Mexico with 100 percent tariffs.

Now, under NAFTA, Mexican tariffs have come way, way down. Yes, American tariffs have come down a little bit, too, but they were low to begin with. Now they are a little lower. Mexican tariffs were high to begin with. Now they are down low. Some of them are completely wiped out. One-half are wiped out. Others are there, but they are much smaller. So now you can sell into Mexico, and you can compete. You do not have to be there to produce.

So lower tariffs means jobs stay in America.

I gave you earlier that example of the Canadian company that got the big deal in Chile, though the American producer was lower cost and higher quality. But we did not have the tariff relief. We had to pay 11 percent tariffs. So we lost the deal. If we had the same tariff relief that Canada had, if we had been able to be at the table and negotiate those tariffs down like Canada did, we would have gotten that order, and those orders feed jobs.

So what is sad about this fast track deal is that those who oppose fast track think they are protecting American jobs when actually you protect American jobs by being at the negotiation table opening markets and driving international standards to American standards, because American standards are higher in every area than most of the rest of the world.

So if we can open markets, we can compete. If we open markets, our competitive companies go in, sell goods, and that allows them to hire and create jobs.

So if you care about the jobs of your kids, you have to be in lots of markets, because remember, again, 96 percent of the commerce in the United States. So if your kids are going to have jobs, you have got to be able to sell into all the markets of the world, and that is what we are talking about. We are talking about letting the President be at that table with a power to negotiate agreements that are good for American producers. And if they are good for American producers, they are good for American workers because they will send goods and create American jobs and pay American salaries to good, solid Americans to sell American products made by American people.

It is exciting. It has meant that we are a very prosperous Nation. It will bring prosperity to our children, and without fast track the possibility of a continual rise in our economic growth is truly, truly compromised.

I do not want to be too pessimistic, but one could paint rather grim scenarios about economic growth without fast track.

Mr. KOLBE. Well, I think the gentlewoman is absolutely right, and I think we do not want to be apocalyptic about that, and certainly the world will go on, and the United States will continue to trade, but we will trade on much more difficult terms and not as well as we would do if we have trade agreements, and those can only come about if we have fast track authority to allow the President to negotiate those trade agreements.

We have been talking a bit this evening about NAFTA, and I just want to take a minute to talk about it, because if you listen to some of the opponents of fast track authority, you would think that the North American Free Trade Agreement, or NAFTA as it is called, that links the United States, Mexico and Canada in a free trade agreement is the only agreement we have ever negotiated under using the fast track authority. But the fact is we have had four other critical agreements, and those are the 1979 Tokyo Round of GATT talks, General Agreement on Tariffs and Trade; the 1985 U.S.-Israel Free Trade Agreement; the 1988 U.S.-Canada Free Trade Agreement; and the 1994 Uruguay Round of GATT talks. Now in that last round, of course, GATT became the World Trade Organization, so we talk now about WTO.

But those four rounds, all of which made significant breakthroughs for the United States in the areas of not just of tariff barriers, but of allowing us access to others that had market agreements, were absolutely critical for the trade agreements.

Now, I want to just focus for a moment on the North American Free Trade Agreement in Mexico because a lot of people shy away from this and say, oh, we should not talk about that, and it is very important to understand that this fast track authority is not about Mexico, it is not about NAFTA, it is about allowing the President of the United States authority to negotiate all kinds of trade arrangements.

But in the absence of a fast track NAFTA and confront it head on because I believe that when the book is written, and I think some of it is already being written, it will be demonstrated that the North American Free Trade Agreement has been a good agreement for not just Mexico, but for the United States as well.

Yes, it is true that there had a trade surplus before NAFTA, and today we have a trade deficit with Mexico. But it was not NAFTA that caused that. It was the collapse of the Mexican peso, where all of a sudden after the collapse of the Mexican peso that had nothing to do with NAFTA and everything to do with some ill-founded policies that were followed by the previous administration in Mexico and the mishandling of a currency devaluation, the collapse of the peso. And the result of that is that suddenly anybody trying to buy something when they are in Mexico from another country is going to pay a lot more in dollar terms, and anybody outside of Mexico buying something in Mexico is going to pay a lot more in Mexican terms, and so the Mexican exports to the United States went up, and U.S. imports to Mexico or exports to Mexico went down by comparison.

But let me just give a couple of facts to show why I think we can say that NAFTA has worked in terms of leveling out the dips and making it less of a slide than would otherwise be the case, because in 1982 we had a similar, almost equal, amount devaluation of the Mexican currency. When that occurred in 1982, U.S. exports to Mexico dropped 49 percent; repeat that, 49 percent our exports dropped, and it took us 7 years for us to restore the level of exports to Mexico that we had before 1982.

In 1995, when the peso was devalued, that time about the same amount of devaluation, that time we had a 94 percent drop in U.S. exports to Mexico, and it took us 1 year to pay it back up over the level of exports that we had before that time.

And so I think we can see that the NAFTA agreement, the reason for that, the reason why, well, others say NAFTA has to do with that. Why was that the case? Well, what happened in 1982 was that when you did not have an agreement, when they have a peso devaluation, a country tries to trade itself out of that, they slap on import quotas, the hundred percent tariffs, licensing requirements, all the things that make it impossible for an American exporter to get their products into Mexico while they are able to export, take advantage of the peso devaluation and export to the United States.

With NAFTA, Mexico, and with other free trade agreements, the other countries cannot do that. They are not able to resort to that kind of thing in order to protect their industry. It is a world neighbor approach, and so as a result of that, Mexico was, although our exports to Mexico dropped, those that were able to get the money, to get their hands on the capital to Mexico, were still able to come and sell some of their products to Mexico did continue. They dipped, but within 1 year we were back up over where we had been before.
So I would say, quite frankly, to my colleagues who decry the North American Free Trade Agreement, the NAFTA agreement, I would say, you are wrong, it has worked, it has done precisely as we wanted.

And so, and we only have just about 5 more minutes, and we are going to close up, and I will yield to you, and then I will end.

Mrs. JONATHAN of Connecticut. Let me just mention that one of the big issues in the NAFTA negotiations was the failure of Mexico to enforce their own labor laws. They look good on paper, but they did not enforce them, and we have learned something from those NAFTA negotiations.

In those negotiations we made what is called a side agreement, and as a result of that, Mexican investment in enforcement of their own labor laws has increased 250 percent. In other words, we forced them to try to start enforcing their own laws, which were good on paper, in reality, and in this new fast track authority we specifically include the right for the United States to negotiate the enforcement of domestic laws in labor and environment because lots of countries have good sounding laws, but they do not enforce them, and that does make it harder for us to compete. So we have now expanded this negotiating authority to include enforcement of domestic laws because we did learn from those negotiations in Mexico the need for that breadth.

So this time we are not only asking for the President to have negotiating authority, but we are asking for that authority to reflect the experience that we have in what defends America's interest and what strengthens our own future and creates opportunity for our people.

Mr. KOLBE. I think the gentlelady's comments are right on target, and I think they summarize exactly why America needs to have fast track authority, why the President of the United States needs fast track authority, why we need to be able to pursue opportunities. Opportunities for trade means opportunities for jobs for Americans. It means opportunities for American consumers. It means opportunities for our children and opportunities for the future. None of us in this body should be afraid of the future. The American people are not afraid of the future.

And this issue about fast track is not a partisan issue. It is an issue about whether we are going to lead, lead for ourselves and lead with the rest of the world.

And Republicans and Democrats alike have spoken out strongly on the issue of free trade, and I would like to simply end tonight with some quotations that I think very well express the rationale of why we need to have these kinds of trade agreements.

The current Secretary of the Treasury, Bob Rubin, said this: We are now at a crossroads. The question before Congress is whether to grant the President fast track so that we can continue to open markets, expand trade and raise standards of living here at home, or to refuse and watch as U.S. workers and businesses lose out in access to the opportunities in the global economy.

Brent Scowcroft, White House national security adviser in President Reagan and President Bush's administration, and he said this: We cannot say we will lead on NATO and regional security, but not on trade. We cannot say we will lead on democracy and human rights, but not on trade. And we cannot say we will lead on the environment, but not on trade.

Senator Dole, Robert Dole, the former majority leader and Republican Presidential nominee this last campaign, said, global trade is inevitable and Presidential fast track authority is indispensable if America is to lead the community of nations into the next century.

And finally, the President of the United States, President Clinton, has said this: We owe it to the working men and women of America and around our entire country to level the playing field for trade so that when our workers are given a fair chance, they can and they do outcompete anyone anywhere in the world.

My colleagues, I appreciate my colleague from Connecticut participating with us this evening. I think it is very clear where the merits of this argument lie. We are confident about America's future, and I think we are confident that fast track authority will lead us into a brighter future for our children.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MENENDEZ (at the request of Mr. GEPHARDT), for Tuesday, November 4, on account of election day in his home State of New Jersey.

Ms. MCKINNEY (at the request of Mr. GEPHARDT), after 2:30 p.m., Wednesday, November 5, and on Thursday, November 6, on account of business in the district.

Ms. CARSON (at the request of Mr. GEPHARDT), for Thursday, November 6, on account of official business in the district.

Mr. YATES (at the request of Mr. GEPHARDT), for Thursday, November 6, after 5:30 p.m., and Friday, November 7, after 11 a.m., on account of personal reasons.

Mr. MICA (at the request of Mr. ARMY), for, Thursday, November 6, until 6:30 p.m., on account of accompanying the President to the Bush Library dedication.

Mr. PORTMAN (at the request of Mr. ARMY), for Thursday, November 6, until 6:30 p.m., on account of attending the dedication of the George Bush Presidential Library.

Mr. QUINN (at the request of Mr. ARMY), for today, after 3:30, until 6 p.m., November 8, on account of attending a funeral.

Mr. GILLMOR (at the request of Mr. ARMY), from today, 5 p.m., and for Saturday and Sunday, on account of personal reasons.

Mr. FORBES (at the request of Mr. ARMY) for Thursday, November 6, until 6:30 p.m., on account of attending the dedication of the George Bush Presidential Library.

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. DEFazio) to revise and extend their remarks and include extraneous material:)

Mr. DEFazio, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. MCNULTY, for 5 minutes, today.

Mr. CLAYTON, for 5 minutes, today.

Mr. POshard, for 5 minutes, today.

Mr. TRAFICANT, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. Fazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Ms. FURSE, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

(The following Members (at the request of Mr. Gibbons) to revise and extend their remarks and include extraneous material:)

Mr. SAXTON, for 5 minutes, each day, and November 9.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, today.

Mr. PORTMAN, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. PAPPAS, for 5 minutes, today.

Mr. MORAN, for 5 minutes, today.

Mr. SANFORD, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. DUNCAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HANSEN, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,334.00.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found
truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2367. An act to amend title 38, United States Code, to provide a cost-of-living adjustment and to adjust the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

H.J. Res. 101. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the House Oversight, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 2367. An act to amend title 38, United States Code, to provide a cost-of-living adjustment and to adjust the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

H.J. Res. 101. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until tomorrow, Saturday, November 8, 1997, at 12 noon.

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS

U.S. CONGRESS
Office of Compliance

Re notice of adoption of amendments under section 204 of the Congressional Accountability Act of 1995.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to section 304 of the Congressional Accountability Act of 1995 (the “Act”), 2 U.S.C. § 1384, I am transmitting on behalf of the Board of Directors of the Office of Compliance, the proposed rulemaking to amend regulations under section 204 of the Act, together with a copy of the proposed rulemaking, for publication in the Congressional Record.

Section 304 specifies that the enclosed notice and amendments be published on the first day on which both the House of Representatives and the Senate are in session following this transmittal, and that the notice and amendments be referred to the appropriate committee or committees of the House and Senate for consideration of whether the amendments should be approved.

Sincerely,

GLEN D. NAGER,
Chair of the Board.


NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS FOR APPROVAL

Summary: The Board of Directors (“Board”) of the Office of Compliance has adopted amendments to the Board’s regulations implementing section 204 of the Congressional Accountability Act of 1995 (“CAA”), 2 U.S.C. § 1314, and is hereby submitting the amendments to the House of Representatives and the Senate for public comment pursuant to the Congressional Record and for approval. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch, and section 204 applies rights and protections of the Employee Polygraph Protection Act of 1988 (“EPPA”). Section 204 will go into effect with respect to the General Accounting Office (“GAO”) and the Library of Congress (“Library”) on December 30, 1997, and these amendments extend the coverage of the Board’s regulations under section 204 to include GAO and the Library. The amendments also make minor corrections to the regulations.

The Board has also adopted amendments to bring GAO and the Library within the coverage of the Board’s regulations under section 204, the scope of which applies the rights and protections, respectively, of the Worker Adjustment and Retraining Notification Act and the Occupational Safety and Health Act of 1970. To enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose, the Board has adopted amendments under these three sections by three separate documents and is submitting the Notices for the amendments under sections 205 and 215 together with this Notice to the House and Senate for publication and approval.


NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS

U.S. CONGRESS
Office of Compliance

Re notice of adoption of amendments under section 204 of the Congressional Accountability Act of 1995.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to section 304 of the Congressional Accountability Act of 1995 (the “Act”), 2 U.S.C. § 1384, I am transmitting on behalf of the Board of Directors of the Office of Compliance, the proposed rulemaking to amend regulations under section 204 of the Act, together with a copy of the proposed rulemaking, for publication in the Congressional Record.

Section 304 specifies that the enclosed notice and amendments be published on the first day on which both the House of Representatives and the Senate are in session following this transmittal, and that the notice and amendments be referred to the appropriate committee or committees of the House and Senate for consideration of whether the amendments should be approved.

Sincerely,

GLEN D. NAGER,
Chair of the Board.

The regulations implementing section 204 of the CAA, issued by publication in the CONGRESSIONAL RECORD on April 23, 1996 at 142 CONG. REC. S3917-24 (daily ed. Apr. 23, 1996), are amended by revising section 1.2(c) and the first sentence of section 1.2(i) to read as follows:

“Sec. 1.2 Definitions

(a) The term employee means (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or of the Senate or a joint committee; (3) any other office headed by a person with the final responsibility to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or of the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Technology Assessment and to employees of that Office no longer exists.

1 In the definitions of “employing office” and “covered employee,” the reference to the Office of Technology Assessment and to employees of that Office no longer exists.
DEAR MR. SPEAKER: Pursuant to section 304 of the Congressional Accountability Act of 1995 (the "Act"), 2 U.S.C. § 1384, I am transmitting on behalf of the Board of Directors the Board's Notice of Adoption of Amendments, for publication in the Congressional Record.

The Board of Directors ("Board") of the Office of Compliance has adopted amendments to the Board's regulations implementing the Congressional Accountability Act of 1995, which, for purposes of section 205, adds a reference to section 205(a)(2) of the Act. The amendments extend the coverage of the Worker Adjustment and Retraining Notification Act ("WARN Act") to the Library of Congress ("Library") and one employing office of the House, the Office of Compliance ("Office of Compliance") of the Library and the Office of Compliance of the House and Senate.

In the Board's regulations implementing section 205 of the Act, the Office of Compliance had adopted identical versions of the amendments to the Board's regulations implementing section 205 of the Act, together with a copy of the adopted amendments, for publication in the Congressional Record.

The amendments add to this regulatory provision a reference to section 205(a)(2) of the CAA, which, for purposes of section 205, adds a reference to section 205(a)(2) of the Act, the Office of Compliance had adopted identical versions of the amendments to the Board's regulations implementing section 205 of the Act, together with a copy of the adopted amendments, for publication in the Congressional Record.

Section 304 specifies that the enclosed notice and amendments be published on the first day on which both the House of Representatives and the Senate are in session following this transmittal, and that the notice and amendments be referred to the appropriate committee or committees of the House and Senate for consideration of whether the amendments should be approved.

Sincerely,
GLEN D. NAGER,
Chair of the Board.
November 7, 1997

CONGRESSIONAL RECORD — HOUSE

H10343

Occupational Safety and Health Act of 1970 ("OSHAct"). Section 215 will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress ("Library") on December 30, 1997, and these amendments extend the coverage of the Board's regulations under section 215 to include GAO and the Library. The amendments also provide for corrections and changes to the regulations.

The Board has also adopted amendments to bring GAO and the Library within the coverage of the regulations under sections 204 and 205 of the CAA, which apply the rights and protections, respectively, of the Employee Polygraph Protection Act of 1988 and the Worker Adjustment and Retraining Notification Act. To enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose, the Board adopted the amendments under these three sections by three separate documents and is providing for the regulations for such amendments under sections 204 and 205 together with this Notice to the House and Senate for publication and approval.


SUPPLEMENTARY INFORMATION

Background and Purpose of This Rulemaking.

The background and purpose of this rulemaking were described in detail in a Notice of Proposed Rulemaking published by the Board on September 9, 1997, at 143 CONG. REC. S9014 (daily ed. Sept. 9, 1997) ("NPRM"), and will be summarized here briefly. The CAA, enacted on January 23, 1995, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices in the Legislative Branch. Section 215 of the CAA, 2 U.S.C. § 1341, applies the rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct") by providing, generally, that each employing office and each covered employee must comply with the provisions of section 5 of the OSHAct, 29 U.S.C. § 654.


1. Extension of coverage.—By revising sections 1.102(c), (i), and (j) 1.103 to read as follows:

"$1.102 Definitions.

* * * * *

(c) The term covered employee means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Compliance; (9) the General Accounting Office; and (10) the Library of Congress.

* * * * *

(j) The term employing office includes any of the following entities that is responsible for the correction of a violation of section 215 of the CAA (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such violation occurs: (1) each office of the Senate, including each office of a Senator and each committee; (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee; (3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the General Accounting Office; and (11) the Library of Congress.

* * * * *

$1.103 Coverage.

The coverage of section 215 of the CAA extends to any "covered employee." It also extends to any "covered employing office," which includes any of the following entities that is responsible for the correction of a violation of section 215 of the CAA (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs: (1) each office of the Senate, including each office of a Senator and each committee; (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee; (3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the General Accounting Office; and (11) the Library of Congress.

* * * * *

2. Corrections to cross-references.—By making the following amendments in Appendix A to Part 190, which is entitled "References to Sections of Part 190, 29 CFR, AS AMENDED UNDER OCCUPATIONAL SAFETY AND HEALTH STANDARDS UNDER SECTION 215(d) of the CAA":

(a) After "1910.1090 Methyleneedianiline." insert the following:

"1910.1051 1,3-Butadiene.

1910.1052 Methylene chloride."

(b) Strike "1926.63—Cadmium (This standard has been redesignated as 1926.1127)." and insert instead the following:

"1926.63 [Reserved]."

(c) Strike "Subpart L—Scaffolding", "1926.450 [Reserved]," "1926.451 Scaffolding," "1926.452 Guardrails, handrails, and covers," and "1926.453 Manually propelled mobile ladder stands and scaffolds (towers)." and insert instead the following:

"Subpart L—Scaffolds

1926.450 Scope, application, and definitions applicable to this subpart.

1926.451 General requirements.

1926.452 Additional requirements applicable to specific types of scaffolds.

1926.453 Aerial lifts.

1926.454 Training.

(d) Strike "1926.556 Aerial lifts."
November 7, 1997

CONGRESSIONAL RECORD — HOUSE

H10345

By Mr. FOX of Pennsylvania:

H.R. 2872. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit for a portion of the expenses of providing dependent care benefits to employees for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, 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. BALLenger (for himself, Mr. HALL of Texas, Mr. STENHOLM, Mr. NORWOOD, Mr. BARREtt of Nebraska, Mr. PAUL, Mr. DELAY, Mr. BOB Schaffer, Mr. Hoekstra, Mr. GRAHAM, Mr. ISTook, Mr. FAWELL, and Mr. BOEHHner):

H.R. 2873. A bill to amend the Occupational Safety and Health Act of 1970, to the Committee on Education and the Workforce.

By Mr. ACKERMAN (for himself, Mr. COURNB, Mr. ABERCROMBIE, Mr. BART-lett of Maryland, Mr. Bucerra, Mr. Bishop, Mr. BONO, Mr. Brown of Ohio, Mr. BURTON of Indiana, Mr. CLYBurN, Mr. COOK, Mr. CRAMer, Mr. DEFAzio, Mr. DELLumS, Mr. DEUTSCH, Ms. ESHD, Mr. BANK of California, Mr. FOGliEI, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GRAHAM, Mr. GROB, Mr. HERNANDEZ, Mr. HFRNen, Mr. HINCh, Mr. HOYer, Mr. JEFFER-SON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mrs. KELLY, Mr. KENNedy of Rhode Island, Ms. KIrPlATk, Mr. KIND of Wisconsin, Mr. KUcinic, Mr. LAFalCHe, Mr. LAMSP, Mr. LAZio of New York, Mr. LoweR, Mrs. LOWEY, Mr. MCCARTHY of New York, Ms. MckiNney, Mr. McNULTy, Mrs. MEek of Florida, Mr. MENENDEZ, Mr. MILLer of California, Mr. NADDER, Mr. OTRiz, Mr. OWenS, Mr. PALLone, Mr. PaxoN, Ms. RIVERs, Mr. ROdriGUEz, Ms. Ros-LEHTinen, Mr. ROTHMAN, Mr. SANDers, Mr. SAWyer, Mr. SCHEMER, Mr. SERRAnO, Mr. SHerman, Ms. SLaUGHTER, Mr. TANNER, Mr. TAYLor of Minnesota, Mr. TurnEr, Mr. VelAzquez, Mr. WAlSh, Mr. WAX- man, and Mr. WEXler):

H.R. 2874. A bill to provide for prompt disclosure of insured individuals of their medical conditions after undergoing medical examinations necessary to qualify for insurance coverage; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALLenger (for himself, Mr. HALL of Texas, Mr. STENHOLM, Mr. NORWOOD, Mr. BARREtt of Nebraska, Mr. PAUL, Mr. DELAY, Mr. BOB Schaffer, Mr. Hoekstra, Mr. GRAHAM, Mr. ISTook, Mr. FAWELL, and Mr. BOEHHner):

H.R. 2875. A bill to amend the Occupational Safety and Health Act of 1970, to the Committee on Education and the Workforce.

By Mr. ANDREWS (for himself, Mr. HALL of Texas, Mr. STENHOLM, Mr. NORWOOD, Mr. BARREtt of Nebraska, Mr. PAUL, Mr. DELAY, Mr. BOB Schaffer, Mr. Hoekstra, Mr. GRAHAM, Mr. ISTook, Mr. FAWELL, Mr. GreenWooD, and Mr. BOEHHner):

H.R. 2877. A bill to amend the Occupational Safety and Health Act of 1970, to the Committee on Education and the Workforce.

By Mr. ANDREWS (for himself and Mr. BALLENGER): H.R. 2877. A bill to amend the Occupational Safety and Health Act of 1970, to the Committee on Education and the Workforce.

By Mr. BALLenger (for himself, Mr. HALL of Texas, Mr. STENHOLM, Mr. NORWOOD, Mr. BARREtt of Nebraska, Mr. PAUL, Mr. DELAY, Mr. BOB Schaffer, Mr. Hoekstra, Mr. GRAHAM, Mr. ISTook, Mr. FAWELL, Mr. GreenWooD, and Mr. BOEHHner):

H.R. 2879. A bill to amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage recordkeeping and overtime compensation requirements certain specialized employees; to the Committee on Education and the Workforce.

By Mr. GekAS:

H.R. 2880. A bill to establish a commission to recommend a strategy for the global eradication of disease; to the Committee on Commerce.

By Mr. GooDLING (for himself and Mr. HERNER):

H.R. 2880. A bill to amend title 18, United States Code, to provide a mandatory minimum prison sentence for certain wiretapping or electronic surveillance offenses by Federal officers or employees; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. EHRlich):

H.R. 2881. A bill to amend the Fair Labor Standards Act of 1938 to provide a limited overtime exemption for employees performing emergency medical services; to the Committee on Education and the Workforce.

By Mr. HALL of Ohio (for himself, Mr. Smith of New Jersey, and Mr. HUNTER): H.R. 2881. A bill to amend title 18, United States Code, with respect to the dissemination of indecent material on cable television; to the Committee on the Judiciary.

By Mr. HASTINGS of Washington:

H.R. 2882. A bill to establish the Native American Graves Protection and Repatriation Act to provide for appropriate study and repatriation of remains for which a cultural affiliation is not ascertainable; to the Committee on Resources.

By Mr. HERGER (for himself and Mr. POMBO):

H.R. 2884. A bill to amend the Endangered Species Act of 1973 to enable Federal agencies responsible for the preservation of threatened and endangered species to rescue and relocate members of any of those species that would be taken in the course of certain reconstruction, maintenance, or repair of Federal or non-Federal manmade flood control levees; to the Committee on Resources.

By Mr. KILDEE:

H.R. 2885. A bill to provide for the establishment of the National Lighthouse Museum; to the Committee on Transportation and Infrastructure.

By Ms. KILPATRICK (for herself, Mr. FROST, and Ms. MILLER-McDONALD):

H.R. 2886. A bill to authorize the Secretary of Defense to make military helicopters and their crews available to State and local law enforcement agencies to assist in law enforcement and rescue operations; to the Committee on National Security.

By Mr. LEWIS of Georgia (for himself, Mr. YATES, Mr. STARK, Mrs. MALONEY of New York, Mr. Davis of Illinois, and Mr. Gordon):

H.R. 2887. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on persons who operate vending machines that dispense tobacco products; to the Committee on Ways and Means.

By Mr. LUTHER (for himself, Mr. KACL, Mr. DELLUMS, and Mr. FOLEY):

H.R. 2888. A bill to limit production of the B-2 bomber; to the Committee on National Security.

By Mr. MALONEY of Connecticut (for himself and Mr. SHAYS):

H.R. 2889. A bill to amend the Harmonized Tariff Schedule of the United States to provide for reduced duty on certain fully assembled bicycle wheels; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Mr. WEBSTER, Mr. WALSH, Mr. NORTON, Mr. SANDERS, Ms. JACK-SON-LEE, Mr. Brown of California, Ms. KILPATRICK, Mr. FROST, and Ms. MILLER-McDONALD):

H.R. 2886. A bill to authorize the Secretary of Defense to make military helicopters and their crews available to State and local law enforcement agencies to assist in law enforcement and rescue operations; to the Committee on National Security.
H. R. 2919. A bill to establish grant programs to improve competition in the market for wireless communications, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUMANN (for himself, Mr. BARTLETT of Maryland, Mr. KLUG, Mr. MILLER of California, and Mr. WAXMAN):

H. R. 2003. A bill to amend the Internal Revenue Code of 1986 to make an exception to the requirement that the concentration of blood in a blood sample, and to require the Secretary of Health and Human Services to ensure that such samples are not used to develop or improve medical diagnosis equipment or equipment for determining competency for other purposes; to the Committee on Energy and Commerce.

By Mr. NADLER (for himself, Mr. TIANAH of New York, and Mr. SNOWBARGER):

H. R. 2004. A bill to make an exception to the United States embargo on trade with Cuba for the export of medicines or medical supplies, or equipment, for the purpose of visiting the United States stockpile of landmines to post-acute care imposed by section 4407 of the Social Security Act to repeal the restriction on the acquisition of such landmines in other than self-destructive landmines and to prohibit the acquisition of such landmines in the United States stockpile of landmines for use by women with respect to menstruation pose risks to health, including endometriosis, infertility, ovarian cancer, breast cancer, immune system deficiencies, pelvic inflammatory disease, and toxic shock syndrome, and to establish a new definition of "toxic shock syndrome, and for other purposes; to the Committee on Science.

By Mr. NADLER:

H. R. 2005. A bill to provide for the prevention of sexual exploitation of children; to the Committee on the Judiciary, for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUMANN:

H. R. 2006. A bill to authorize and direct the Director of the Office of Management and Budget to reduce nondefense discretionary spending limits by two percentage points for each of fiscal years 1999 through 2002; to the Committee on the Budget.

By Mr. NEUMANN:

H. R. 2007. A bill to require the Secretary of the Treasury to report to the Committee on Ways and Means, and in addition to the Committee on International Relations, 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. NUSSELE:

H. R. 2008. A bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges of post-acute care imposed by section 4407 of the Balanced Budget Act of 1997; to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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. PALLONE (for himself, Mr. CAMPBELL, Mr. FRANKS of New Jersey, Mr. ANDREWS, Mr. PASCRELL, Mr. SAXTON, Mr. PAYNE, Mr. WAXMAN, Mr. PETRI, Mr. ROYbal-Allard, Mr. ROTHMAN, Mr. PAPPAS, Mrs. ROUKEMA, Mr. LOBIONDO, Mr. MENENDEZ, and Mr. FRELINGHUYSEN):

H. R. 2009. A bill to make an exception to the Federal Power Act to establish requirements regarding the operation of certain electric generating facilities, and for other purposes; to the Committee on Commerce.

By Mr. PALLONE (for himself, Mr. SANDERS, and Mr. ALLEN):

H. R. 2010. A bill to permanently increase the number of visas available for backlogged spouses and children of lawful permanent residents; to the Committee on National Security and the United States Customs Service in combination with the Armed Forces, under certain circumstances and subject to certain limitations on the adjustment of status of nonimmigrants physically present in the United States to permanent residence; to the Committee on Education and the Workforce, and in addition to the Committees on National Security, Banking and Financial Services, Ways and Means, and Homeland Security, 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. SMITH of New Jersey:

H. R. 2011. A bill to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to prevent natural flood disasters; to the Committee on Science.

By Mr. RAHALL (for himself, Mr. POSHAR, Mr. MOLLON, Mrs. CLAYTON, Ms. KILAFORD, Mr. LEHMAN, Mr. CUMMINGS, Mr. CLEMONS, Mr. BAESLER, Mr. ADERHOLT, Mr. BOUCHER, and Mr. CRAMER):

H. R. 2012. A bill to amend the Balanced Budget Act of 1997 to reinstate payment under Medicare for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under the Medicare Program with respect to such services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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. RAMSTAD:

H. R. 2013. A bill to amend the Internal Revenue Code of 1986 to clarify the mortgage subsidy bond benefits for residences located in disaster areas; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. ABERCROMBIE, Mr. LOBIONDO, Mr. EVANS, Mrs. LOWEY, Mr. HINCHY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. GOSS, Mr. FALEOMAVAGEA, Mr. SANDERS, Mr. DELLUMS, Mr. SHAYS, Mrs. MORELLA, Mr. UPTON, Mrs. SOUTHWOOD, Ms. SEWY, Mr. EHLERS, Ms. PRYE of Ohio, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. DAVIS of Virginia, Ms. RIVERS, Mr. GILCHREST, Mr. YATES, Ms. ESHOO, Ms. PELOSI, Ms. MILLER-MCDONALD, Mr. FAWELL, Mr. ROHRABACHER, Mr. BARRETT of Wisconsin, Ms. NORTON, and Mr. MORAN of Virginia):

H. R. 2014. A bill to improve the government's environmental research and information by organizing a National Institute for Environmental Research, and for other purposes; to the Committee on Science.

By Mr. SCHAEFER of Colorado:

H. R. 2015. A bill to extend certain programs under the Energy Policy and Conservation Act, and in addition to the Committee on Energy and Production; to the Committee on Commerce.

By Mr. BOB SCHAFER (for himself, Mr. SKAGGS, and Mr. MCINNIS):

H. R. 2016. A bill to provide for the conveyance of an unused Air Force housing facility in the City of LaJunta, Colorado, to the City of LaJunta; to the Committee on National Security.

By Mr. SHAWS:

H. R. 2017. A bill to temporarily increase the number of visas available for backlogged spouses and children of lawful permanent residents; to the Committee on National Security and the United States Customs Service in combination with the Armed Forces, under certain circumstances and subject to certain limitations on the adjustment of status of nonimmigrants physically present in the United States to permanent residence; to the Committee on Education and the Workforce, and in addition to the Committees on National Security, Banking and Financial Services, Ways and Means, and Homeland Security, 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. SMITH of New Jersey:

H. R. 2018. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the deduction allowed for meals and entertainment expenses; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H. R. 2019. A bill to establish grant programs and provide other forms of Federal assistance to pregnant women, children in need of adoptive families, and individuals and families adopting children; to the Committee on Education and the Workforce, and in addition to the Committees on National Security, Banking and Financial Services, Ways and Means, Commerce, Oversight, and Government Reform, and 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. SOLOMON (for himself, Mr. QUINN, Mr. HASTINGS of Washington, Mr. METCALF, Mr. LAFAULCE, Mr. MILL, Mr. MCHUGH, Mr. CAMP, Mr. PAXON, Mr. URMINTIE, Mr. OBERSTAR, Mr. BALDACCI, Mr. MATHISON, Mr. NETHERCUTT, Mrs. CHENOWETH, Mr. CRAP, Mr. ALLEN, and Mr. SMITH of Texas):

H. R. 2020. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. MARRY, and Mr. BOUCHER):

H. R. 2021. A bill to require the Federal Communications Commission to conduct an inquiry into the impediments to the development of competition in the market for multichannel video programming distribution; to the Committee on Commerce, and in addition to the Committee on the Judiciary, 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. TRAFFIC (for himself, Mr. MURTHA, Mr. BILRAY, and Mr. ROHRABACHER):

H. R. 2022. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to assign members of the Armed Forces, under certain circumstances and subject to certain conditions; to the Committee on National Security.

By Mr. WALSH (for himself, Mr. MCHugh, Mr. KING of New York, Mrs. MALEYOY of New York, Mr. FORBES, Mr. BOEHLERT, Mr. LAZIO of New York, and Mr. FOSSELA):

H. R. 2023. A bill to establish programs regarding early detection of infectious diseases and interventions for newborns and infants with hearing loss; to the Committee on Commerce.
By Mr. YOUNG of Alaska:
H.R. 223. Also, a memorial of the Senate of the State of Minnesota, relative to Senate Resolution No. 51, relative to Resolution No. 186 requesting the 105th Congress to amend certain sections of the United States Code, to mandate the establishment of the territorial government of the Territory of Guam, to continue efforts to assure full compliance by other foreign nations entering California and enacting restrictions on trucks from Mexico and other foreign countries, and urging the United States Senate to ratify CEDAW; jointly to the Committees on International Relations and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXIII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. CARSON:
H.R. 2926. A bill for the relief of Adela T. Bailor; to the Committee on the Judiciary.
By Mr. MAST:
H.R. 2927. A bill for the relief of Wayne R. Hultgren; to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. THUNE, Mr. BEREUTER, Mr. LEWIS of Kentucky, Mr. HUTCHINSON, Mr. DUNCAN, and Mr. MICA.
H.R. 76: Mr. DUNCAN.
H.R. 80: Mr. NEUMANN.
H.R. 100: Mr. HINOJOSA.
H.R. 135: Mr. GILMAN, Mr. TAYLOR of Mississippi, Mr. DICKS, Mr. HALL of Texas, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. SISKIN, Mr. SHELTON, Mr. SNYDER, Mr. HALL of Ohio, Mr. JOHN, Mr. VISCLOSKY, Mr. BOYD, and Mr. GOODE.
H.R. 345: Mr. BROWN of California.
H.R. 164: Mr. WALSH.
H.R. 306: Mr. MCDONALD, Mr. CLYBURN, and Mr. MCDONALD of Connecticut.
H.R. 314: Mr. SALMON.
H.R. 398: Mr. PRICE of North Carolina.
H.R. 616: Mr. CALVERT, Mr. CLEMENT, Ms. MCCARTHY of Missouri, Ms. NORTON, Mr. CUMBERLAND, Mr. SANDLIN, Mr. FRELINGHUYSEN, Mr. EDWARDS, Ms. FURSE, Mrs. TAUSCHER, Mr. VENTO, Mr. GRAHAM, and Mrs. CHENOWETH.
H.R. 634: Mr. ISTOK.
H.R. 676: Mrs. MORELLA and Mr. PAYNE.
H.R. 677: Mr. SALMON.
H.R. 692: Mr. HASTINGS of Washington.
H.R. 715: Mrs. KELLY and Mr. ENGLE.
H.R. 738: Mr. CHOMER.
H.R. 758: Mr. BONO and Mr. SMITH of Michigan.
H.R. 768: Mr. STRICKLAND.
H.R. 815: Mr. PRICE of North Carolina.
H.R. 843: Mr. MCGOVERN.
H.R. 851: Mr. Brown of California.
H.R. 900: Mr. FORBES and Mr. JOHNSON of Wisconsin.
H.R. 971: Mr. ANDREWS.
H.R. 991: Ms. DEGETTE.
H.R. 1005: Mr. NEUMANN.
H.R. 1018: Mr. PASCAREL.
H.R. 1061: Mr. SANDLIN and Ms. ELLIE BERNICE JOHNSON of Texas.
H.R. 1114: Mr. GIOVANNI and Mr. BOYD.
H.R. 1117: Mrs. LOWEY and Ms. ESCH.
H.R. 1121: Mr. GRAHAM.
H.R. 1146: Mr. NORTWOOD.
H.R. 1159: Mr. SANDLIN.
H.R. 1165: Mrs. MCCARTHY of New York.
H.R. 1172: Mr. MARTINEZ.
CONGRESSIONAL RECORD — HOUSE
November 7, 1997

H.R. 2431: Mr. Hefner, Mrs. Maloney of New York, Mr. Andrews, Mr. Hill, Mr. Forbes, and Mr. Franks of New Jersey.
H.R. 2450: Mrs. Thurman.
H.R. 2451: Mr. McDermott.
H.R. 2456: Mr. Fossella, Mr. Fawell, and Mr. Kleinke.
H.R. 2459: Mr. Cardin, Mr. Watt of North Carolina, Mrs. Kennedy of Connecticut, Mr. Kildee, Mr. Meehan, Mr. Levin, Mr. Lewis of California, and Mr. Hinojosa.
H.R. 2461: Mr. Rahall of Indiana, Mr. Cook, Mr. Kucinich, Mr. Waxman, Mr. Filner, Mr. Hastings of Florida, Mrs. Johnson of Connecticut, and Mr. Cunningham.
H.R. 2503: Mr. Graham.
H.R. 2525: Mr. Abercrombie, Ms. Eddie Bernice Johnson of Texas, and Mr. Gutierrez.
H.R. 2527: Mr. Allen and Mr. Fattah.
H.R. 2536: Mr. Sawyer.
H.R. 2560: Mr. HORN, Mr. FOLEY, Mr. MALONEY of Connecticut, Mr. Deutsch, Mr. BUNNING of Kentucky, Mr. BURTON of Indiana, Mr. WALSH, Mr. POMBO, and Mr. HEFLEY.
H.R. 2497: Mr. MICA, Mr. BATEMAN, Mr. BURTON of Indiana, Mr. WALSH, Mr. POMBO, and Mr. HEFLEY.
H.R. 2391: Mr. HINCHENY, Ms. CHRISTIANHOLDEN, Mr. SLOWEY, Mr. CASAJOSEPH, Mr. BORSKI, and Mr. MURTHA.
H.R. 2775: Mr. Gekas, Mr. Mascara, Mr. Holden, Mr. Borski, and Mr. MURTHA.
H.R. 2783: Mr. REDMOND and Mr. STRICKLAND.
H.R. 2796: Mr. BEREREUTER and Mr. TIAHRT.
H.R. 2797: Mr. POTTERSON of Minnesota, Mr. FROST, and Mr. ENGEL.
H.R. 2805: Mr. BLUMENAUER.
H.R. 2810: Mr. DINGELL.
H.R. 2821: Mr. KINGSTON, Mr. BLUNT, and Mr. GREGORY.
H.R. 2824: Mr. LARGENT.
H.R. 2826: Mr. CALVERT, Ms. DELAURO, Mr. DIXON, Mr. EDWARDS, Mr. ENGEL, Mr. HAMILTON, Mr. KINGSTON, Mr. MCDADE, Mr. MICA, Mr. MORAN of Virginia, Ms. PELOSI, Mr. REDMOND, Mr. SAWYER, Mr. STARK, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TORRES, Mr. UPTON, and Mr. WAXMAN.
H.R. 2837: Mr. BARR of Georgia.
H.R. 2862: Mr. CUNNINGHAM.
H.R. 2868: Mr. CLEMENT, Mr. SHERMAN, Mr. BROWN of Ohio, Mr. KENNEDY of Massachusetts, Mr. WEXLER, Mr. WAXMAN, Mr. FAWELL, and Mr. BURTON.

H. Res. 22: Mr. ROGAN.
H. Con. Res. 37: Mr. POMBO.
H. Con. Res. 121: Mr. CRAMER, Mr. CARDIN, Mr. FROST, Mr. ADAM SMITH of Washington, and Mr. KLECKA.
H. Con. Res. 152: Mr. FOX of Pennsylvania and Mr. MCGILLEN.
H. Con. Res. 170: Mr. CALVERT.
H. Res. 181: Mr. GIBBS, Mr. PAYNE, Mr. ANDREWS, Mr. ACKERMAN, Mr. MCNULTY, Mr. KENNEDY of Rhode Island, Mrs. LOWEY, Ms. PELOSI, Mr. MEEHAN, Mr. FILNER, Mr. PALLONE, Mr. WELDON of Florida, Mr. WIEGAND, Mr. BLALOGOEVICH, Mr. BROWN of Ohio, Mr. CUNNINGHAM, Mr. MANTON, Mr. FAZIO of California, and Mr. CUNNINGHAM.
H. Con. Res. 183: Mr. GRAHAM.
H. Res. 16: Mr. BISHOP.
H. Res. 26: Mr. HINCHENY.
H. Res. 181: Mr. GIBBS, Mr. PAYNE, Mr. ANDREWS, Mr. ACKERMAN, Mr. MCNULTY, Mr. KENNEDY of Rhode Island, Mrs. LOWEY, Ms. PELOSI, Mr. MEEHAN, Mr. FILNER, Mr. PALLONE, Mr. WELDON of Florida, Mr. WIEGAND, Mr. BLALOGOEVICH, Mr. BROWN of Ohio, Mr. CUNNINGHAM, Mr. MANTON, Mr. FAZIO of California, and Mr. CUNNINGHAM.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk’s desk and referred as follows:

27. The SPEAKER presented a petition of the Racine Taxpayers Association, Inc., relative to a resolution indorsing Representative Mark Neumann’s Debt Reduction Bill and charging the Congress to swiftly pass it; to the Committee on the Budget.
The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation and Lord of our lives, grant us Your peace in the pressures of this day. May Your peace keep us calm when tension mounts, and serene when the strain causes stress. Remind us that You are in control and there is enough time today to do what You want us to accomplish.

Fill this Senate Chamber with Your presence. May we hear Your whisper in our souls, “Be not afraid; I am with you.” Bless the women and men of this Senate with a special measure of Your strength for the demanding schedule ahead for today. 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 Texas, is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

SCHEDULE

Mrs. HUTCHISON. Mr. President, on behalf of the majority leader I announce this morning the Senate will be in a period of morning business until 10:30 a.m.; following morning business, the leader hopes the Senate will be able to consider Amtrak reform under a short time agreement. In addition, the Senate is close to an agreement on the D.C. appropriations bill. Therefore, Members should be prepared to consider that legislation today.

Also, the leader hopes that the Senate will be able to consider the FDA reform conference report during today’s session. Unfortunately, it is looking like the Senate will need to be in session this weekend to complete work on the pending appropriations bills. Members will be notified as to the possible weekend schedule and necessary votes.

Also, the Senate may consider any additional legislative or executive items that can be cleared for action. Therefore, Members can anticipate rollcall votes throughout today’s session of the Senate and possibly into the evening.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. THOMAS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

NOTICE

Under the Rules for Publication of the Congressional Record, a final issue of the Congressional Record for the first session of the 105th Congress will be published on (the 31st day after adjournment), in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or ST–41 of the Capitol), no later than 10 days following adjournment. Office hours of the Official Reporters of Debates are 10:00 a.m. to 3:00 p.m. Monday through Friday through (the 10th day after adjournment).

The final issue will be dated (the 31st day after adjournment) and will be delivered on (the 33d day after adjournment).

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the adjournment date.

Members’ statements also should be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates (insert e-mail address for each office).

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

JOHN WARNER, Chairman.
Mr. THOMAS. Madam President, I ask unanimous consent I be allowed to speak for 5 or 6 minutes in morning business.

**MORNING BUSINESS**

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 with Senators permitted to speak for up to 10 minutes each. The time until 10 o’clock shall be under the control of the Democratic leader or his designee; in his absence, the Senator from Wyoming may proceed.

**NOMINATION OF KEVIN GOVER TO BE ASSISTANT SECRETARY OF INDIAN AFFAIRS**

Mr. THOMAS. Madam President, I rise today as a member of the Senate Indian Affairs Committee to express some concerns that I have about the nomination of Kevin Gover to be the new Assistant Secretary of Interior for Indian Affairs, the head of the BIA, the Bureau of Indian Affairs.

I begin by taking the position that in my experience the BIA is an agency that is in dire need of serious reform to make it more effective and more responsive to the needs of the tribes that it is established to serve. I therefore have a certain admiration for anyone who is willing to undertake this task, because it is a tough one. It is one that is difficult. Additionally, in this particular case, Mr. Gover’s personal qualifications recommend him very highly for this position. He also has a Wyoming connection, which of course I am interested in. Over several years he has represented the Eastern Shoshone Tribe in several legal and legislative matters.

However, it wouldn’t come as any surprise to my colleagues on that committee that given William Safire’s recent op-ed piece on the Gover nomination in the New York Times, some questions have to be raised and are raised with respect to his nomination. According to the Safire piece, in private practice and representing the Tesuque Pueblo of New Mexico, Mr. Gover was present at one of President Clinton’s infamous White House coffees. Soon thereafter, the Pueblo made two contributions to the Democratic National Committee totaling $50,000. Some time later, Mr. Gover was nominated for this position.

An examination of the nominee’s FBI file leads me to conclude that he committed no illegal acts. I believe at the very least they constitute an appearance of impropriety which should make many of us uncomfortable. I have no argument, of course, with the right of individuals to make political contributions to the party of their choice. That is provided and should be. I personally believe, however, it is a little unseemly for tribal governments to do so, to either party. It is no secret that all but two or three tribes in this country have little, if any, extra money to throw around. The overwhelming majority, even with Federal help, can hardly meet the day-to-day needs of their members—needs like shelter, health care, or education. There is a constant pressure for additional funding for those needs.

When a tribal government can’t meet the basic needs of its people, then I seriously question the morality of that government making a political contribution.

Another fact that lends itself to the appearance of impropriety in this case is the special relationship between the tribes and the Federal Government. This relationship is like the relationship between a trustee and beneficiary; the United States has a unique fiduciary responsibility to the tribes and their members. Congress has turned over responsibility for day-to-day regulation of tribal affairs to the executive branch. So I would ask myself: in any circumstances where national campaign contributions—especially to the party of a sitting President—would not carry with them the appearance of impropriety, an appearance of unseemly influence—the idea of a beneficiary influencing the trustee in its work.

And what about the appearance of a government body representing members of different political beliefs—in this case a tribal government—making a monetary contribution to a national political party on behalf of all of its members, whether or not that’s their political belief. We prohibit Federal agencies from engaging in any lobbying efforts with taxpayer funds because it would look unseemly. We prohibit unions from making political contributions to one particular party with members’ dues. Mr. President, the question might be posed that since it appears that nothing illegal took place in Mr. Gover’s case, why all the fuss? My answer, Madam President, is that oftentimes the appearance of impropriety can be just as damming as an actual illegality.

The news these days is full of examples illustrating this conclusion—the subject of Senator Thompson’s hearings, which just recently ended with credible allegations against Secretary Babbitt that tribal campaign contributions influenced the denial of a gaming license to a Midwestern tribe.

In order to get answers to some of my concerns, I met with Mr. Gover at length on November 4. Our conversation was somewhat reassuring to me, and left me feeling that my argument is not with Mr. Gover, who as far as I can tell, is not a party to this. My concern is that the Bureau tribally making these kinds of donations.

So, Madam President, should the Gover nomination be allowed to go to a vote on the floor, I do not plan to object. The BIA has been without leadership for a long time, something that Bureau can ill afford, and Mr. Gover is eminently qualified to lead it. But he can be sure while I support him, I and other Members will be watching closely to make sure he delivers on his promises to reform the Bureau, to make it more responsible and cost efficient, and to help untangle the present mess in Indian affairs.

Madam President, I yield the floor. Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BAUCUS], is recognized.

**AFTER THE SUMMIT**

Mr. BAUCUS. Madam President, I rise to discuss the state visit of Chinese President Jiang Zemin to the United States last week.

Let me begin with a reminder of our goals in Asia policy. They are: A peaceful Pacific, open trade, joint work on problems of mutual concern like environmental problems and international crime, and progress toward respect for internationally recognized human rights.

This morning I would like to discuss my view of the results.

**ACCOMPLISHMENTS OF SUMMIT**

To begin with, the positive, I believe this visit will be particularly helpful in the first area—that of ensuring a stable peace in the Pacific. The major elements of our security policy in the region are the United States alliance with Japan; a permanent troop presence in Asia; deterrence of North Korean aggression; a one-China policy coupled with a commitment to help Taiwan ensure its security; and preventing proliferation of nuclear weapons.

We have had a chance to discuss all of these issues in detail with President Jiang and China’s senior foreign policy officials. And we have emerged without any serious short-term differences, plus an important agreement on China’s part to cease nuclear cooperation with Iran. This will reduce the chances of a crisis in the region, and make peace in the Pacific generally more stable and permanent.

I see this renewed strategic dialogue and understanding of our mutual interest in a peaceful region as the major accomplishment of the visit. I would also note some important specific agreements on a range of issues, including:

In return for China’s halt of nuclear cooperation with Iran, we will open up sales of civil nuclear power technology to China; China will enter the Information Technology Agreement, thus eliminating tariffs on a range of high-tech products in which American companies are highly competitive—for example, semiconductors.

The United States will increase our assistance to China’s efforts to combat pollution; the United States Justice Department will support efforts to develop the rule of law in China, and the
military services of both countries will make their military-to-military dialogues more intense and frequent.

These are good, constructive agreements that will serve the interest of both countries. It is quite clear, however, that it is a one-way deal of what we are willing to give ahead. Our goal should not only be to avoid crises and find common ground on areas of concern to both countries, but to solve problems.

Here, we saw relatively little advance in two critical areas, and one is international trade.

**TASKS AHEAD: TRADE**

Last month, China passed Japan as the source of our largest trade deficit—and this in a year when our deficit with Japan has risen substantially over last year’s totals. And the main reason for this deficit is the fact United States exports to China have been flat for 3 years: $11.7 billion last year, $11.7 billion last year, on track for the same this year. During this period, of course, China’s economy has grown by about 30 percent.

Our strategy for change has been to encourage China’s membership in the World Trade Organization on commercially acceptable grounds.

That is our right strategy. I believe that China should have permanent MFN status when it occurs. But the progress on WTO membership has been so slow this year—even with the incenitive of the first United States-China summit since President Bush visited China nearly 9 years ago—that we need to begin thinking about a fall-back option.

That is, China may well have concluded that the status quo is acceptable for the time being—that the price for entering the WTO in terms of trade reform is higher than the price for remaining outside.

If so, we need to change that calculus. I suggest as one possibility that the administration begin to think about self-initiating a broad section 301 case, as the Bush administration did in 1991. This would tackle some of the main trade problems we are focusing on in the WTO accession talks.

This is obviously a less attractive, less cooperative approach than the WTO accession. But we have already waited 8 years for China to make a good WTO offer, and we cannot afford to wait very much longer. We remain very concerned about reports from China, while China keeps out our wheat, our manufactures, our services, and all the rest.

It is not fair, and our legitimate complaints about market access cannot be held hostage to a WTO entry.

**HUMAN RIGHTS**

The second is human rights.

Since World War II, we have viewed human rights practices within nations as intimately linked to the willingness of governments to use force and coercion outside their borders. We have also seen promotion of human rights as a humanitarian, nonpolitical responsibility that all of us hold.

I agree with both of those considerations. I believe they apply in China as well as in other countries. And I am disappointed by the lack of any significant change in Chinese policy, especially on the political prisoner question. As we look to the future, though, I believe we need to remember three things.

First, broad long-term trends in most areas are good. During the past decade, the number of political prisoners in China has fallen from about 5,000 to about 2,500; controls on information in a number of once-sensitive areas like official corruption and workplace abuses have relaxed; and China has taken steps like introducing village elections that have made the political system somewhat more accountable.

Second, we should set limited, achievable goals where we do not see a great deal of progress. These should include freedom for dissidents like Wei Jingsheng and Wang Dan; a clear public accounting of the number of people killed for strictly political reasons; talks with the Dalai Lama; and so forth. Short-term, anti-China rule of law or parliamentary process in which China is seeking our assistance, human rights policy should not include very broad, ambitious efforts to change the Chinese political system. Such efforts would be seen not as humanitarian in nature, but either as an effort to overthrow the Chinese Government, or more likely a rhetorical policy without much serious content.

And third, human rights is a long-term issue. The keys to success are patience and persistence. We will need to continue raising the cases of individuals held in prison with Chinese officials, continue our work in areas like the U.N. Human Commission on Human Rights next spring. We need to be persistent and don’t give up.

**THE ROAD FORWARD**

In the broader sense, with the summit behind us our next steps in China policy are clear.

We have set a good foundation in the political and security arena. We have done a good job in identifying other areas of mutual interest, from environmental protection to nuclear plant sales to the rule of law. We need to keep at these issues; and we need to work harder in areas like market access and human rights, where this summit brought less than we would have hoped for. And we should avoid reckless steps like broad new sanctions laws which are sure to make things worse rather than better.

On the whole, we are on the right course and we should stay there. Step by step, issue by issue, we are getting the results we should seek in China policy—a stable peace in Asia; fairness in trade; respect for international standards of human rights; and cooperation in areas of mutual interest like the environment. This summit has made very important contribution to the effort, and I look for it to continue.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. Collins). The clerk will call the roll.

Mr. Smith of Oregon. Madam President, I ask unanimous consent that the order of the question be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

**RECOGNIZING NATIONAL ADOPTION MONTH AND INTERNATIONAL ADOPTION**

Mr. Smith of Oregon. Madam President, I thank the Chair for this opportunity to recognize the month of November as National Adoption Month and to speak on this very important issue—one that is very close to my heart—and is at the very heart of my own family.

As legislators, we work to enact laws to improve and protect the lives of the American people.

However, there are occasions when our policies can hurt the very people we are trying to protect. In this instance, it is the children call be provision which, until now, seemed rather innocuous.

But for parents like Gary and Laurie Hunter from Myrtle Creek, OR, who are adopting a daughter from China, it has become a bitter pill in the adoption process.

Simply, the provision requires that all incoming immigrants receive certain immunizations before entering the United States.

While this may seem like a logical public health law, it raises serious concerns about the health and safety of children receiving vaccinations under substandard conditions in foreign countries.

Many of these countries do not practice the same sanitary health conditions as the United States.

For example, some countries lack adequate medical records for children living in orphanages and do not have access to sufficient supplies of sterile needles, creating an even greater risk to the health of young adoptive children entering the United States.

Today, I am proud to be a part of a Senate which has passed legislation, H.R. 2461, to repeal the provision requiring immunizations prior to entry into the United States, and protect the children who have yet to become citizens of this country.

This bill will exempt internationally adopted children 10 years or younger from the immunization requirement, allowing parents 30 days to immunize their children.

Importantly, immunization will not occur overseas in an orphanage, or in...
an immigration office, but upon entering the United States, under the supervision of a family physician in a safe environment.

There is a tradition in the Senate, to begin the day with a prayer from the Senate Chaplain.

Today, I would like to take a moment to end my statement with a short phrase from the Common Book of Prayer, a phrase that I hope will encourage and inspire my colleagues in these last few days of the 105th Congress to continue the work which we have been charged to do by the American people:

We have left undone those things which we ought to have done; and we have done those things which we ought not to have done.

Madam President, I am proud to stand before my colleagues today to say that with the passage of this important legislation, we have done those things which we ought to have done. I thank the Chair, and I yield the floor.

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. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. What is the order of business today?

The PRESIDING OFFICER. The Senate is conducting morning business and Senators are permitted to speak up to 10 minutes. There is also an additional order in which the time is controlled by Senator HELMS up until the hour of 10:30.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I ask unanimous consent that the 30 minutes set aside for four Senators be postponed until the Senator from West Virginia completes his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. BYRD. Madam President, I express my gratitude to my friend, Jesse HELMS, for his characteristic courtesy and his gracious request to allow me to proceed at this point. I will try not to be overly long.

TRIBUTE TO SENATOR EDWARD KENNEDY

Mr. BYRD. Madam President, William Manchester, writing in the book, "The Glory and the Dream," would call the year 1932 "the cruellest year." I was in the 10th grade at Mark Twain High School at Stotesbury in Raleigh County, southern West Virginia. Living in a coal miner's home, I saw and felt the Great Depression firsthand. Schoolteachers often had to reduce their monthly paychecks by several percentage points in order to get the checks cashed. The newspapers frequently carried stories of men who had jumped out of windows or pressed a cocked pistol to their heads. Families lived in fear because they had lost their lifetime savings, and their economic world had come crashing down around them.

Very few men in and around the coal fields had anything even remotely like an automobile, and those who were fortunate enough to possess an automobile jacked it up off the ground and mounted the axles on railroad crossties to keep the tires from rotting while enough money could be saved to pay for a new license plate. Many children went to bed hungry at night, their families destitute.

The country had hit rock bottom, and West Virginia was one of the "rock bottomest" of the States. It is hard to visualize this being done by hand, washing much worse in southern West Virginia. There was little left but hope, and there was not much of that, hardly enough to go around.

President Roosevelt, against whom I would still be campaigning 20 years later, professed to ignore the crisis as a "depression," he being convinced that a "balanced budget" was the most essential factor leading to an economic recovery. He still wore a black tie at dinner in the White House, even when the only other person dining with him was his wife, Lou.

Creatures comforts were rare. Air conditioning was unknown, as were automatic toilet seats, hair dryers, chocolate. Brushes, cassette recorders, garbage disposal units, electric can openers, vacuum cleaners, record players. Phonographs were wound with a crank by hand. The family wash was done by hand on a washboard. Wet clothes were hung on a clothesline with clothespins to dry in the wind, and a refrigerator was simply an icebox kept filled by a man who knew how many pounds of ice a house was likely to use per week. He negotiated it with the tenant by placing on the kitchen screen door a card with the number "100," "75," "50" or "25" turned up. Heavy irons for pressing clothes were heated on the coal-burning kitchen stove. Houseflies were always a summer problem, and the only preventives were spray guns and flypaper.

We were not used to much, and if we had never had much to begin with, we did not miss it. It was his wife, "Grinders Switch," Sam and Kirk McGee and Uncle Dave Macon picking the banjo "clawhammer style." On some Saturday nights, I would play the fiddle at a small but lively square dance held somewhere in a coal camp where I lived or in a neighboring community. Times were bad, but life had to go on, and a Saturday night frollic helped to keep the spirits up.

Madam President, in that year 1932, a writer for the Saturday Evening Post asked John Maynard Keynes, the great British economist, whether there had been anything anywhere in the history of the Depression before. "Yes," he replied. "It was called the Dark Ages and it lasted four hundred years." This was calamity howling on a cosmic scale, but on at least one point the resemblance seemed valid, in each case the people were victims of forces that they could not understand.

Mr. President, in that same year of 1932, there was born a child in Massachusetts, and his name was Edward Kennedy, and I knew nothing about Edward Kennedy or Edward Kennedy's birth. But today I rise on this Senate floor to salute one of the outstanding Senators in the history of this great body. He is a man of genius, whose expertise and courage have set a lofty example to which every fledgling Senator should aspire.

On November 6, 1962, Edward Kennedy was elected to the Senate, and so he is celebrating his 35th anniversary and we are celebrating the 35th anniversary of his arrival in the Senate.

I well remember the arrival of young Edward Kennedy in this Chamber. Having been elected in 1962 at the age of 30, he was one of the youngest Members in Senate history.

While Senator Kennedy may not have been the youngest Senator ever, he was certainly one of the youngest. Despite his youth, however, much was expected of this young man and I suspect that some may have wondered whether he was really up to the challenge. After all, Senator Kennedy was representing a State that had produced three Supreme Court justices, some memorable figures, among them Daniel Webster, Rufus Choate, and Charles Sumner. In addition, Senator Kennedy was elected to finish the term of the then current President, who was none other than his brother.

When one remembers that another Kennedy brother was then Attorney General of the United States, one realizes why Senator Kennedy was accorded rather more attention than the average freshman Senator. I am gratified to report that, far from falling short of these grand expectations, Senator Kennedy has exceeded them. He became an innovative and productive legislator. He also embarked on a path from which he has not varied: championing the interests of the working people, the poor, and the disadvantaged. His tenure as chairman of the Senate Committee on Labor and Human Resources during the 100th Congress was remarkable, both in the sheer volume of legislation he sponsored and in the dedication that he displayed to improving the education and health of all Americans.
I was the majority leader of the Senate during that 100th Congress. I worked closely with Senator Kennedy and he worked closely with me.

In just 2 years, Senator Kennedy pushed through more beneficial social legislation than many Senators produce in a lifetime.

Mr. President, this country has seen remarkable changes over the past 35 years. Not the least of those changes has been a shift in political attitudes from the optimism and compassion that characterized the 1960's to the more hardened and occasionally cynical climate of today. But, throughout those changes, Senator Ted Kennedy has remained faithful to his vision of an America in which the rights of those without money, jobs, health insurance, or education are protected. Others may bow to the vagaries of public opinion but not Senator Kennedy. Instead, relying on a political and legislative acumen than may owe something to his forerunners, Senator Kennedy uses the winds of popular sentiment to achieve his goals. Many times where others meekly follow the course of these powerful winds, Senator Kennedy calmly lifts a sail, with a knowledge and dedication that can conquer the most imposing obstacles.

Despite his passionate and unswerving convictions, Senator Kennedy is also one of the most accommodating Members of the Senate. Throughout his career, he has sought out partnerships with Members regardless of their ideology or party in the interests of passing wise and necessary legislation. Even in these partisan days in which we live, Senator Kennedy constantly seeks to find common ground with those at all points along the political spectrum. Senator Kennedy has repeatedly put the national interest ahead of petty partisan squabbles.

Not that he is above partisanship at all. We are all capable of being partisan at times; some of us more than others, at times; some of us more than others, and I lean heavily on Senator Kennedy's knowledge, his expertise, his support.

I have remarked before, and I remark today, that had Ted Kennedy been living in 1789 at the time the first Congress met, he would have been a powerful factor in pressing forward with the legislation that was enacted in that first Congress. A formidable opponent, a knowledgeable and dedicated legislator, Ted Kennedy would have been in the forefront with me advocating the Judiciary Act, and I have no doubt that he would have left his imprint upon that legislation.

Had he been living at the time of the Civil War, serving in the U.S. Senate, again, he would have been recognized as a forceful leader.

In the days of reconstruction, again, Senator Kennedy would have made his mark in the U.S. Senate. Had he been a Senator during the years of the New Deal, he would have allied himself with Franklin D. Roosevelt and would have been a strong supporter of the landmark legislation that was enacted in those difficult years.

I think that if Ted Kennedy had been living prior to the Revolution, he would have joined men like Samuel Adams and John Adams and John Hancock, from his State of Massachusetts, in resisting the edicts of George III, the King of England.

So, in summation, I say that Ted Kennedy would have been a leader, an outstanding Senator, at any period of the Nation's history.

Ted Kennedy and I have not always been the best of friends. There was a time when we were not. That time has long been relegated to the ashes of the past. When I was majority leader of the Senate, and also when I was minority leader of the Senate, and when I was majority chairman, as I and Kennedy clearly indicated, in the 100th Congress, I leaned much on Ted Kennedy's knowledge, his expertise, his support. He was one of my strongest supporters in the Senate. In caucuses or on the Senate floor, I could always count on Ted Kennedy to be there when I needed him.

So, Ted Kennedy and I formed a friendship in the finest sense of that word. We share a liking for history, a fondness for poetry, and a love for the U.S. Senate. Ted Kennedy does his work well in the committee. When he comes to the floor, he comes with a batch of papers in his hands and with a head full of knowledge he brings to the legislative work that he is promoting. I count him as one of the most effective Members of the Senate.

I admire Ted's steadfast purpose, his tireless work, his easy humor, and his kind nature. But, most of all, I admire his constant dedication to the fight against injustice, and I admire his personal tragedy and deep sorrow than most of us could bear and still retain our sanity. Yet, he goes on. He contributes. He endures. He laughs. He leads. He inspires. He triumphs.

I have watched him weather and work and grow in wisdom for 35 years. He has an excellent staff. One would have to have an excellent staff to be able to handle the enormous amount of work and to provide the leadership that he has so many times provided in enacting landmark legislation. He is ever on an upward track.

Herman Melville put it this way:

And lit the ages as they ran.

Thanksgiving for the armed seers
That echoes down from sky to sky;
For all the courage of their cry
That point us to the deathless goals—
That I think typifies Senator Kennedy:
May he ever soar.

So here is to my friend and colleague as he celebrates his 35th anniversary. May he ever soar.

I close with a verse by one of my favorite poets, Edwin Markham, a verse that I think typifies Senator Kennedy:

Give thanks, O heart, for the high souls
That point us to the deathless goals—
For all the courage of their cry
That echoes down from sky to sky:
Thanksgiving for the armed seers
That have built our faith in man,
And lit the ages as they ran.

I again thank my true friend, and he is my friend, has been for all the years that he has been in the Senate, Jesse Helms, for his kindness in arranging for me to proceed at this moment.

I thank him very much.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Madam President, I can assure the able Senator from West Virginia—I have always described him as a Senator's Senator—it is always a pleasure to cooperate with him any time, and I enjoy listening to him because I learn something every time.

Mr. BYRD. I thank the Senator.

Mr. HELMS, I thank the Senator.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

The remarks of Mr. HELMS, Mr. DeWINE, and Mr. GLENN pertaining to the introduction of S. 1397 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions."

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

EXTENSION OF MORNING BUSINESS

Mr. SPECTER. Madam President, I ask unanimous consent that morning business be extended by 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The remarks of Mr. SPECTER and Mr. BURGESS pertaining to the submission of Senate Resolution 146 are located in today's Record under "Submission of Concurrent and Senate Resolutions."
Mr. BUMPERS addressed the Chair. The PRESIDING OFFICER (Mr. GRAMS). The Senator from Arkansas is recognized.

The remarks of Mr. BUMPERS and Mr. GORTON pertaining to the introduction of S. 401 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAST-TRACK LEGISLATION

Ms. COLLINS. Mr. President, in the life of a country, as in the life of an individual, there are times when we must choose between moving forward and standing still. Our trade policy is at just such a crossroads: We must decide whether to promote freer trade and more open markets or try to preserve the status quo.

As we confront this issue, we must recognize that the world is changing and that even an economic superpower can no longer postpone the inevitable. Our resolution of this issue will determine whether the United States continues to move forward on a wave of export-driven growth or risks permitting other economies to leave us behind. It is time to stand behind our commitment to free trade and work to bring other countries into open trading relationships that will mean jobs and prosperity for our citizens in the century ahead. That is why, Mr. President, I have decided to support the fast track legislation.

In developing my position on this legislation, I have been guided by one overriding consideration - will its enactment improve the lives of the people of Maine? Will it mean more customers for Maine businesses? Will it mean more opportunities for Maine entrepreneurs? And most important, will it mean more jobs for Maine workers?

While free trade is not without problems, I firmly believe that the long-term answer to all of these questions is yes.

International trade is an increasingly critical part of Maine's economy. In 1996, for example, my State exported more than 1.2 billion dollars worth of goods, both the direct and indirect impact, those exports translated into 13,500 Maine jobs.

But this export-led growth is just the beginning. I believe the people of Maine have the ingenuity, the drive, and the work ethic to flourish in a world of freer trade and more open markets for U.S. goods. From successful retailers like L.L. Bean, to manufacturers like Pratt & Whitney, to financial service companies like UNUM, to high-technology companies like Portland's ABB to paper mills throughout my State, Maine enterprises have proven that they can compete in a global economy. These companies recognize that much of their future revenue and job growth will come from serving customers beyond our borders.

This is well understood in Maine. The United Paperworkers International Union has committed to the United Nations to negotiate reductions in European tariffs to help open foreign markets to the products its members make in Maine and elsewhere and to generate more export-related jobs. As Prof. Charles Colgan of the University of Southern Maine, a noted trade expert, stated in a recent letter to me, "The . . . vote on Fast Track authority for the President to negotiate additional trade agreements is an important vote for Maine. International trade is an increasingly vital part of the Maine economy . . ."

Perhaps the clearest reason to support fast-track authority was set forth in a letter from the State of Maine's director of International Trade, who wrote as follows: "I simply feel that our best hopes for long-term economic prosperity here in Maine lie in creating international opportunities for our people, and not in limiting our access to new and emerging economies. However, without internationalizing our ability to trade will never create new jobs for Maine people."

Mr. President, I said earlier that we face the decision of whether to move forward. But in reality, the world will move forward whether we do, and thus, the real question is not whether we move forward, but whether we move forward wisely. That is the standard against which we should judge our trade policy, and against which we should judge this legislation. To me, this means that our trade strategy must meet three tests.

First, since some citizens may be temporarily disadvantaged—through no fault of their own—by the changes and the free trade these agreements encompass, it is important that they will not be left out. Second, we must ensure that free trade is genuinely free, for that is what "fair trade" really means: If we do not insist that other countries open their markets to fair competition from U.S. goods, the system will collapse. Third, as we give the President the authority to negotiate trade agreements, we must preserve an important role for Congress in this vital area of national policy.

After weeks of studying this issue, listening to my constituents, and consulting with U.S. trade officials, it has become clear to me that the renewal of fast-track authority meets my three criteria and is very much in the best interests of my country and my State.

First, while the rising economic tide that comes from free trade ultimately lifts all boats, it may impose costs upon some of our citizens in the short run. For this reason, I was greatly encouraged by the President's promise to expand Trade Adjustment Assistance programs—and to expand them to include not only workers directly affected by trade adjustments but also workers in businesses supplying affected companies. This change should prove particularly beneficial to small businesses in Maine and elsewhere.

Second, I am pleased to have received assurances from the office of the U.S. Trade Representative that they share some of the important concerns of Maine's citizens with regard to ensuring that trade is really free. More specifically, Ambassador Barshefsky has made clear to me in writing that she regards Canada's bulk easement rules on potato imports to be an unfair trade barrier that must be pursued with the Canadian Government. Ambassador Barshefsky has committed to me that she will begin bilateral talks with the Canadian Government, beginning no later than March 1998. In addition, Ambassador Barshefsky has assured me that she views Canadian potato subsidies as a very serious matter that also must be addressed. Having established open markets as the norm, our trade officials must work—and, I have been assured, are working—to ensure that foreign governments keep their promises.

Furthermore, I want to emphasize that passage of this legislation will not in any way hinder the ability of an industry to bring challenges under current trade laws against unfair trade practices, such as subsidies provided by foreign governments. Members of the farmed salmon industry in Maine have brought such a case. They seek relief from the adverse effects of dumping and subsidization of foreign competitors, which give Chilean competitors an unfair and illegal advantage.

It was only after I became satisfied that fast track would not negatively affect the Maine salmon industry or its ability to pursue its legitimate grievances under current law that I decided to support this legislation. As a representative of the salmon industry recently advised me, it is not just critical to them is "the preservation of effective remedies under existing law and their vigorous enforcement." This legislation not only preserves existing remedies but also has as one of its objectives the pursuit of illegal activities by other nations. Thus, it recognizes that free trade is not achieved by the stroke of a pen on an agreement but rather by a commitment to the vigorous enforcement of our trade laws.

Finally, this bill carefully balances the need to preserve the proper balance of powers and responsibilities within our Government. While it restricts Congress' power to amend the terms of trade agreements, it maintains our right to reject legislation that goes farther than any prior fast-track legislation to protect Congressional prerogatives. For example, it limits the application of the fast track to agreements which advance specifically enumerated objectives in the bill, which preserves our ultimate authority to set the goals of U.S. trade policy.
Moreover, the Senate version of the legislation contains more elaborate procedures than ever before to ensure that Congress is consulted at every step as the President negotiates trade agreements. The President must consult with or notify the relevant committees—those on foreign relations as a whole—or at least five different occasions during the process, even before Congress begins drafting an agreement’s implementing legislation. These requirements guarantee that at all times we will be fully informed of the progress of ongoing trade talks.

Most significantly, unlike past fast-track legislation, S. 1289 permits congressional disapproval of a trade agreement long before the stage of final ratification. After the President notifies Congress of his intent to negotiate a specific agreement, the Senate Finance Committee and the House Ways and Means Committee may vote to “disapprove” the idea—thus removing it from the fast-track process and making it subject to ordinary amendment. Under this legislation, what Congress gives to the President it may also take away. In short, the bill allows America to move more quickly in a rapidly changing world, including making Congress more of a real partner in the negotiation of trade agreements.

The United States is one of the principal engines of the world economy in large part because it has long been one of the world’s trading economies. We are a more prosperous America, and a more prosperous world. For that reason, I intend to vote for the fast-track legislation.

At this point, Mr. President, I ask unanimous consent that letters from Ambassador Barshefsky, the Maine International Trade Center, Unum Insurance Co., Pratt & Whitney, and ABB Environmental Services be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

Hon. SUSAN M. COLLINS, U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: Thank you for your inquiry concerning the potential impact of “fast track” trade pact negotiating authority on Maine’s economic competitiveness.

As Maine’s Director of International Trade, I am pleased to share my thoughts on this important issue.

Free trade agreements such as the US-Canada Free Trade Agreement, NAFTA and Mercosur continue to be the subject of considerable public attention, misunderstanding and debate. The need for a free trade environment and an open international trade system continues to grow.

Free trade agreements generally cite the dangers of protectionism and the benefits of exporting products. We believe that free trade agreements are a critical tool for ensuring that our businesses and workers can compete effectively in the global marketplace.

We support the benefits of free trade agreements, but we also recognize that we have to continue to strive to be the very best.

Erecting protectionist barriers will not in itself improve conditions for our exporters. If we do not allow our businesses to compete in the world market, we will remain far behind the curve—and that will in the short, medium and long-term result in loss of opportunity for Maine businesses, and impact our economic growth.

I continue to have ultimate confidence in the competitiveness of Maine’s workers, products and services. Our goods and services are highly competitive and desired around the world. We have new, enhanced competition—and once the doors to new markets are open to us, we can and do succeed. Our workers are second to none. High quality, premium and value-added goods are being produced in Maine today when many lower-cost markets are available for the purpose. In short, we have nothing to fear from world markets, so long as we recognize that we have to continue to strive to be the very best.

Fast track authority will enable the President to conclude trade agreements that can create vistas of opportunity for Maine businesses. We need to have enough faith in our leadership, and in the political process, to trust that our concerns over environmental protection and job impact will be represented at the negotiating table. The cost, hard truth is that our competitors from around the globe are aggressively pursuing trading relationships in countries and markets that we cannot yet approach owing to trade barriers or other impediments. If we dither, or if we engage in protracted debate on these matters, we will be at a disadvantage.

We believe that preserving the competitiveness of our export sector is the key to ensuring that American businesses can compete in the global marketplace.

Thank you for your interest in this important issue.

Sincerely,

CHARLENE BARSHEFSKY,
MAINE INTERNATIONAL TRADE CENTER,
Portland, ME, November 6, 1997.

Hon. SUSAN M. COLLINS,
U.S. Senator, Washington, DC.

RE Fast-Track Negotiating Authority.

DEAR SENATOR COLLINS: Thank you for your inquiry concerning the potential impact of “fast track” trade pact negotiating authority on Maine’s economic competitiveness. As Maine’s Director of International Trade, I am pleased to share my thoughts on this important issue.

Free trade agreements such as the US-Canada Free Trade Agreement, NAFTA and Mercosur continue to be the subject of considerable public attention, misunderstanding and debate. The need for a free trade environment and an open international trade system continues to grow.

Free trade agreements generally cite the dangers of protectionism and the benefits of exporting products. We believe that free trade agreements are a critical tool for ensuring that our businesses and workers can compete effectively in the global marketplace.

We support the benefits of free trade agreements, but we also recognize that we have to continue to strive to be the very best.

Erecting protectionist barriers will not in itself improve conditions for our exporters. If we do not allow our businesses to compete in the world market, we will remain far behind the curve—and that will in the short, medium and long-term result in loss of opportunity for Maine businesses, and impact our economic growth.

I continue to have ultimate confidence in the competitiveness of Maine’s workers, products and services. Our goods and services are highly competitive and desired around the world. We have new, enhanced competition—and once the doors to new markets are open to us, we can and do succeed. Our workers are second to none. High quality, premium and value-added goods are being produced in Maine today when many lower-cost markets are available for the purpose. In short, we have nothing to fear from world markets, so long as we recognize that we have to continue to strive to be the very best.

Fast track authority will enable the President to conclude trade agreements that can create vistas of opportunity for Maine businesses. We need to have enough faith in our leadership, and in the political process, to trust that our concerns over environmental protection and job impact will be represented at the negotiating table. The cost, hard truth is that our competitors from around the globe are aggressively pursuing trading relationships in countries and markets that we cannot yet approach owing to trade barriers or other impediments. If we dither, or if we engage in protracted debate on these matters, we will be at a disadvantage.

We believe that preserving the competitiveness of our export sector is the key to ensuring that American businesses can compete in the global marketplace.

Thank you for your interest in this important issue.

Sincerely,

CHARLENE BARSHEFSKY,
MAINE INTERNATIONAL TRADE CENTER,
Portland, ME, November 6, 1997.

Hon. SUSAN M. COLLINS,
U.S. Senator, Washington, DC.

RE Fast-Track Negotiating Authority.

DEAR SENATOR COLLINS: Thank you for your inquiry concerning the potential impact of “fast track” trade pact negotiating authority on Maine’s economic competitiveness. As Maine’s Director of International Trade, I am pleased to share my thoughts on this important issue.

Free trade agreements such as the US-Canada Free Trade Agreement, NAFTA and Mercosur continue to be the subject of considerable public attention, misunderstanding and debate. The need for a free trade environment and an open international trade system continues to grow.

Free trade agreements generally cite the dangers of protectionism and the benefits of exporting products. We believe that free trade agreements are a critical tool for ensuring that our businesses and workers can compete effectively in the global marketplace.

We support the benefits of free trade agreements, but we also recognize that we have to continue to strive to be the very best.

Erecting protectionist barriers will not in itself improve conditions for our exporters. If we do not allow our businesses to compete in the world market, we will remain far behind the curve—and that will in the short, medium and long-term result in loss of opportunity for Maine businesses, and impact our economic growth.

I continue to have ultimate confidence in the competitiveness of Maine’s workers, products and services. Our goods and services are highly competitive and desired around the world. We have new, enhanced competition—and once the doors to new markets are open to us, we can and do succeed. Our workers are second to none. High quality, premium and value-added goods are being produced in Maine today when many lower-cost markets are available for the purpose. In short, we have nothing to fear from world markets, so long as we recognize that we have to continue to strive to be the very best.

Fast track authority will enable the President to conclude trade agreements that can create vistas of opportunity for Maine businesses. We need to have enough faith in our leadership, and in the political process, to trust that our concerns over environmental protection and job impact will be represented at the negotiating table. The cost, hard truth is that our competitors from around the globe are aggressively pursuing trading relationships in countries and markets that we cannot yet approach owing to trade barriers or other impediments. If we dither, or if we engage in protracted debate on these matters, we will be at a disadvantage.

We believe that preserving the competitiveness of our export sector is the key to ensuring that American businesses can compete in the global marketplace.

Thank you for your interest in this important issue.

Sincerely,

CHARLENE BARSHEFSKY,
MAINE INTERNATIONAL TRADE CENTER,
Portland, ME, November 6, 1997.

Hon. SUSAN M. COLLINS,
U.S. Senator, Washington, DC.

RE Fast-Track Negotiating Authority.

DEAR SENATOR COLLINS: Thank you for your inquiry concerning the potential impact of “fast track” trade pact negotiating authority on Maine’s economic competitiveness. As Maine’s Director of International Trade, I am pleased to share my thoughts on this important issue.

Free trade agreements such as the US-Canada Free Trade Agreement, NAFTA and Mercosur continue to be the subject of considerable public attention, misunderstanding and debate. The need for a free trade environment and an open international trade system continues to grow.

Free trade agreements generally cite the dangers of protectionism and the benefits of exporting products. We believe that free trade agreements are a critical tool for ensuring that our businesses and workers can compete effectively in the global marketplace.

We support the benefits of free trade agreements, but we also recognize that we have to continue to strive to be the very best.

Erecting protectionist barriers will not in itself improve conditions for our exporters. If we do not allow our businesses to compete in the world market, we will remain far behind the curve—and that will in the short, medium and long-term result in loss of opportunity for Maine businesses, and impact our economic growth.

I continue to have ultimate confidence in the competitiveness of Maine’s workers, products and services. Our goods and services are highly competitive and desired around the world. We have new, enhanced competition—and once the doors to new markets are open to us, we can and do succeed. Our workers are second to none. High quality, premium and value-added goods are being produced in Maine today when many lower-cost markets are available for the purpose. In short, we have nothing to fear from world markets, so long as we recognize that we have to continue to strive to be the very best.

Fast track authority will enable the President to conclude trade agreements that can create vistas of opportunity for Maine businesses. We need to have enough faith in our leadership, and in the political process, to trust that our concerns over environmental protection and job impact will be represented at the negotiating table. The cost, hard truth is that our competitors from around the globe are aggressively pursuing trading relationships in countries and markets that we cannot yet approach owing to trade barriers or other impediments. If we dither, or if we engage in protracted debate on these matters, we will be at a disadvantage.

We believe that preserving the competitiveness of our export sector is the key to ensuring that American businesses can compete in the global marketplace.

Thank you for your interest in this important issue.

Sincerely,

CHARLENE BARSHEFSKY,
MAINE INTERNATIONAL TRADE CENTER,
I thank you for the opportunity to comment, and wish you the very best in your deliberations. With best regards, I am.

Very truly yours,

Paul B. Newman,
Director of International Trade, State of Maine and President, International Trade Center.

Unum Corporation,

Senator Susan M. Collins,
Russell Building, Washington, DC.

Dear Senator Collins:

This year, Unum communicated support for passage of fast track trade negotiating legislation. As this issue moves forward in Congress, I wanted to write and reiterate our support for passage of this legislation.

Opening foreign markets has been critical for Unum in several of our recent international expansions. Currently, Unum has operations in the United Kingdom, Japan, Argentina, Bermuda, France, and Germany, along with the United States and Canada.

We will continue to expand internationally as opportunities present themselves. However, we have found that it is imperative that our government be able to negotiate aggressively with our trading partners in order to get the fair and open access that we need to compete. Fast track legislation gives our government the ability to negotiate these kinds of trade agreements. As you weigh the facts on this issue, I think you will see that this legislation is a necessary tool for our government to be successful in negotiating with foreign governments.

If you would like additional information about Unum’s international operations, I would be more than happy to provide it. As fast track legislation is considered by the Senate, I urge your support.

Sincerely,

Brian K. Atkinson
2nd Vice President, External Affairs.

Pratt & Whitney,
North Berwick, ME, October 31, 1997.

Senator Susan M. Collins,
Russell Office Building, U.S. Senate, Washington, DC.

Dear Senator Collins:

The president’s authority to negotiate any major trade agreement has lapsed and must be authorized by Congress. I am writing to tell you why it is important to the people at Pratt & Whitney, ABB’s North Berwick plant, and United Technologies, to pass legislation known as “fast track” authority this year.

Pratt & Whitney’s business success in the U.S. depends to a significant degree on our ability to sell our products in markets abroad. Our government’s negotiators need fast track authority to open markets, reduce tariffs and eliminate trade barriers to U.S. products. Negotiators will not be taken seriously if it is perceived that they do not have the authority to make an agreement.

Fast track is not a new concept, and it does not result in us “rushing into trade agreements”. It has been a procedure used since 1974 and has been renewed many times by Congress. Fast track does not remove Congress’ involvement in trade agreements because the legislation includes specific negotiating elements and a consultation mechanism whereby the president is obligated to consult with Congress during the negotiating of the agreements. All fast track ensures is that once an agreement is reached, with congressional permission and consultation, it will not be amended after it is signed.

Why is fast track important to our economy? Because trade creates and supports jobs in the U.S. and in Maine. The opponents of fast track would have us halt our participation in the global economy. That approach is the greatest threat to jobs in the U.S., especially for United Technologies that export over $3 billion per year. We need fast track to stay competitive, and maintain a strong economy.

I urge you to press for speedy consideration of the fast track legislation in Congress this year.

Sincerely,

R. E. Pounchak, General Manager.

ABB Environmental Services, Inc.,

Hon. Susan M. Collins,
U.S. Senate, Washington, DC.

Dear Senator Collins:

On behalf of ABB Inc., I am writing to urge you to support renewing fast track authority for the President. More than one third of the economic growth and nearly 40 percent of the new jobs created since 1993 are based on exports. Since only 4 percent of the world’s consumers reside in the U.S., future growth and job creation will rely heavily on exports and the ability of the U.S. to access its global markets.

In order for the U.S. to be able to eliminate trade barriers and thus open foreign markets to U.S. goods and services, the President must have the fast track authority to negotiate trade agreements from a position of strength, where the U.S. will be able to maintain its place as a world economic leader.

Fast track will provide the President with this authority.

Fast track authority is especially important to ABB Inc. Our operations in the U.S. are becoming increasingly dependent on exports. So far, ABB’s exports in 1997 have grown over 40 percent. The ability to gain greater access to markets all over the world and especially in Asia is vital to the well-being of our company and employees. Fast track authority will ensure that ABB’s interests abroad, as well as those of other U.S. companies, will be preserved.

Every President since 1974 has had fast track trade negotiating authority. Without fast track, the U.S. will be at a competitive disadvantage by permitting other countries to gain preferential market treatment at the expense of the American worker. Since fast track authority expired in 1994, more than twenty trade expansion agreements have been negotiated without the U.S.

Once again, I am requesting that you endorse, support, and communicate support for the President. Please help support a strong American economy and jobs for the future by supporting fast track.

Sincerely,

David P. Csintyan, Office Manager.

Ms. Collins. I thank the Chair. I yield the floor.

Mr. ROTH. Mr. President, I make a point of order. A quorum is not present.

The PRESIDING OFFICER. (Mr. FRIST.) The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. 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. ROTH. I ask unanimous consent that there now be a period of morning business until 1 p.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I make a point of order. A quorum is not present.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS TO S. 1269

Mr. CRAIG. Mr. President, at this moment I am filing at the desk four amendments that at the appropriate time I would make to a disposition of the 1960’s North American Canadian Free-Trade Agreement to S. 1269, the fast-track legislation.

The chairman is on the floor and I would provide him with a packet of information as it relates to these amendments. Indeed, I view the fate of fast track or if the House will be able to engender the necessary votes to pass this legislation.

Clearly, I think the proper refinement of fast track broadens its ability and to pass and to pass it becomes very important to all of us, if that is the case, that it does. I have reservations about giving the President this authority, and yet at the same time I have not stood in the way that the process be expeditious to get it to the floor for a vote. But the amendments that I am filing this afternoon that I think are important are a product of the frustrations that American producers have experienced as a result of the mid-1960’s North American Canadian Free-Trade Agreement and then, of course, NAFTA, the North American Free-Trade Agreement in the early 1990’s.

One of my amendments deals with the commodity problems that we have primarily in agriculture but also in the forest products industry between Canada and the United States. The flow of commodity interest is largely one way at this moment, from Canada into the United States—live cattle impacting our markets, grain bypassing through the Canadian Grain Board, the protocol of the North American Free-Trade Agreement. We have just had disputes with Canada over poultry and dairy products. We now see a flood of potatoes coming out of Canada, potatoes last year that depressed the United States producer price to almost a historic low level, putting farmers in Idaho, Washington, and Maine in jeopardy.

As a result of that, one of my amendments would establish a bilateral joint commission to identify and recommend means of resolving national regional and provincial trading or trade distortions and differences between the United States and Canada with respect to the production, processing and sales of agricultural commodities. I have explained the reason why, and if we get
Mr. KERREY. Mr. President, I hope my colleagues understand this legislation is something that will, by all accounts, today improve the operational efficiency of the IRS. It does not address many of the issues that were raised in the North American Free-Trade Agreement. 

The IRS Restructuring Act of 1997, just received yesterday from the House, that the bill be read three times and passed, and the motion to lay the bill on the table. Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KERREY. Mr. President, I hope my colleagues understand this legislation is something that will, by all accounts, today improve the operational efficiency of the IRS. It does not address many of the issues that were raised in the North American Free-Trade Agreement. The IRS Restructuring Act of 1997, just received yesterday from the House, that the bill be read three times and passed, and the motion to lay the bill on the table.

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KERREY. Mr. President, I hope my colleagues understand this legislation is something that will, by all accounts, today improve the operational efficiency of the IRS. It does not address many of the issues that were raised in the North American Free-Trade Agreement. 

IRS Restructuring Act of 1997

Mr. KERREY. Mr. President, I ask unanimous consent the Senate proceed immediately to H.R. 2767, the IRS Restructuring Act of 1997, just received immediately to H.R. 2767, the IRS Restructuring Act of 1997, just received yesterday from the House, that the bill be read three times and passed, and the motion to lay the bill on the table.

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KERREY. Mr. President, I hope my colleagues understand this legislation is something that will, by all accounts, today improve the operational efficiency of the IRS. It does not address many of the issues that were raised in the North American Free-Trade Agreement.
chairman of the Finance Committee, the distinguished Senator from Delaware, wants to pass. I think it is very difficult to explain to taxpayers back home why we didn’t give the Commissioner the legal authority needed to manage his agency in a manner that would enable the voluntary compliance to go up and customer satisfaction to improve as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise to object to the unanimous-consent request made by my distinguished colleague, Senator Bob Kerrey. In doing so, let me be clear that I applaud Senator Kerrey’s tremendous work and leadership, and I am grateful for the groundwork he and the commission he has chaired have laid in the important effort to reform the Internal Revenue Service.

What concerns me, Mr. President, is that the legislation which is being advocated at this time is—as the Washington Post pointed out—a measure that has not been subject to the kind of scrutiny and debate that must attend such an important issue. The fact is that Congress will get only one good opportunity to pass necessary and meaningful reform to the IRS. The work accomplished by the commission chaired by Senator Kerrey and Congressman Portman disclosed a number of shortcomings within the agency. A near-year-long investigation by the Senate Finance Committee and hearings that we held in September disclosed even more issues that need to be addressed. And our on-going investigation continues to turn up others on what has nearly turned into a daily basis.

IRS reform must be complete. It must be accomplished thoughtfully, methodically, thoroughly—with Congress, the administration, and the taxpayers working together. Everyone knows that the last great attempt at reform, the King Commission in the 1960’s or so, overlaid what was then known as the Bureau of Internal Revenue. But within only a few years, the agency was once again whacked by abuse and misuse of authority.

We need complete reform, Mr. President. This time, we must get it right.

Among those things that we must analyze and address are:

- Giving the oversight board—the IRS—authority to look at audit and collection activities;
- Insuring that all taxpayers have due process and that the IRS does not abusively use its liens and seizures authority;
- Making the taxpayer advocate within the agency independent and responsible to the oversight board;
- Establishing an independent inspector general within the IRS, and requiring the IG—like the taxpayer advocate—to report to the oversight board;
- Requiring signatures on all correspondence;
- Banning the use of false identifications;
- Banning the use of Bureau of Labor Statistics as a mechanism to determine taxpayers’ income; and,
- Banning the use of statistics and goals in determining performance of IRS employees.

Mr. President, each of these represents an area where we need to make reform. And the truth is, they are only a sampling of the changes that emerged from our first series of hearings. I know that there will be others. They, as well as these, will have to be examined, debated and—and where and when appropriate—adopted as part of a major overhaul.

For these reasons, I object to the unanimous-consent request made by Senator Kerrey.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I appreciate very much the comments of the distinguished chairman of the Finance Committee, the senior Senator from Delaware. Especially his willingness to hold 3 days of hearings, scrutinizing what is called the 6103 veil, which allows us to see information that typically is held in secret, in confidence, to protect the taxpayer. These hearings enabled the American people to see abuses that most Americans look at and say: This is objectionable and should not be allowed to continue.

I would point out, though, that the board question that the chairman raised here, namely more authority—the Washington Post editorial cited one of the reasons they wanted more hearings was they thought the legislation that we had given the board too much authority. So my guess is they would write the committee saying: You better give the board more hearings because you still have it wrong.

We had 12 days of hearings in the hearings that Senator Portman of Ohio and I conducted. Thousands of interviews with IRS employees, former Commissioner Richardson supports it, former Commissioner Goldman supports it, former Commissioner Rossotti the authority to be able to look at the details of this legislation. And the tape is available. Mr. Kerrey, get your signature and would set up the IRS Commissioner should not have the legal authority to be able to go to electronic filing, to have the authority to be able to comment on tax complexity?

All these things are fairly straightforward. I can’t imagine the IRS Commissioner should not have the authority this legislation gives him to be able to manage the agency. The risks are high, Mr. President, that in this next filing system, that we have been born into by penetrating the 6103 veil, there is a good chance we are going to get a decrease in voluntary compliance, with citizens saying it may be a small percentage and, indeed, our commission disclosed that it is a relatively small percentage of IRS employees who are abusing the authority and the power that they have. But I can tell you that when the odds are only 4, 5 or 6 percent, that is still pretty good odds if it is your tax return if it is your life, if it is your future that is at stake.

We risk a lot by delaying, and the people who are going to pay a price, again, are those 130,000 people who every single day are going to get a letter in the mail saying, you owe additional taxes, and that quarter of a million people who are going to call up every single day to the IRS trying to get a question answered.

I don’t disagree at all with the chairman’s identifying some additional things that need to be done, but where we have such broad consensus among Republicans and Democrats, with only four dissenting votes in the House, my guess is it is in the Senate it would pass nearly unanimously as well once people look at the details of this legislation and see what it would give new Commissioner Rossotti the authority to be able to do.

Again, I don’t know how long we are going to be around here, but this piece of legislation, if it were taken up in the manner I have described, I believe would be passed quickly, would be in the hands of the President, get his signature and would set up not just the debate that the distinguished chairman of the committee has identified, but also a debate on tax simplicity and other things that ought to be taken up by this body as well as the House.

This sets up the debate. It doesn’t decrease the opportunity for a debate. It
makes it more likely we will have a healthy debate about tax simplicity, about our code and about further changes that need to be made in the IRS in order to make certain that we can close this breathtaking gap that exists today between what the IRS is able to do and what the private sector is able to do for that 85 to 90 percent of the American people who are voluntarily willing to comply to pay their taxes, if they can just get one answer, which is: How big is the bill? How much do I owe?

It is that question that dictates much of the financial planning that American families are doing, and it is a very difficult question to get answered in the current environment. That question would be made much easier to answer if we would just take this piece of legislation up, enact it and get it on to the President for his signature.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, our colleagues from Nebraska, I think, made the same request yesterday, and maybe some of those comments were made yesterday. If we didn’t have additional ideas to make the legislation better, I would agree with him, because I think the House passed some good legislation. I think we can make it better. Chairman ROTH mentioned a couple things we can do.

We had good hearings. Actually, the hearings that promulgated a lot of the IRS reforms happened in the Senate, not in the House. Our House colleagues, as the Constitution provides, initiates revenue measures. So they have acted and they have acted promptly. I congratulate Chairman Archer, who I think does an outstanding job as chairman of Ways and Means Committee. The House has done good work and passed a good, bipartisan bill.

Likewise, we can do good work in the Senate. We can pass a bipartisan bill. We might do better. We might add and build upon what the House has in their legislation. We heard from a lot of things. Mr. Dolan, the acting Commissioner of the IRS, had some suggestions; brought out some points. We had witnesses who talked about IRS abuse. I think we can build upon some of the changes that the House has advocated and make a better bill, but it may take a little bit of time to do it. I would like to do it and do it right.

Again, I appreciate what our colleagues from Nebraska is saying, but I would very much like and happen to agree with the chairman, I think we would be better off if we allow the Finance Committee to mark up the legislation, make improvements, and pass legislation that, again, will, hopefully, receive bipartisan support and the President’s signature as well.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I appreciate very much what the distinguished Senator from Oklahoma is saying. We have had many conversations. He is co-sponsoring the legislation, so I know he wants to get this reform enacted. I believe that when we know we can get something done that will improve the operation of the IRS, we ought to do it.

Again, I think this sets up the basis for further action, because it gives the IRS Commissioner the kind of authority that the IRS Commissioner needs to manage the agency. It gives the IRS Commissioner authority that the House did not think the Code is doing to the taxpayers, this is what it is costing the taxpayers to comply with the Code we have.

I favor rather aggressive reform of the Code. I certainly wouldn’t come to the floor and say I don’t think we ought to do it until we reform the Code. There is lots more that can be done with the IRS, no doubt about it. But I don’t think we are ever going to have a single piece of legislation that does it all.

For gosh sakes, we just confirmed a new Commissioner and sent him over to run an agency of 115,000 people. Look at the law. The law doesn’t give him the authority to manage the agency.

It doesn’t give him the authority to hire and fire senior people.

It doesn’t give him the authority to provide positive financial incentives so the agency can be run in a better fashion.

It doesn’t give him legal authority to move expeditiously to electronic filing.

It doesn’t require the basis of the disclosure of audits. There is a cumbersome Freedom of Information Act process with the IRS. It is especially slow and difficult for citizens who are trying to get information.

It doesn’t require the establishment of some complexity analysis so that we can make a judgment about whether or not what we are doing is going to make it harder for the taxpayers to comply.

It doesn’t require the kind of coordinated oversight that is needed with a public board governing the IRS that will enable us to achieve consensus on a strategic plan.

All these things are in there. You look at them and say, “I can’t be against it.” There likely will be 100 votes for all the things I just described. Why not do it now? It doesn’t preclude from contact you from picking a phone and taking further action. All these things I listed will improve benefits to American taxpayers, to those 130,000 every single day who are going to receive in the mail a notice that they owe additional taxes, to a quarter of a million who are going to pick up a phone and make a phone call and try to get an answer to some question they have.

If you look at the law that is being proposed that was passed by the House by all but four Members, I urge my colleagues on the other side of the aisle to look at the law and see, for gosh sakes, that this doesn’t prevent us from taking action next year, this doesn’t prevent the Finance Committee or any other committee from holding hearings and considering legislation to improve it.

All this does is it matches with authority the responsibility that the Commissioner has and will enable, undoubtedly, the American taxpayers of the United States of America to get better service than they are currently getting. They are going to pay a price for delaying.

The congressional restructuring commission had 12 public hearings, thousands of interviews with private sector individuals. This legislation, by the way, has the endorsement of every provider out there of services to payers, as well as the endorsement of the National Federation of Independent Businesses.

This piece of legislation has been examined from stem to stern by an awful lot of people who are now embracing and endorsing the legislation and saying that on behalf of the American taxpayers, this piece of legislation, this change in the law for the IRS will make the IRS more efficient and make the taxpayers themselves more competent; that not only are they going to get a fair shake, but get a right answer to the question that they ask.

I will be down here again tomorrow if we are still around here, and the next day if we are still around here, and however long it takes. We can conference this thing in a day and get it on to the President. I hope Members on the other side will look at this law and begin to ask the question, do we want to change the law this time and come back and address all the other things the distinguished Senators from Delaware and Oklahoma said we ought to be doing?

Mr. President, I yield the floor.

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that Jim Ahlgrimm, a congressional fellow in my office, be granted the privilege of the floor for the duration of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. I thank the Chair.

(The remarks of Mr. SMITH of Oregon pertaining to the introduction of S. 1406 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

TRIBUTE TO OUR VETERANS

Mr. SMITH of Oregon. Mr. President, I would like to pay tribute to our veterans as we prepare to celebrate Veterans Day on Tuesday. Each day as I drive to work to the U.S. Senate, I cannot but help notice all the beautiful
monuments of our Nation's Capital. These monuments were built to honor great people and great events, and each has its own inspirational story to tell. What you will find in each of these stories is that the greatness of our country and of its leaders was founded in the love and commitment of men and women, our veterans, to risk their lives defending the principles of right and democracy. Serving both at home and on foreign soil, their service must always be remembered.

Mr. President, I yield the floor.(

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska. Mr. MURKOWSKI. I thank the Chair. The remarks of Mr. Murkowski pertaining to the introduction of S. 1402 and S. 1403 are located in today's

Section 110, if implemented as is, will only create more headaches for our veterans, to risk their lives defending the principles of right and democracy. Serving both at home and on foreign soil, their service must always be remembered. Mr. President, I yield the floor. Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska. Mr. MURKOWSKI. I thank the Chair. The remarks of Mr. Murkowski pertaining to the introduction of S. 1402 and S. 1403 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions."

BORDER IMPROVEMENT AND IMMIGRATION ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise today to offer my support for Senator ABRAHAM'S Border Improvement and Immigration Act introduced November 4. This legislation has already numerous cosponsors and is bipartisan in nature.

This bill clarifies a provision included in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. Section 110 of last year's immigration law requires the establishment of an automated entry and exit control system. While the merits of this provision are admirable, unfortunately, the reality is that this is not a feasible concept.

The section would require documentation of every alien entering and leaving our country. Can you imagine? To document entry and exit of every foreign national, every alien entering the United States would be required to hold a visa or passport or some sort of border crossing identification card.

In my State alone, Mr. President, Canadians are at我们的 border. We are separated by the rest of the United States and Canada. We enjoy relatively free passage between the two countries as Americans. This facilitates trade and strengthens our historical ties of friendship. To require the documentation of entry and exit of Canadians would result in Canada requesting the same type of consideration. Of course, our Canadian neighbors would be forced to wait in long lines. Trade would be disrupted. And it would develop a feeling of distrust. This is simply unacceptable.

When former Senator Simpson crafted this immigration reform proposal last year, he did not intend to create a new documentation requirement for Americans. However, the one issue he wished to address was the illegal overstays of foreign nationals. I cannot agree more that the illegal overstays need to be addressed. The Immigration and Naturalization Service currently cannot provide accurate data on overstay rates. However, the answer does not lie in requiring documentation of every alien entering through our land points of entry.

Section 110, if implemented as is, will only create more headaches for our veterans, to risk their lives defending the principles of right and democracy. Serving both at home and on foreign soil, their service must always be remembered. Mr. President, I yield the floor. Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska. Mr. MURKOWSKI. I thank the Chair. The remarks of Mr. Murkowski pertaining to the introduction of S. 1402 and S. 1403 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions."

INTERNATIONAL CLIMATE TREATY

Mr. MURKOWSKI. There has been an awful lot of concern relative to the issue of global warming, greenhouse gases, carbon dioxide emissions, et cetera.

This December, representatives of 166 nations are going to meet in Kyoto, Japan, to broker a new international climate treaty. This treaty will set new emissions controls for carbon dioxide and other greenhouse gases.

Unfortunately, 130 of the 166 nations, including China, Mexico, and South Korea, are explicitly exempt from the new emissions controls or any new commitments whatsoever. As a consequence, it is my opinion that such a treaty simply cannot work and will not be ratified by the Senate.

If one favors strong action to curb carbon emissions, there are three key reasons to oppose the approach embodied in the draft treaty. The first reason is, selectively applied emissions limits will harm large sectors of our economy.

Analysts expect even the modest versions of the treaty to cost over a million and a half jobs by the year 2005, along with cumulative losses in gross domestic product exceeding $16 trillion from the year 2005 to the year 2015.

While the President claims the new global climate treaty will not harm the United States economy, the administration abandoned its internal analysis after their economic models predicted disaster—even when rosy assumptions were factored in. So bad were the results that the administration refused to even consider sending the treaty to the Congress.

Actual global emissions will not decrease. Only their point of origin will change. Ironically, because of our industrial processes, which are more energy efficient than those in the developing nations, global carbon emissions per unit of production would, in my opinion, actually increase. In other words, we would endure economic pain for no identifiable environmental gain.

Third, selectively applied emissions controls will doom any climate treaty that contains them. By an overwhelming vote of 95 to 0, this body, the U.S. Senate, passed a resolution in July demanding any new climate treaty contain new obligations—new obligations—for developing nations. At the same time, Mr. President, developing nations refuse to sign up to such a treaty. Thus, selectively applied emissions controls have become the so-called poison pill that is preventing the world from reasonably addressing the climate change issue.

So I think it is time to be a bit pragmatic. If we want to keep a new climate treaty from becoming an international embarrassment, we should reconsider the rush to Kyoto and expand solutions that really work.

What can really work, Mr. President? One is nuclear energy. One is hydropower. For instance, nuclear energy produces roughly a third of our electricity without significant emissions of carbon dioxide. Yet, President Clinton's global warming explicitly ignores these sources of virtually carbon-free energy.

Even worse, Mr. President, the Clinton administration threatens—and has threatened numerous—to veto any nuclear waste legislation and continues to consider proposals to tear down hydropower dams, policies that endanger these carbon-free solutions that are in place today and calls into question the administration's commitment to reduce our carbon emissions in a balanced, responsible manner.
We even see the Sierra Club come out against wind power claiming that the windmills are some kind of Cuisinart that decimates the bird population.

What does our President propose? It is rather interesting to reflect on where you are, because he has the almost full circle. The President hints at some vague notion of meeting our emissions targets through electricity restructuring, but he is very short on specifics. Perhaps the President is playing to the three deadlines today, but leaving the details to tomorrow or to the next administration.

His proposal is that we, by the year 2008 to 2011, reduce our emissions to the level of 1990. Well, where is his administration going to be by that time? So they are just putting these things off as opposed to coming up with the mechanisms that will work.

There are, in fact, things that we can do in the context of energy restructuring that can help restructure our carbon emissions. We have had some 13 hearings on this subject in my committee, the Energy Committee, and we have heard from 120 witnesses. Thus, I am prepared to suggest some of the specifics that the President has not suggested.

For example, we can provide for stranded cost recovery of the more than 100 nuclear power reactors that together provide some 22 percent of our total electric power generation.

We can provide incentives to encourage or require regions to employ a mix of carbon-free wind, solar, nuclear, or hydropower adequate to achieve a specified carbon-free emissions standard.

We can offer a means to certify the claims of power producers who wish to market their power to consumers as low-carbon or carbon-free.

And we can offer assistance for market-led investments in new research towards carbon-free or low-carbon energy.

There is no shortage of policies we can pursue if we really want to address the issue of carbon emissions. We can be encouraged about recent technology breakthroughs in fuel cell technology, wind energy, solar technologies, and advanced nuclear plant designs.

In the end, I think, Mr. President, American ingenuity, technological innovation, and common sense will produce the solutions that the U.N. negotiations thus far have been unable to provide.

Finally, Mr. President, we need to employ these new technologies to increase energy efficiency, promote conservation, and stabilize our carbon emissions—both we do need a flawed treaty that cannot get the job done. The climate issue is serious, but so are issues of equity, economic prosperity, and pragmatism.

During the last round of negotiations at Bonn, the draft treaty got worse. It got more political and less technical. As a consequence, we need to prepare ourselves and the American people for the prospect that the new treaty will be unworthy of support, even if you are deeply concerned about the increase of carbon dioxide in the atmosphere, as I am. In other words, it doesn’t do us any good to be a fast train, a fast train that is going in the wrong direction, particularly if all nations of the world aren’t aboard.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. ENZI. Mr. President, on behalf of the majority leader, I ask unanimous consent the period for morning business now be extended until the hour of 1:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAST TRACK

Mr. ENZI. Mr. President, I rise to speak about the fast-track bill that is before us. I have followed the debate on this legislation very closely. I have listened to my colleagues discuss at length the issues of trade flows, foreign direct investment, the delegation of authority, and our trade agreements. It has been an interesting debate for this freshman Senator.

I want to share with my colleagues the feelings that my constituents have expressed to me. Many of them have deep concerns about trade. Intense import competition makes them feel as if they have been left behind in the pursuit of fair trade. There is an issue here that is far more important to my constituents than trade, however, and it is inextricably linked to their ability to compete. While the administration vows to fight for fair trade with foreign countries, people in Wyoming want this administration to fight for fair regulation in this country. For them, fair trade will mean economic growth when their growth is halted by unreasonable regulations.

It seems that there is a real disconnect in our administration’s policies on economic health. While one side of the administration is promoting job growth in exports, the other side is shutting down our enterprises with overly restrictive environmental regulations.

There is an inconsistency here that is difficult to explain to people in Wyoming. They do not understand why the administration supports export growth, but allows the Environmental Protection Agency to issue and adopt regulations such as the new particulate matter and ozone standards for air quality.

How does this relate to the fast-track bill we are debating? It connects in two ways. The first issue is jobs. The purpose of the bill before us is to promote job growth—which is a good purpose and I support it. Unreasonable regulations and mandates will not create jobs. Second, like fast track, environmental regulation is a delegated authority. And in my opinion, it is one delegated authority that is out of control.

Let me first discuss what is wrong with the standards and how they will destroy jobs. They were formulated and adopted with a disturbing lack of scientific consensus; with no accountability; and with a genuine disregard for the real effects they will have on working people.

The accuracy of scientific information in the formulation of scientific rules is critical for a democracy. Democracy cannot survive when bureaucracies are able to impose expensive mandates without any accountability. Democracy depends on representation along with taxation. Bureaucrats must consult with elected representatives before imposing massive costs on our citizens.

With the adoption of these unreasonable standards, the EPA and the administration have failed on both of these counts.

There are numerous examples that show a lack of scientific consensus in the promulgation of these new air quality standards. The EPA’s own Clean Air Science Advisory Committee stated that at this point, “there is no adequately articulated scientific basis for making regulatory decisions concerning a particular matter National Ambient Air Quality Standard.”

The administration’s National Institute of Environmental Health Sciences dismissed the EPA’s claims about the relationship between childhood asthma and air quality. They observed that the asthma rate in Philadelphia has soared even as that city’s air pollution levels have plummeted. They also noted that some of the highest asthma rates in the world occur in Australia and New Zealand—two countries with excellent air quality.

Strangely enough, while the EPA is promulgating expensive rules, other agencies have been pushing for economic growth. The U.S. Trade Representative, the Department of Commerce, the Small Business Administration, and the Department of Agriculture—have all advocated the importance of fast track for growth.

Even the President has emphasized the need for fast track in terms of job creation. He stressed that, “In order for us to continue to create jobs and opportunities for our own people, and to maintain our world leadership, we have to continue to expand exports. We have to act now to continue [our] progress to make our economy will work for all the American people.”

Well, I stand here to tell you that unreasonably expensive regulations will not make our economy work for all American people. Achievements in trade expansion will not overcome the negative costs imposed by regulatory mandates.

And the costs are excessive. At first, the EPA estimated the cost would be...
less than $2.5 billion. Then, the President’s own Council of Economic Advisers puts the price at a considerably higher $60 billion. I have seen estimates for the cost as high as $150 billion. That was an amount quoted in a Senate Small Business Committee hearing we held earlier this year. I think the difference in magnitude between these estimates—$2.5 billion and $150 billion—deeply concerns me, and is—in and of itself—a good reason to delay the standards.

The disagreement continues. The EPA stated in its regulatory impact analysis that the rules will not have a significant effect on small businesses. But the Small Business Administration refuted that. The SBA confirmed that, “Considering the large economic impacts suggested by EPA’s own analysis, [which] will unquestionably fall on tens of thousands, if not hundreds of thousands of small businesses—this would be a startling proposition to the small business community.”

It will affect hundreds of thousands of small businesses. Just who are we trying to help our trade policy, Mr. President?

The U.S. Department of Agriculture also raised concerns. They highlighted that EPA’s air quality standards “do not contain detailed information regarding specific effects on agriculture that may be caused by pollution or that may result from pollution controls.”

American agriculture is just beginning to see what is coming down the pike with regard to clean water standards. We are now taking a close look at how the EPA will be able to enforce “total maximum daily load” guidelines on streams in my State. This is a big concern for everyone who uses water in Wyoming. And we all do.

The fact is, the unreasonable environmental regulations destroy thousands of jobs by raising input and compliance costs. In a 1996 study of hundreds of U.S. jobs by raising input and environmental regulations destroy thousands of jobs by raising input and compliance costs. In a 1996 study of countless other studies, the Center for the Study of American Business has estimated that the mandates already cost small businesses between $3,000 and $5,500 per employee. The result will be the loss of 5 million American jobs directly related to energy use and production and the loss of several million jobs that are indirectly related. The jobs will simply be transferred overseas—not to countries doing a better job, countries that are doing a worse job—something that is becoming easier and easier. It will be particularly easy if developing countries like China, India, Brazil, and Mexico do not impose the same air quality standards on themselves. That is what we are talking about in that treaty.

This is not consistent with promoting economic growth. Further, there is no scientific consensus. Most importantly it is unfair. Personally, these circumstances make me very hesitant to support fast track and my reservations about expanding agreements entered into by this administration.

I cannot rationalize giving the Administration the authority to negotiate agreements with other countries when they refuse to negotiate domestic regulations with Congress.

Before I close, I want to stress that I understand the importance of trade agreements. I understand that Americans have much to gain by reducing foreign barriers. I do believe fast track is necessary for practically negotiating multilateral agreements.

I want to be clear, however, that many of my constituents in the State of Wyoming have grave reservations about expanding NAFTA. Two of the largest sectors of Wyoming’s economy, agriculture and energy, are in direct competition with our neighbors.

While our Nation as a whole stands to benefit from increased market access in Europe, South America, and Asia—

my constituents need attention focused on unfair import competition from NAFTA.

This problem is most apparent in our northern tier States. The Senator from North Dakota, Senator Dorgan, has clearly presented the unfair practices faced by our wheat and barley growers. United States food manufacturers import over $200 million per year in Canadian wheat—nearly all of which is sold by the Canadian state trading board. Cattle imports from Canada have also flooded our market. While national meat import levels have remained fairly stable, live imports from Canada into the Northern States have increased by over 100 percent since 1994. They have been especially unwelcome in a buyers’ market that is saturated by oversupply and restricted by packer concentration. These Canadian imports exacerbated prices that were already down by over 40 percent.

Most recently, the independent oil producers in my State, who already face stringent regulations and substantial Federal taxation, are now competing with 130,000 barrels per day of Canadian crude that is being pumped into the region through the pipeline. Wyoming’s posted sour crude prices have plummeted from over $19 per barrel in 1996 to just $14 per barrel this year.

Needless to say, many of my Wyoming constituents feel they are getting the raw end of free trade. Most of them are people who deeply believe in fair competition and open trade, but they have real reservations about expanding agreements that they don’t feel are fair.

I will conclude by stressing that it is good for the administration to set its sights on foreign markets, but they must also pay attention to what is happening at home. There is no reason to open up foreign markets while you are closing down your businesses by strangling them with regulations.

We need to inject a standard of reasonableness in our environmental policy. The issues of job growth, trade, and domestic regulation are linked. I would like to see more consistency in our policy on economic growth.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI], is recognized.

WARD VALLEY

Mr. MURKOWSKI. Mr. President, I would like to address the issue of low-level waste in the country and the issue of Ward Valley. California is the first State to site a low-level waste facility under legislation passed by Congress which granted States with the authority and responsibility for low-level waste. Low-level radioactive waste is produced from cancer treatments, medical research, industrial activities, and scientific research. In the
State of California there are some 800 sites where this medical waste is being stored. It is being stored in temporary facilities that were not designed for permanent storage.

This radioactive waste is vulnerable to accidental release from the fires and earthquakes, neither of which are uncommon in California.

Public health and safety demands that this waste be moved from locations scattered across California to a single location—preferably in a remote and sparsely populated area.

The State of California is the first State to take advantage of the Federal process that we authorized for the States to develop their own low-level waste sites. But it is interesting to note how the progress has gone—not because of the lack of commitment by California, but the lack of cooperation from the Department of Interior to simply conduct a very simple land exchange.

The State of California, in a process which, a decade ago, is trying to get their facility opened. They selected a site known as Ward Valley in the remote Mojave Desert.

The California license was issued in accordance with all State and Federal laws, and has withstood all court challenges. The license contains 130 specific conditions designed to protect public health, safety, and the environment.

But here comes the villain—the Department of Interior—having earlier agreed to sell California the land for the site—changed its mind, returned the check, and has refused to transfer the land.

Since that time, the Department of the Interior has engaged in continuous, purposeful delay. They seek more studies, allegedly to assure that the site will be safe.

We all insist on a safe disposal site, and we expect no less. Thus far, we have had two environmental impact studies and a special National Academy of Science study that all point to the safety of the site.

Now, the State of California, in accordance with the guidelines of the Nuclear Regulatory Commission and all applicable State and Federal laws, has done its job and done it well. But the Interior Department is still not satisfied. They want more studies. For starters, they insist on an additional water infiltration study and a third impact environmental statement.

The State of California has generously agreed to perform the water infiltration study prior to any land transfer which was a tremendous concession on California's part. However, Interior has not thus far allowed California access to the land to conduct the very tests that Interior insists upon. Instead of working to resolve the matter, the Department of the Interior seems to be engaged in continuous delay and endless delay. One has to wonder why the Department of the Interior is taking such a tack.

Are these delays and demands for more tests designed to assure public safety? Or are they merely part of a carefully orchestrated public relations campaign? Well, we can answer that question.

Several weeks ago, a memo we uncovered from the Department of the Interior sheds an extraordinary light on this question. In fact, this memo makes the motivations behind the Interior Department's actions absolutely clear.

I have read this memorandum once on the floor of this body. I think it needs to be read again. This is a memo from John Garamendi, to Secretary Bruce Babbitt, Department of the Interior. It is short enough to read in its entirety. It says:

February 21, 1996
Memorandum

To: Bruce Babbitt

From: John Garamendi

Subject: Ward Valley

Attached are the Ward Valley clips. We have taken the high ground. (Governor Pete Wilson is the vocal toady of special interests.

I do not think GreenPeace will picket you any longer. I will maintain a heavy PR campaign until the issue is firmly won.

There you have the words of John Garamendi relative to his willingness to work with California to act in order that the low-level waste at some 800 sites in California can be removed and put in one area that will be monitored out in the Mojave Desert.

I think this memorandum shows that Ward Valley has become a political football, a public relations issue. It also suggests that Interior has no plans other than to delay the transfer of the land. They just want to wage a PR campaign and delay a decision until somebody else's watch. They don't want to make this decision on their watch. They are putting it off because they know this administration is a few years from becoming history. They don't want to address it, they don't want the campaign.

But what has Secretary Garamendi told the Senate with regard to Ward Valley? How do his private statements compare to his public ones?

At his confirmation hearing on July 27, 1997, John Garamendi testified under oath to our committee that the Ward Valley issue should and would be resolved quickly. Two years later, at a hearing on July 22, 1997, John Garamendi told the committee that he would work in good faith to resolve the matter in further negotiations with the State of California.

Well, we still don't have a resolution. California does not even have permission to do the additional testing Interior seems to want to see performed.

Instead of moving a process forward and transferring the land, Interior seems intent on waging a public relations campaign designed to further delay rather than enlighten.

Now, what have others said about the Interior Department's handling of this issue? Let's start with the General Accounting Office.

The General Accounting Office, GAO, contends that the Department of the Interior is attempting to assess the site's suitability—a job that belongs to California by law and that California has already undertaken and completed—despite the fact that Interior "lacks the criteria and expertise" for the job. That is the opinion of the General Accounting Office—that Interior lacks the criteria and expertise.

The GAO report also contends that there is no need for the new environmental impact statement sought by Interior since the substantive issues have already been addressed and that new information uncovered since the last environmental impact statement is generally favorable to the facility.

Well, this report is too lengthy to insert into the RECORD, but for the benefit of my colleagues, I am referring to GAO report RCED–97–184, dated July 1997, for anybody who might want to look it up.

To again summarize what GAO says, Mr. President, it says: First, Interior is trying to do a job that belongs to the State of California. The State of California was given the authority to do it; second, Interior is calling for new studies that aren't needed; third, Interior lacks the technical expertise to even perform these tasks.

Specifically, the NRC has been critical of the Interior Department for distributing fact sheets which contain errors, misleading statements, and information falsely attributed to the NRC that was actually provided by project opponents.

That is pretty strong stuff, Mr. President, but that is factual.

So not only is Interior waging a PR campaign, they are playing fast and loose with the truth in the conduct of that campaign, according to the Nuclear Regulatory Commission.

I ask unanimous consent that the letter from the Chairman of the NRC to the Secretary of the Interior, dated July 22, 1997, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:


Hon. BRUCE BABBITT, Secretary, U.S. Department of Interior, Washington, DC.

Dear Secretary Babbitt: I am writing on behalf of the U.S. Nuclear Regulatory Commission (NRC) to share our views related to the Department of Interior's (DOI) actions regarding the proposed Ward Valley low-level radioactive waste (LLW) disposal facility in California. In February 1996, DOI announced that it would prepare a second supplement to an environmental impact statement (SEIS) for the transfer of land from the federal government to the State of California, for the development of the Ward Valley...
low-level radioactive waste (LLW) disposal facility. We understand that DOI has identified 13 issues that it believes need to be addressed in the SEIS. DOI also stated that it would readdress on the basis that the SEIS was completed. NRC will actively serve as a “commenting agency” on the SEIS in accordance with the Council on Environmental Quality’s 1978 CFR 1503.2, “Duty To Comment.” NRC’s interest in the Ward Valley disposal facility is focused on protection of public health and safety. Many of the issues addressed in the SEIS are related to our areas of expertise. As a commenting agency, we will review it, and provide comments based on the requirements in federal law and regulations, and our knowledge of policy, technical, and legal issues in LLW management. DOI has also been available to discuss these issues with DOI, both before and after publication of the draft SEIS.

On a related matter, it is our understanding that DOI issued a press conference on July 22, 1996, addressing the issue of Ward Valley facility availability on the use of radioisotopes in medicine and medical research. It was recently brought to our attention that DOI did not address a document entitled, “Low Level Radioactive Waste (LLRW) Fact Sheet” at the press conference. This Fact Sheet contains several errors and statements that are misleading. To clarify, we have addressed these errors and statements in the enclosure to this letter. Some of the points contained in the Fact Sheet are useful and contribute to the dialogue on this issue; however, NRC is concerned that some of the subjective information of the document is characterized as factual. We are particularly concerned that some of the subjective information in the enclosure is cited as factual.

In fact, NRC’s definition is taken from Federal law, specifically the Low-Level Radioactive Waste Policy Act of 1980, and the Low-Level Radioactive Waste Policy Amendments Act of 1985 (LLRWPA). Additionally, it is NRC’s view that some of the information that was referenced or relied on in the Fact Sheet may not represent a balanced perspective based on facts. For example, a table in the Fact Sheet indicates the amounts of radioactive waste that is projected to go to the Ward Valley facility is erroneously attributed to the U.S. Department of Energy (DOE), U.S. Ecology, the Southwest Compact, and the Ward Valley EIS. Raw data from the sources quoted appear to have been interpreted based on uncertain assumptions about future activities of generators to produce the figures in the table. Additionally, NRC noted that the figures in the table are identical to those in a March 1994 Committee to Bridge the Gap report.

With respect to the relationship between LLW disposal policy and medicine and medical research, we note that the National Academy of Sciences Board on Radiation Effects Research has prepared a Prospectus for a study entitled, “The Impact of United States Low-Level Radioactive Waste Management Policy on Biomedical Research.” The study would, among other things, “Evaluate the effects of higher disposal costs and on-site storage on the current and future activities of biomedical research, including the effect of the current LLRW policy on institutions conducting biological and biomedical research and on hospitals where radioisotopes are crucial for the diagnosis and treatment of disease.” Thus, the issue of medical uses of radioisotopes has been affected by the Ward Valley process is far less clear than the Fact Sheet portrays.

Finally, since there are no formal arrangements that permit NRC to review and comment on the technical accuracy of various DOI documents on LLW and Ward Valley, we may be aware that DOI documents exist, but the absence of NRC comments does not imply an NRC judgment with respect to the technical accuracy or completeness of such documents.

I trust our comments will be helpful in your efforts to address Ward Valley issues.

Sincerely,

SHIRLEY ANN JACKSON

Enclosure: As stated.

NRC STAFF COMMENTS ON THE DEPARTMENT OF INTERIOR “FACT SHEET”

1. The Fact Sheet contains a projection of LLRW to the Ward Valley disposal facility over its 30-year life, and attributes the table to the Department of Energy, the U.S. Nuclear Regulatory Commission, the Southwestern Compact, U.S. Ecology, and the Ward Valley environmental impact statement. In fact, the figures in the table are identical to those in a March 1994 Committee to Bridge the Gap report, are substantially different from California projections, and are based on assumptions that are not identified. The actual amount of radioisotopes generated by the NRC’s Committee to Bridge the Gap report and minimize the amount and importance of the medical waste stream.

2. The Fact Sheet is incomplete in that it provides only anecdotal evidence of the impact of not having the Ward Valley disposal facility available to medical generators. Although the projected amount of short-lived radionuclides appear to be generally true, the Fact Sheet downplays the effects on generators that use longer-lived radionuclides. The American Association of Medical Colleges estimates that there are an estimated 53 research hospitals in California, out of some 500 hospitals overall. The Fact Sheet describes the impact at three of these research organizations and concludes that they can manage their waste, either by disposing of it at an out-of-state facility (Barnwell or Envirocare), storing it, or, for sealed sources, sending them back to the manufacturer. The Fact Sheet concludes that there is no health and safety impact from the approach, but does not discuss other issues such as the continued availability of existing disposal sites as an option, and the fact that transferring a sealed source to a manufacturer does not eliminate the problem, but simply shifts it from one organization to another.

3. The Fact Sheet does not address the more-complex continuing use of radioisotopes in medicine, such as medical research in general has been affected by issues such as disposal and storage cost increases and the need to switch from long-lived radionuclides to short-lived nuclides or non-radioactive materials. The National Academy of Sciences Board on Radiation Effects Research states that the answer to the question of the impact of the LLRWV is widely available in NRC regulations and/or NUREGS, and from DOE. In developing Part 61 in the early 1980s, NRC sought public involvement on the proposed rule, and provided extensive information on the assumptions, analyses, and proposed content of the regulation for review. In developing the regulations for LLW, different classes are defined, NRC received and considered extensive public input. Four regional workshops were held, and 107 persons commented on the draft rulemaking, for 10 CFR Part 61, which defines LLW. In short, NRC encouraged public involvement in developing the definition of, and defining the risk associated with, LLW.

The Fact Sheet focuses on the half-life of radionuclides, but fails to discuss risk to the public from the effects of ionizing radiation and the work they are able to perform with radionuclides. Public health and safety is measured in terms of risk, not half-life. Risk is a function of radiation dose, and incident rate is a measure of risk dependent on a variety of factors, including the type of radiation emitted, the concentration of radioisotopes in the medium in which they are present, the likelihood that barriers isolating the radioisotopes will be effective, and the likelihood of exposure if radioactive materials are not fully contained. The Fact Sheet is misleading when it states that the half-life of I131 used in medicine is 13 hours, and that of I131 from nuclear power plants is 16 million years and that it remains hazardous for 100–300 million years. Even so, it is a risk to the public, depending upon the other factors discussed above, and half-life by itself does not indicate risk.

5. In the definition section, the Fact Sheet defines “radioactive half-life” as “The general rule is that the hazardous life of a radioactive substance is 10–20 times its half-life.” This definition contains a new term (hazardous life) not used by the national or international health physics or radiation protection communities, and not defined in the Fact Sheet.

Mr. MURkowski. Mr. President, you might ask, why would a Senator from Alaska even care about a facility in California that is not needed to dispose of radioactive waste generated in Alaska? We don’t generate hardly any. What we have done is assumed responsibilities as the chairman of the Committee on Energy and Natural Resources, and our oversight responsibilities. Not surprisingly, my position on Ward Valley is the same one taken by my predecessor as chairman, Bennett Johnston of Louisiana. He understood, as I do, that Ward Valley is really more than a debate over the future of a thousand acres of land in the Mojave Desert; it is more than a debate over the disposition of low-level radioactive waste. California produces the Dakotas; it is even more than the debate over the viability or even the future of the Low-Level Radioactive
OVERSIGHT OF THE HEADWATERS FOREST AND NEW WORLD MINE ACQUISITIONS

Mr. MURKOWSKI. Mr. President, I would like to share with my colleagues a little oversight on an issue that will be coming before this body again, and it covers the Headwaters Forest and New World Mine acquisitions taking place in both California and Montana. I have the obligation as chairman of the Energy and Natural Resources Committee to initiate authorization of these matters. I have had an active interest in the Clinton administration to acquire the Headwaters Forest in northern California, and the New World Mine Site in Montana.

These decisions were made by the administration with little congressional involvement and the administration has now gone out of its way to, in my opinion, limit the role of Congress in how these properties actually are acquired.

Originally, the administration proposed acquiring both of these properties through land exchanges. When that proved to be very difficult and impossible to do without going through Congress, the idea of land exchanges was abandoned. So clearly the objective was to circumvent Congress.

The Clinton administration then proposed using $315 million from the Land and Water Conservation Fund to purchase both of these properties.

The administration then insisted, contrary to the provisions of the Land and Water Conservation Fund Act, that such money could be spent without specific congressional authorization, clearly intending to go around Congress.

Ultimately, that argument failed. While I would have preferred to enact separate authorizing legislation, authorizations were contained within the 1998 Interior Appropriations bill.

However, the authorizations do not take effect until the money is actually spent. The President has 180 days after enactment, and then only if no separate authorizing legislation is enacted.

During the 180-day review period, as chairman of the Energy and Natural Resources Committee, I intend to conduct a series of oversight hearings to examine the Headwaters Forest and New World Mine acquisitions. One focus of these hearings will be the appraisal value of the properties. To date the Clinton administration has refused to conduct appraisals to determine fair market values. This failure is in direct contradiction of existing law, which requires the appraisals be conducted for any Federal land acquisition.

A fair market value appraisal for both properties must be submitted to Congress within 120 days of enactment. The appraisals also must be reviewed, and independently analyzed by the Comptroller General of the United States.

Once these appraisals are completed, I intend to closely examine them. I plan to look at the methodology and data used in the appraisals. Among the specific questions, I will ask:

Do the appraisals comply with the Department of Justice's Uniform Appraisal Standards for Federal Land Acquisitions?

What criteria were employed to determine fair market value?

What assumptions were made about the property and the use of the property?

What was the scope of the appraisal?

It is important to remember that neither the Headwaters Forest nor New World Mine acquisitions can proceed, absent these appraisals. So these appraisals must be done.

Further, Congress will have, at a minimum, 60 days to examine the appraisals. For every day, after 120 days, that appraisals are not submitted to Congress, the 180 day period will be extended by 1 day.

I also intend to examine during the 180 day review period, the true cost to the American taxpayer of the Headwaters Forest acquisition. A condition to the Headwaters Forest acquisition is that the current owner of the property can take on his Federal taxes, as a condition of the agreement, for what he contends is the property's fair market value and the price the Federal Government and California are paying for the property. That differential is $700 million.

In the event the owner receives such a ruling from the IRS, there will be a loss of tax revenue to the Federal treasury. This lost tax revenue could amount to $100 million or more. It is inaccurate to say that the Headwaters Forest is costing the American taxpayer $250 million. It could well cost the American taxpayer not only the $250 million cash purchase price but also this lost tax revenue. Under no circumstances should this total cost exceed the appraised value of the Headwaters Forest.

As to the New World Mine acquisition, I intend to examine exactly what land or interests in the land the Federal Government is acquiring for $65 million from the mining company. This involves two parcels, one, the property and the use of the property and the other the New World Mine acquisitions.
a right to know, what we are getting for $65 million.

There are many other issues that my committee will examine about these acquisitions including:

What is the status of the Habitat Conservation Plan for the land surrounding the Headwaters Forest?

What impact will that Habitat Conservation Plan have on other property owners in the western United States and Pacific Northwest?

Has California come up with its $130 million share of the purchase price for the Headwaters Forest?

Do both acquisitions comply with the terms of the National Environmental Policy Act?

How will the properties be managed?

By whom?

At what cost?

How will the public access the Headwaters Forest?

Is it good public policy to settle constitutional takings cases against the United States in this manner?

Is it good public policy to settle environmental litigation in this manner?

How does the Clinton administration interpret the phrase "priority Federal land acquisitions"?

Are the Headwaters Forest and New World Mine acquisitions consistent with the Federal land management policy on Federal land acquisitions?

While this may seem like an exhaustive list of issues, I only have skimped the surface of the numerous unanswered questions about the acquisitions.

I want all of these questions answered before the acquisitions occur. It is in the interest of the taxpayers. It is the responsibility of this body.

My goal is to ensure, despite the uncommon circumstances which have led us to this point, that Congress and the American people can have confidence in the decisions to acquire the Headwaters Forest and the New World Mine in the interest of the taxpayers.

Mr. President, I yield the floor. I see several Senators seeking recognition, including the majority leader.

The PRESIDING OFFICER. The majority leader.

ACTION VIOLATED ON AMENDMENT NO. 1602 TO S. 1289

Mr. LOTT. Mr. President, I ask unanimous consent the action on the Inhofe amendment, No. 1602, which was agreed to on S. 1289, be vitiated, and that the amendment be restored to the status quo when the Senate resumes the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank all Senators for their cooperation on this matter.

I particularly want to thank Senator Inhofe for agreeing to do this. He came to the floor and offered his amendment. And it was accepted on a voice vote. Senators were aware of what was being discussed. But in a desire to be totally fair and making sure the proper notification was given, and to have opposition on the floor when action of that nature is taken. Senator Inhofe has been willing to agree to vitiate that action at this time. I thank him for his cooperation.

This is a very important issue which will be debated in the Senate and which should be considered by the Senate. It is an issue that has support and opposition on both sides of the aisle. Senator Inhofe certainly is very committed to having this subject considered by the Senate, either later on this year or next year.

Again, I reiterate my thanks to him.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, it is my understanding that the Senate now is in a position to consider the Amtrak reform bill. The bill would then be agreed to after brief debate. The Senate will then conduct a rollcall vote on the nomination of Judge Christina Snyder.

Following the confirmation vote, it is my hope that the District of Columbia appropriations bill will be ready to be considered.

Therefore, votes will occur with the first vote occurring at approximately 2:15 today.

I thank all Senators who have been involved in these other two bills, and we will update them further with information as they occur. It is possible that another vote will occur this afternoon. But it depends on action in the other body with regard to the appropriations conference reports.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me thank the majority leader for his efforts over the last 24 hours.

I also thank the Senator from Oklahoma.

Obviously, Democratic Senators need to be on the floor to voice their opposition and to object on the occasions when situations like this arise. We also have to work with good faith, and we intend to do that.

There is no reason why we need to be monitoring each other if we are working in good faith. I think this is a misunderstanding. I appreciate very much the cooperation. And we will work with the majority leader to ensure that at some point we have a good debate about the matter that would be addressed by the Inhofe amendment. We will work on this matter in the future.

Mr. INHOFE. Mr. President, will the leader yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. INHOFE. I want the majority leader to be aware that I did consult with several Democrats and Republicans before taking the amendment. But let me say this.

Mr. DASCHLE. Very good.

Again, Mr. President, let me just say that we have a lot of work to do. I look forward to working with the majority leader in the next 48 hours to see if we can complete it. I am pleased that we are now able to move to the Amtrak bill, and nominations. We can do that, and then move on to other things.

I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF CHRISTINA A. SNYDER

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 2:15 today the Senate immediately proceed to executive session and a vote on the confirmation of Executive Calendar No. 255, Christina A. Snyder to be U.S. district judge for the Central District of California.

I further ask unanimous consent that following that vote the motion to reconsider be laid upon the table, any statements relating to the nomination appear at that point in the Record, and the Senator be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SCHEDULE

Mr. LOTT. Mr. President, before we move to the Amtrak legislation, I want to say for the information of all Senators—and I will have more to say about this when we have a recorded vote at 2:15. I think at that time we should take the time to talk about the schedule for the remainder of the day and perhaps Saturday and Sunday.

It is our intent to stay and continue working. I don't see the necessity for us to be late tonight. But we will be back in on Saturday, and again on Sunday. We hope that we will have appropriations conference reports, possibly the first one being the House-HHS appropriations conference report, perhaps even later on today or tomorrow, and the Commerce-State-Justice conference report we hope to have by tomorrow, and, if not then, on Sunday.

We will continue to work on other issues, some of which may require votes, even on the Executive Calendar. And then when the House votes, of course, we would then proceed to act on fast track after the House has acted. Whether that is Saturday or Sunday now is not clear. But the House has postponed their action on fast track today. So that will not be taken up until Saturday or Sunday.

So we could be voting on fast track—perhaps on an issue—later on this weekend. But, in the meantime, of course, when we complete these intervening actions, we will go back to fast track as it is now pending before the Senate, and amendments will be in order, and other amendments I am sure will be offered, and we will work with the interested parties about how to proceed on those amendments and what time votes would occur.
But, again, I think that during the remainder of the day it is very likely that we will have a minimum of two votes, and maybe even three or four.

Mr. LOTTT. Mr. President, I now ask unanimous consent that the Senate proceed to consideration of Calendar No. 179, S. 738.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTTT. I ask unanimous consent that the committee amendment be withdrawn, and I understand Senator HUTCHISON has a substitute amendment at the desk, and I would ask for its consideration.

Mr. DASCHLE. Mr. President, reserving the right to object, I only do so at the request of Senators KERRY and LAUTENBERG, that they be given 10 minutes to point following the introduction of the amendment and comments made by Senators MCCAIN and HUTCHISON.

Mr. LOTTT. Mr. President, I don’t know if we should at this time get consent in this chamber, and we have had that this time. I think they will have it and maybe more if they would like to have it, and we should not and will not complete the discussion on it until the Senators have been involved in working out this compromise in the Chamber.

I would like to say if I could at this point, I thank the chairman of the committee of jurisdiction, Senator MCCAIN, for his persistence on this matter, and Senator HUTCHISON, who is chairman of the subcommittee, for her efforts in bringing about this compromise. Senator KERRY from the committee as well as Senator BREAUX have worked very hard in developing this compromise.

I have been involved in this effort now for 3 years, having served as chairman of the subcommittee in the previous Congress. I think it is very important that we get fundamental reform of Amtrak so that Amtrak at least will have a chance to be able to provide good service and do it without depending on continuing subsidies from the Federal Government forever. They should be able to turn a profit, and I think this legislation will make that possible. They should be able to contract out work. They should be able to advertise. There are so many basic private sector things that they could do and should have been doing before now that would allow them to actually make a profit so that we can keep a national rail passenger system. We need a passenger system that serves all the country, not just the eastern seaboard, and this is a major step in that direction.

I want to emphasize, though, too, this is required in order to get the $2.3 billion that was fenced in the budget agreement for capital improvements. And those funds are only for capital improvements, not for operating sub-

sidies, makeup of shortfalls in the past or salaries. That is not included in this legislation.

I think we have a good bill. After trying to move it for 2 years, I am delighted that the work of a lot of Senators including the Senators here now in the Chamber and that will be here momentarily will make this possible. I don’t want to delay it any longer for fear somebody might have a good idea of one word that might be added.

Mr. DASCHLE. Mr. President, at the risk of delaying and only to do what the majority leader has just done, I think the Senators who have worked on this as hard and as long as they have do deserve the commendation just given them not only on that side of the bill but ours as well. The Senators have done an extraordinary job, and I only wish there were more occasions when on a bipartisan basis we could see this kind of leadership and effort put forth. This is a tribute to their effort, and I think a very successful one and I think as a result we are going to see an overwhelming vote on this legislation as we should and I appreciate very much their efforts.

I yield the floor.

Mr. LOTTT. Mr. President, I do want to add, and Senator DASCHLE will want to add, the fact that the ranking member on the committee, Senator HOLLINGS, also has been involved in this for quite some time, and he has been helpful in bringing to this conclusion.

The PRESIDING OFFICER. Is there objection to the request?

Mr. DASCHLE. I certainly would add that Senator HOLLINGS, in fact, was the last person to sign off on this legislation as is understandable. We appreciate very much the early and perpetual effort he makes on Amtrak matters, and certainly he deserves that recognition as well.

I thank the majority leader.

The PRESIDING OFFICER. Was there an objection to the request from the Democratic leader?

Mr. LOTTT. I believe the Chair did not hear objection.

There was not an objection from the Democratic leader on that unanimous consent request to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSENT OF CONGRESS TO THE APALACHICOLA-CHATTahooCHEE-FLINT RIVER BASIN COMPACT

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk read a resolution (H.J. Res. 91) granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact.

A resolution (H.J. Res. 92) granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolutions?

There being no objection, the Senate proceeded to consider the joint resolutions.

Mr. LOTTT. Mr. President, I ask unanimous consent that the joint resolutions be considered as read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the resolutions be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolutions (H.J. Res. 91 and H.J. Res. 92) were passed.

Mr. LOTTT. I yield the floor.

Mr. SHELBY. Mr. President, I am pleased that the Senate has passed H.J. Res. 91 and H.J. Res. 92 granting the consent of Congress to the Alabama-Coosa-Tallapoosa [ACT] and the Apalachicola-Chattahoochee-Flint [ACF] River Basin Compacts. I would like to thank the majority leader, his staff, and my colleagues from Alabama, Georgia, and Florida for their efforts and leadership in moving these valuable bills.

With the passage of these compacts, the three States now may move forward and begin the difficult task of allocating water resources throughout the region. The compacts set forth the framework for the three States to resolve the critical issue of how our shared water resources are divided. This partnership will enable the States to determine the best utilization of our shared water supply. These rivers are an invaluable resource to our States—essential to Alabama’s economic and personal well-being.

I look forward to continuing to work with Gov. Fob James and the Alabama delegation to assure that Alabama’s water needs are met today and in the future.

AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriation for Amtrak, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)
TITLE I—REFORMS
Subtitle A—Operational Reforms
SEC. 101. Basic system.
SEC. 102. Mail, express, and auto-ferry transportation.
SEC. 103. Route and service criteria.
SEC. 104. Additional qualifying routes.
SEC. 105. Transportation requested by States, authorities, and other persons.
SEC. 106. Amtrak commuter.
SEC. 107. Through service in conjunction with intercity bus operations.
SEC. 108. Rail and motor carrier passenger services.
SEC. 110. Application of certain laws.
Subtitle B—Procurement
SEC. 112. Contracting out.
Subtitle C—Employee Protection Reforms
SEC. 115. Section 24701—Amtrak Continuance.
Subtitle D—Use of Railroad Facilities
SEC. 116. Liability limitation.
SEC. 162. Retention of facilities.
TITLE II—FISCAL ACCOUNTABILITY
SEC. 201. Amtrak financial goals.
SEC. 203. Amtrak Reform Council.
SEC. 204. Sunset trigger.
SEC. 205. Amtrak Reform Council.
SEC. 206. Sunset trigger.
SEC. 207. Exemption from taxes.
TITLE III—AUTHORIZATION OF APPROPRIATIONS
SEC. 301. Authorization of appropriations.
TITLE IV—MISCELLANEOUS
SEC. 401. Status and applicable laws.
SEC. 402. Interstate rail compacts.
SEC. 403. Assistance for upgrading facilities.
SEC. 404. Demonstration of new technology.
SEC. 405. Program and master plan for Boston-New York main line.
SEC. 407. Definitions.
SEC. 408. Northeast Corridor cost dispute.
SEC. 410. Interstate rail compacts.
SEC. 411. Composition of Amtrak board of directors.
SEC. 412. Educational participation.
SEC. 413. Report to Congress on Amtrak bankruptcy.
SEC. 414. Amtrak to notify Congress of lobbying relationships.

SEC. 2. FINDINGS.
The Congress finds that—

(1) intercity rail passenger service is an essential component of a national intermodal passenger transportation system;
(2) Amtrak is facing a financial crisis, with growing and substantial debt obligations severely limiting its ability to cover operating costs and jeopardizing its long-term viability;
(3) immediate action is required to improve Amtrak’s financial condition if Amtrak is to continue as a viable entity; and
(4) all of Amtrak’s stakeholders, including labor, management, and the Federal government, must participate in efforts to reduce Amtrak’s costs and increase its revenues;
(5) additional flexibility is needed to allow Amtrak to operate in a businesslike manner in order to manage costs and maximize revenues;
(6) Amtrak should ensure that new management flexibility produces cost savings without compromising safety;
(7) Amtrak’s management should be held accountable to ensure that all investment by the Federal Government and State governments is used effectively to improve the quality of service and the long-term financial health of Amtrak; and
(8) Amtrak and its employees should process quickly any proposals to modify collective bargaining agreements to make more efficient use of manpower and to realize cost savings which are necessary to reduce Federal financial assistance.

(9) Amtrak and intercity bus service providers should work cooperatively and develop coordinated intermodal relationships promoting seamless transportation services which enhance travel options and increase operating efficiencies; and
(10) Amtrak’s Strategic Business Plan calls for the establishment of a dedicated source of capital funding for Amtrak in order to ensure that Amtrak will be able to fulfill the goals of maintaining—
(A) a national passenger rail system; and
(B) that system without Federal operating assistance; and
(11) Federal financial assistance to cover operating losses incurred by Amtrak should be eliminated by the year 2002.

TITLE I—REFORMS
Subtitle A—Operational Reforms
SEC. 101. Operation of basic system.

"Amtrak shall provide intercity rail passenger transportation within the basic system. Amtrak shall strive to operate as a national rail passenger transportation system which provides access to all areas of the country and ties together existing and emergent regional rail passenger corridors and other intermodal passenger service.";

(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 "90 days" and inserting "180 days";
(2) by striking paragraphs (1) and (2) of subsection (b), and
(3) by striking "(State)" and inserting "(State)";

(2) by striking subsection (b) and inserting the following:

"(b) AUTHORITY OF OTHERS TO PROVIDE AUTO-FERRY TRANSPORTATION.—State and local laws and regulations that impair the provision of auto-ferry transportation available to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unprofitable.

"(c) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITY.—A commuter authority that is eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation may apply for a permit, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.

SECTION 106. AMTRAK COMMUTER.
(a) Repeal of Chapter 245.—Chapter 245 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) Conforming Amendment.—Section 24303(f) of title 49, United States Code, is amended to read as follows:

"(c) TRACKAGE RIGHTS NOT AFFECTED.—The repeal of chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over any property owned or leased by commuter authorities.

SECTION 107. THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.
(a) In General.—Section 24303(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(5)(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—
(1) by inserting "for passengers who have prior movement by rail or will have subsequent movement by rail; and"
(3) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (i).

"(B) Subparagraph (A) shall not apply to transportation funded predominantly by a
with respect to all issues relating to em-
ployee protective arrangements and sever-
ance benefits which are applicable to em-
ployees of Amtrak, including all provisions
in contract C-2 to the National Rail-
road Passenger Corporation Agreement, signed
July 5, 1973, shall be deemed served and effec-
tive on the date which is 45 days after the
date of enactment of this Act, Amtrak, and
each affected labor organization rep-
resenting Amtrak employees, shall promptly
supply specific information and proposals
with respect to each such subsection.

(b) NATIONAL MEDIATION BOARD EFFORTS.—
Except as provided in subsection (c), the Na-
tional Mediation Board shall complete all ef-
forts with respect to the dispute described
in subsection (b), with respect to the dispute
described in subsection (b), under section 5 of the
Railway Labor Act (45 U.S.C. 155) not later than 120
days after the date of the enactment of
this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—
The parties to the dispute described in subsection
(a) may agree to submit the dispute to arbi-
tration under section 7 of the Railway Labor
Act (45 U.S.C. 155), and any award resulting
therefrom shall be retroactive to the date
which is 120 days after the date of the enact-
ment of this Act.

(d) DISPUTE RESOLUTION.—
(1) With respect to the dispute described in
subsection (a) which
(A) is unresolved as of the date which is 120
days after the date of the enactment of this Act;
and
(B) is not submitted to arbitration as
described in subsection (d),
Amtrak shall, and the labor organizations
that are parties to such dispute shall, within 127
days of the date of the enactment of
this Act, select an individual from the
entire roster of arbitrators maintained by
the National Mediation Board. Within 134
days after the date of the enactment of
this Act, the individuals selected under the
preceding sentence shall be fixed by
the National Mediation Board. The second
individual selected under the preceding
sentence shall be retroactive to the date
which is 120 days after the date of the enact-
ment of this Act.

(2) No individual shall be selected under
paragraph (1) who is pecuniarily or otherwise
interested in any organization of employers
or any railroad or who is selected pursuant
to section 121(e) of this Act.

(3) The compensation of individuals se-
lected under paragraph (1) shall be fixed by
the National Mediation Board. The second
individual selected under paragraph (1) of
section 10. The National Mediation Board
shall select an individual from the "entire roster
maintained by the National Mediation Board.
Within 134 days after the date of the enactment
of this Act, the Board will immediately select
such individual.

(4) The costs of individuals
selected under paragraph (1) shall be fixed by
the National Mediation Board. The second
individual selected under paragraph (1) of
section 10 shall be fixed by the National
Mediation Board. The second
individual selected under paragraph (1) shall be
fixed by the National Mediation Board.
With 134 days after the date of the enactment
of this Act, the Board will immediately select
such individual.

(5) The compensation of individuals
selected under paragraph (1) shall be fixed by
the National Mediation Board. The second
individual selected under paragraph (1) shall be
fixed by the National Mediation Board.

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

(7) No PRECEDENT FOR FREIGHT.—Nothing
in this section shall be a precedent for the
resolution of any dispute between a freight
railroad and a labor organization rep-
resenting railroad employees.

Subtitle C—Employee Protection Reforms

SEC. 141. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—Notwithstanding any ar-
rangements that are 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 em-
ployee protective arrangements and sever-
ance benefits which are applicable to em-
ployees of Amtrak, including all provisions
in contract C-2 to the National Rail-
road Passenger Corporation Agreement, signed
July 5, 1973, shall be deemed served and effec-
tive on the date which is 45 days after the
date of enactment of this Act, Amtrak, and
each affected labor organization rep-
resenting Amtrak employees, shall promptly
supply specific information and proposals
with respect to each such notice.

(1) NO PRECEDENT FOR FREIGHT.—Nothing
in this section shall be a precedent for the
resolution of any dispute between a freight
railroad and a labor organization rep-
resenting railroad employees.

SEC. 142. SERVICE DISCONTINUANCE.

(a) REPEAL.—Section 24709(c) of title 49,
United States Code, is repealed.

(b) ALLOWANCE FOR PRECEDENCE. With
respect to 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 employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including obligations arising as a part of the Agreement of May 16, 1971, between the National Railroad Passenger Corporation, signed July 5, 1973.

(c) SPECIAL EFFECTIVE DATE.—Subsections (a) and (b) shall take effect 180 days after the date of the enactment of this Act.

(d) NONAPPLICATION OF BANKRUPTCY LAW PROVISION.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

Subtitle D—Use of Railroad Facilities

SEC. 201. 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, a contract between Amtrak and its passengers, the Alaska Railroad and its passengers, passengers or private railroad car operators and passengers requiring claims for personal injury, death, or damage to property arising from or in connection with the provision of rail passenger transportation services, in connection with any operations over or use of right-of-way or facilities owned, leased, or maintained by Amtrak or the Alaska Railroad, or from in connection with any railroad passenger transportation services over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any railroad authority or any commuter authority or operator, any commuter authority or operator, or any rail carrier shall be enforceable if—

"(i) punitive or exemplary damages, where permitted, are not limited to less than 2 times compensatory damages awarded to any claimant by any State or Federal court or administrative agency, or in any arbitration proceeding, or in any other forum or $250,000, whichever is greater; and

"(ii) punitive or exemplary damages, where permitted, are not limited to less than 2 times compensatory damages awarded to any claimant by any State or Federal court or administrative agency, or in any arbitration proceeding, or in any other forum or $250,000, whichever is greater; and

"(B) passengers are provided adequate notice of any such contractual limitation or waiver of choice of forum.

"(2) For purposes of this subsection, the term ‘claim’ means a claim made directly or indirectly—

"(A) against Amtrak, any high-speed railroad or road authority or operator, any commuter authority or operator, or any rail carrier including the Alaska Railroad or private rail car operators; or

"(B) against an affiliate engaged in railroad operations, officer, employee, or agent of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, or any rail carrier including the Alaska Railroad or private rail car operators; or

"(3) Notwithstanding paragraph (1)(A), in any action in which was caused by law of the place where the act or omission complained of occurred, or has been construed to provide, for damages only punitive or exemplary damages, where permitted, are not limited to less than 2 times compensatory damages awarded to any claimant by any State or Federal court or administrative agency, or in any arbitration proceeding, or in any other forum or $250,000, whichever is greater; and

(b) INDENNIFICATION OBLIGATION.—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 arising from personal injury or damage to property described in subsection (a), incurred after the [date] date of the enactment of the Amtrak Reform and Accountability Act of 1997, shall be enforceable, notwithstanding any other statutory or common law or public policy giving rise to the damages or liability."

(c) CONFIRMING 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."

SEC. 162. RETENTION OF FACILITIES.

Section 24309(b) of title 49, United States Code, is amended by inserting "or on January 1, 1997," after 1979.

TITLE III—FISCAL ACCOUNTABILITY

SEC. 201. AMTRAK FINANCIAL GOALS.

Section 24101(d) of title 49, United States Code, is amended by adding at the end thereof the following: ‘‘Amtrak shall prepare a financial plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002. Commencing no later than the fiscal year following the fifth anniversary of the Amtrak Reform and Accountability Act of 1997, Amtrak shall operate without Federal operating grant funds pursuant to orders of an administrative agency, or in any arbitration proceeding, or in any other forum or $250,000, whichever is greater; and

SEC. 202. INDEPENDENT ASSESSMENT

(a) INITIATION.—Not later than 15 days after the date of enactment of this Act, the Secretary shall contract with an entity independent of Amtrak and not in any contractual relationship with Amtrak and of the Department of Transportation to conduct an independent assessment of the financial requirements of Amtrak through fiscal year 2002. The entity shall have demonstrated knowledge and expertise in the field of corporate management, including the uniqueness of the industry and of Surface Transportation Board accounting requirements. The Department of Transportation, Office of Inspector General, shall approve the entity’s statement of work and the award and shall oversee the contract. In carrying out its responsibilities under the preceding sentence, the Inspector General’s Office shall perform such overview and validation or verification of data as may be necessary to assure that the assessment conducted under this subsection meets the requirements of this section.

(b) ASSESSMENT CRITERIA.—The Secretary and Amtrak shall contract with an independent entity estimates of the financial requirements of Amtrak for the period described above, using as a base the fiscal year 1997 appropriation levels established by the Congress. The independent assessment shall be based on an objective analysis of Amtrak’s funding needs.

(c) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including Amtrak’s—

(1) cost of operations and procedures; 

(2) expenses related to intercity rail passenger service, commuter service, and any other service Amtrak provides; 

(3) Strategic plan including Amtrak’s projected expenses, capital needs, ridership, and revenue forecasts; and 

(4) Amtrak’s debt obligations.

For purposes of paragraph (d), in the capital needs part of its Strategic Business Plan Amtrak shall distinguish between that portion of the capital needs that are required for the Northeast corridor and that required outside the Northeast corridor, and shall include rolling stock requirements, including capital leases, ‘‘state of good repair’’ requirements, and grants.

(d) DEADLINE.—The independent assessment shall be completed not later than [90] 180 days after the contract is awarded, and shall be submitted to the Council established under section 203, the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

SEC. 203. AMTRAK REFORM COUNCIL

(a) ESTABLISHMENT.—There is established an independent commission to be known as the Amtrak Reform Council.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of members, as follows:

(A) The Secretary of Transportation.

(B) Two individuals appointed by the President, of which—

(i) one shall be a representative of a rail labor organization; and

(ii) one shall be a representative of rail management.

(C) Two individuals appointed by the Majority Leader of the United States Senate.

(D) One individual appointed by the Minority Leader of the United States Senate.

(E) Two individuals appointed by the Speaker of the United States House of Representatives.

(F) One individual appointed by the Minority Leader of the United States House of Representatives.

(2) APPOINTMENT CRITERIA.—

(A) TIME FOR INITIAL APPOINTMENTS.—Appointments under paragraph (1) shall be made within 30 days after the date of enactment of this Act.

(B) EXPERTISE.—Individuals appointed under subparagraphs (C) through (F) of paragraph (1)—

(i) may not be employees of the United States;

(ii) may not be board members or employees of Amtrak;

(iii) may not be representatives of rail labor organizations or rail management; and

(iv) shall have technical qualifications, professional standing, and demonstrated expertise in the field of corporate management, finance, rail or other transportation operations, labor, economics, or the law, or other areas of expertise relevant to the Council.

(3) TERM.—Members shall serve for terms of 5 years. If a vacancy occurs other than by the expiration of a term, the individual appointed to fill the vacancy shall be appointed in the same manner as, and shall serve only for the unexpired portion of the term for which, that individual’s predecessor was appointed.

(4) CHAIRMAN.—The Council shall elect a chairman from among its membership within 15 days after the earlier of—

(A) the date on which all members of the Council have been appointed under paragraph (A); or

(B) 45 days after the date of enactment of this Act.

(c) MAJORITY REQUIRED FOR ACTION.—A majority of the members of the Council present and voting is required for the Council to take action. No person shall be elected chairman of the Council who receives fewer than 5 votes.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide such administrative support to the Council as it may need in order to carry out its duties under this section.

SEC. 204. AMTRAK REFORM COUNCIL TO TAKE ACTION

(a) ACTION.- The Council shall take action as follows:

(A) 5702 and 5703 of title 5, United States Code, shall receive travel expenses, including per

(B) 5702 and 5703 of title 5, United States Code, shall receive travel expenses, including per

(C) 5702 and 5703 of title 5, United States Code, shall receive travel expenses, including per

(D) 5702 and 5703 of title 5, United States Code, shall receive travel expenses, including per

(E) 5702 and 5703 of title 5, United States Code, shall receive travel expenses, including per
(e) MEETINGS.—Each meeting of the Council, other than a meeting at which proprietary information is to be discussed, shall be open to the public.

(4) RECORDS AND ACCOUNTS.—Amtrak shall make available to the Council all information the Council requires to carry out its duties under this section, including appropriate procedures to ensure against the public disclosure of any information obtained under this subsection that is trade secret, commercial, or financial information that is privileged or confidential.

(g) DUTIES.—

(1) EVALUATION AND RECOMMENDATION.—The Council—

(A) shall evaluate Amtrak’s performance, and

(B) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reforms.

(2) SPECIFIC CONSIDERATIONS.—In making its evaluations and recommendations under paragraph (1), the Council shall consider all relevant performance factors, including—

(A) Amtrak’s operation as a national passenger rail system that provides access to all regions of the country and ties together existing and emerging rail passenger corridors;

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

and

(C) management efficiencies and revenue enhancement, including savings achieved through labor and contracting negotiations.

(h) ANNUAL REPORT.—Each year before the fifth anniversary of the date of enactment of this Act and annually thereafter, the Council shall submit to the Congress a report that includes an assessment of Amtrak’s progress on the resolution or status of productivity issues; and makes recommendations for improvements and for any changes in law it believes to be necessary or appropriate.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary to enable the Council to carry out its duties.

SEC. 205. ACCESS TO RECORDS AND ACCOUNTS.

(a) IN GENERAL.—If at any time more than 2 years after the date of enactment of this Act and implementation of the financial plan referred to in paragraph (1) an action plan for a restructured and rationalized intercity rail passenger system; and

(b) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reforms.

(2) SPECIFIC CONSIDERATIONS.—In making its evaluations and recommendations under paragraph (1), the Council shall consider all relevant performance factors, including—

(A) Amtrak’s operation as a national passenger rail system that provides access to all regions of the country and ties together existing and emerging rail passenger corridors;

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

(C) management efficiencies and revenue enhancement, including savings achieved through labor and contracting negotiations.

(h) ANNUAL REPORT.—Each year before the fifth anniversary of the date of enactment of this Act and annually thereafter, the Council shall submit to the Congress a report that includes an assessment of Amtrak’s progress on the resolution or status of productivity issues; and makes recommendations for improvements and for any changes in law it believes to be necessary or appropriate.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary to enable the Council to carry out its duties.

SEC. 205. ACCESS TO RECORDS AND ACCOUNTS.

(a) IN GENERAL.—If at any time more than 2 years after the date of enactment of this Act and implementation of the financial plan referred to in paragraph (1) the Congress finds that—

(1) Amtrak’s business performance will prevent it from meeting the financial goals set forth in paragraph (2); or

(2) Amtrak will require operating grant funds after the fifth anniversary of the date of enactment of this Act, then the Council shall immediately notify the President, the Committee on Commerce, Science, and Transportation of the United States Senate; and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(b) FACTORS CONSIDERED.—In making a finding under paragraph (a), the Council shall take into account—

(1) Amtrak’s performance;

(2) the findings of the independent assessment conducted under section 202; and

(3) the level of Federal funds made available for carrying out the financial plan referred to in section 201.

(3) (A) Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.

(B) PHASE-IN PLAN.—Within 90 days after the Council makes a finding under subsection (a), it shall develop and submit to the Congress—

(I) an action plan for a restructured and rationalized intercity rail passenger system; and


If the Congress does not approve by concurrent resolution the implementation of the plan submitted under paragraph (1) within 90 calendar days after it is submitted to the Congress, then the Secretary of Transportation and Amtrak shall implement the plan submitted under paragraph (2).

(1) DEVELOPMENT OF PLANS.—Within 90 days after the Congress makes a finding under subsection (a)—

(A) it shall develop and submit to the Congress an action plan for a restructured and rationalized national intercity rail passenger system; and

(B) Amtrak shall develop and submit to the Congress an action plan for the complete liquidation of Amtrak, after having the plan reviewed by the Inspector General of the Department of Transportation and the General Accounting Office for accuracy and reasonableness.

(2) CONGRESSIONAL ACTION OR INACTION.—If within 90 days after receiving the plans submitted under paragraph (1), an Act to implement a restructured and rationalized intercity rail passenger system does not become law, then Amtrak shall implement the liquidation plan developed under paragraph (1). Such plans may be required to reflect the recommendations, if any, of the Inspector General of the Department of Transportation and the General Accounting Office.

SEC. 206. OFFICERS’ PAY.

Section 2303(b) of title 49, United States Code, is amended by adding at the end the following new subsection:

(2) by inserting '', and any passenger or fee imposed'' in paragraphs (1), (2) and (3) of section 401.

SEC. 207. EXEMPTION FROM TAXES.

(a) IN GENERAL.—Section 2001(a)(1) of section 24001 of title 49, United States Code, is amended—

(1) by striking so much of the subsection as precedes “rail carrier” in paragraph (1) and inserting the following:

(1) EXEMPTION FROM TAXES LEVIED AFTER SEPTEMBER 30, 1998.—

(I) IN GENERAL.—Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are exempt from—

(A) any, of the Inspector General of the Department of Transportation and the General Accounting Office.

(B) any Federal or State taxes, fees, or other charges imposed on intrastate travel as of the fifth anniversary of the enactment of the Amtrak Reform and Accountability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabilities under section 3221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their beneficiaries.

(II) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak except for sections 11242(a), 11504(a) and (d), and 11707. (B) PHASE-IN OF EXEMPTION FOR CERTAIN EXISTING TAXES AND FEES.—

(1) by striking ’’rail carrier under section 10603, 10604, and 10605, applied to railroad carrier under section 20102(2) and (3)’’.

(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 11242(a), 11504(a) and (d), and 11707. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, theRailroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.’’.

SEC. 208. WASTE DISPOSAL.

Section 2303(m)(1)(A) of title 49, United States Code, is amended by striking ‘‘1996’’ and inserting ‘‘2001’’.

SEC. 405. ASSURANCE FOR UPGRADING FACILITIES.

Section 23010 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 235 of such title, are repealed.

SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.

Section 23014 of title 49, United States Code, and the item relating thereto in the
SEC. 404. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) Repeal of title 49, United States Code, is repealed and the table of sections for chapter 243 of that title, is amended.

SEC. 405. CONFORMING AMENDMENTS.

(a) Repeal of title 49, United States Code, is amended by striking subsections (a), (c), and (d) and redesignating subsection (b) as subsection (a) and subsections (e) through (m) as subsections (b) through (j), respectively.

(b) Section 24902(a)(i) is amended by striking "the high-speed rail passenger transportation area specified in section 24902(a) (1) and (2)" and inserting "a high-speed rail passenger transportation area".

SEC. 406. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) Application to Amtrak.—

(1) Access Improvements at Certain Shared Stations.—Amtrak is responsible for its share, if any, of the costs of accessibility improvements at any station jointly used by Amtrak and a commuter authority.

(2) Certain Requirements Not to Apply Until 1996.—Amtrak shall not be subject to any requirement under subsection (a)(1), (a)(3), and (a)(6) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162) until January 1, 1996.

(b) Conforming Amendment.—Section 24107 of title 49, United States Code, is amended—

(1) by striking subsection (b); and

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

SEC. 407. DEFINITIONS.

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

(1) in paragraph (2) and inserting paragraphs (2) and (11);

(2) by redesigning paragraphs (3) through (10) as paragraphs (2) through (7), (9), respectively; and

(3) by inserting "a unit of State or local government," after "a person" in paragraph (7), as so redesignated.

(4) inserting after paragraph (7), as so redesignated, the following new paragraph:

"(8) "rail passenger transportation" means the interstate, intrastate, or international transportation of passengers by rail, including mail and express."

SEC. 408. NORTHEAST CORRIDOR COST DISPUTE.

Section 1163 of the Northeast Rail Service Act of 1961 (45 U.S.C. 1111) is repealed.

SEC. 409. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) Amendment.—

(1) In general.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "Amtrak.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect in the first fiscal year in which Amtrak receives no Federal subsidy.

(b) Amtrak Not Federal Entity.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978. The preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.

(c) FEDERAL SUBSIDY.—

(1) AMENDMENT.—In any fiscal year for which Amtrak requests Federal assistance, the Inspector General Department of Transportation shall review Amtrak's operations and conduct an analysis similar to the assessment required by section 202(a). The Inspector General shall report the results of the review and assessment to—

(A) the President of Amtrak;

(B) the Secretary of Transportation;

(C) the United States Senate Committee on Appropriations;

(D) the United States Senate Committee on Commerce, Science, and Transportation;

(E) the United States House of Representatives Committee on Appropriations;

(F) the United States House of Representatives Committee on Transportation and Infrastructure.

(2) REPORT.—The report shall be submitted, to the extent practicable, before any such committees in the year in which Amtrak's application for capital assistance is considered for approval, development, or operation expenses.

(3) SPECIAL EFFECTIVE DATE.—This subsection takes effect 1 year after the date of enactment of this Act.

SEC. 410. INTERSTATE RAIL COMPACTS.

(a) Consent to Compacts.—Amtrak 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;

(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); or

(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.

(c) Eligible Projects.—Section 133(b) of title 23, United States Code, is amended—

(1) by striking paragraph (6) and inserting

"(6) The United States House of Representatives or the United States Senate Committee on Transportation and Infrastructure shall include an analysis of the implications of such a bankruptcy on the Federal Government, Amtrak's creditors, and the Railroad Retirement Board.

SEC. 412. EDUCATIONAL PARTICIPATION.

Amtrak shall participate in educational efforts, with elementary and secondary schools to inform students on the advantages of rail travel and the need for rail safety.

SEC. 413. REPORT TO CONGRESS ON AMTRAK BANKRUPTCY.

Within 120 days after the date of enactment of this Act, the Comptroller General shall submit a report identifying financial and other issues associated with an Amtrak bankruptcy to the United States Senate Committee on Commerce, Science, and Transportation and to the United States House of Representatives Committee on Transportation and Infrastructure. The report shall include an analysis of the implications of such a bankruptcy on the Federal Government, Amtrak's creditors, and the Railroad Retirement Board.

SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBYING RELATIONSHIPS.

If, at any time, Amtrak enters into a contract for lobbying, a contract for processing of records, a contract for legal services, or a contract for lobbying, with a lobbying firm, the President of Amtrak shall notify the United States Senate Committee on Commerce, Science, and Transportation of the contract.
Mr. McCAIN. Mr. President, before the majority leader leaves the floor, are we contemplating a recorded vote on this, I would ask the majority leader, or what is the will of the Democratic leader?

Mr. LOTT. Mr. President, if I could respond, I believe we have it cleared and that this could be moved by voice vote.

Mr. McCAIN. Does the Senator from Pennsylvania want a recorded vote on this or is a voice vote sufficient?

Mr. LOTT. If I could respond to the question, I know Pennsylvania is very supportive of Amtrak and would like this proposal to move forward as quickly as possible so I hope that we wouldn’t have to have a recorded vote.

Mr. McCAIN. I thank the majority leader. The reason why I asked is that the Senator from Pennsylvania had asked the question as to whether we would have a recorded vote. I thank the Democratic leader as well as the majority leader for their kind remarks.

AMENDMENT NO. 1609

(Purpose: To reauthorize Amtrak and for other purposes)

The PRESIDING OFFICER. Mr. McCAIN, is the Senator from Texas [Mrs. Hutchison], for herself, Mr. Lott, Mr. McCain, and Mr. Jeffords, proposes an amendment numbered 1609.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today’s RECORD under “Amendments Submitted.”)

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Chair.

I thank the majority leader and the Democratic leader for their kind remarks. I especially wish to thank Senator Breaux and Senator Breaux who spent literally hundreds of hours on this bill. I think it is important to point out for the RECORD that this effort was begun by the majority leader when he was chairman of the subcommittee which is now chaired by the Senator from Texas, and the groundwork was laid through his strong efforts.

I might say that there were several occasions when we were gridlocked on this bill and we gathered in the majority leader’s office and he helped us find ways to reach common ground.

Mr. President, this compromise reauthorization legislation is the product of more than 3 years of bipartisan negotiations. Let there be no mistake. Amtrak is on the verge of bankruptcy. Fundamental reforms are needed immediately if there is to be any possibility of addressing Amtrak’s financial crisis and turning it into a viable operation. This measure is long overdue. I am sure we all understand that these reforms Amtrak may not make it.

Again, I thank Senator Hutchison for all her hard work, along with Senator Breaux and Senator Kerry. Senator Breaux and Senator Kerry will be in the Chamber shortly, I am told, to add their comments. Senator Hutchison will describe the details of her amendment which have to do with labor, contracting out, liability, and the sunset trigger which is part of this legislation.

I think everyone knows that I hold strong reservations about Amtrak. After subsidizing for 26 years what was to have been a 2-year experiment, I believe Congress must carefully evaluate whether this is the best use of our limited taxpayers dollars.

Since 1971, Amtrak has received over $20 billion in Federal tax dollars. I know that Amtrak has strived to reduce its operating costs and increase its revenues. And, yes, a portion of Amtrak’s financial challenges are due to statutory constraints that Congress imposed and has failed to lift. The fact remains the Amtrak 12-year experiment was unsuccessful 26 years ago, it is unsuccessful today, and the prospects of its future are rather bleak.

I realize that my pessimistic view of Amtrak’s future, based on its track record, is not shared by the majority of the Congress. That is why I have worked with my colleagues to bring some semblance of legitimacy to this operation. The bill before us does not go as far as many of us would like. For some of my colleagues on the other side of the aisle, they may say it goes too far. Regardless of the position held, the bill does provide for some comprehensive changes.

According to a November 5, 1997, letter from Tom Downs, “enactment of the Amtrak Accountability and Reform Act of 1997 would be the single most significant action the Congress can take to aid Amtrak in achieving operating self-sufficiency by 2002.” The letter goes on to say, “The legislative reforms contained in the bill will allow Amtrak to operate in a more businesslike, cost-effective manner, thus allowing greater productivity and increased savings.”

Mr. President, I ask unanimous consent that the letter from Tom Downs, who is the president and chief executive officer of Amtrak, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. THOMAS M. DOWNS, Chairman, President and Chief Executive Officer.

Mr. McCAIN. In closing, Mr. President, I want to remind my colleagues that even if Congress approves the statutory reforms and the $2.3 billion for capital improvements is released, Amtrak’s viability remains uncertain. Let Amtrak’s financial position remain the top priority on the agenda of this Congress. Let us not lose sight of the fact that Amtrak is on the verge of bankruptcy.

I hope the dire predictions are wrong but prudence dictates that while we
empower Amtrak to meet its financial goals and protect taxpayers, Congress and the administration prepare for and have a clear understanding of the long-range economic effects of a potential bankruptcy.

I requested the General Accounting Office to conduct an analysis of this issue and submit a report to the committee providing an overview of the financial issues and implications associated with an Amtrak liquidation. The report will include an analysis of the financial results for the Federal Government, Amtrak’s creditor’s and the railroad retirement system.

I strongly support passage of this reform measure. However, I will continue to hold strong reservations over Amtrak’s ability to ever turn Amtrak into a profitable, subsidy-free operation. One of the most important elements of this bill is that it provides the opportunity for us to shut off the spigot if and when it is clear the promise of financial viability will not or cannot be achieved.

What is happening here is not just a piece of reform legislation, Mr. President. We are releasing $2.3 billion in what I have previously described as the great train robbery of 1997. Back in the 80s some citizens of my State used to rob trains. But now the trains have decided to rob the taxpayers of $2.3 billion with the help of this body. The proviso, or the rationale that allowed the $2.3 billion to be fenced off was $2.3 billion in back taxes. The only problem with that scenario, Mr. President, is Amtrak has never paid any taxes. So we are providing another $2.3 billion giveaway to Amtrak. These reforms release that money.

I will never forget when I first came to Congress in 1982, Mr. President. I was visited by a man whom I respect as much as any man, Graham Claytor, who was then the head of Amtrak. And he gave me a graphic detail and extensive briefing about how Amtrak was going to be viable financially by the year 1985. That’s only 12 years ago. But every 2 or 3 years Amtrak has come over to Congress with another plan to become financially viable within 2 or 3 years, and we know the answer. The answer is that they have now received more than $20 billion of the taxpayers’ money.

I say enough is enough. And I commit now that if this reform amendment does not make Amtrak financially viable, I will do everything in my power as a Senator and as chairman of the Commerce, Science, and Transportation Committee to see that it comes to an end.

I wish Amtrak every success with the passage of this legislation by the House. I will hope and pray that Amtrak succeeds. But I must tell you I am not optimistic that they will succeed and I hope to God that this is the last trip on the taxpayers’ pocket book that we make on behalf of Amtrak.

Mr. President, again I thank Senator Hutchison who has done such a magnificent job on this legislation. She has worked countless numbers of hours. She has made compromises that clearly at the beginning she was not prepared to do. She made these compromises because she knew that is the only legislation and the lessons of getting Amtrak financially viable. She deserves enormous credit, along with my dear friend, Senator Kerry and Senator Breaux, from Massachusetts and Louisiana, who played a great role. Bipartisanism is what this place is supposed to be about. Amtrak, that is a bipartisan effort of which I think all of us can be proud. Again, my thanks to Senator Hutchison.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Brownback). The Senator from Texas, Mrs. Hutchison.

Mr. President, I ask unanimous consent that Senators Santorum and Jeffords be added as original co-sponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I am ready to vote, after which we will then debate. The PRESIDING OFFICER. If there be no objection, the amendment is agreed to.

Mrs. HUTCHISON. Mr. President, I want to say that what Senator McCain said is absolutely true. I think it is fairly clear from his comments that he is not a fan of Amtrak. But as the chairman of the committee, he worked with all of us who do care about Amtrak, who want passenger rail for our country, to try to give Amtrak a chance to succeed. I think all of us have come together on a bill that will give Amtrak a chance to succeed and will also make Amtrak accountable. That is what Senator McCain is looking for and that is what all of us hope will happen.

In fact, Senator Lott, the majority leader, who has worked on this for, as he said, 3 years—he was the Surface Transportation Subcommittee chairman before I took that position, before he became majority leader—Senator McCain, Senator Hollings, Senator Breaux, Senator Kerry, all contributed greatly to a very hard-fought compromise. Because, of course, we are making big changes in the law as it affects Amtrak and passenger rail in our country. Anything that makes this many changes, of course, could not be done easily. It took the labor groups, it took the trial lawyer groups to come together and work with us, along with Senators such as Senator McCain who want accountability. So I think we have come together in a bill that will give Amtrak a chance. It is not a slam dunk. It is not an assured success. This is the first step in many steps that have to be taken to get Amtrak to operate without subsidies in the future.

What this bill has done is authorize the subsidies over the next 5 years that eventually will phase out. At the end of 5 years there will not be operational subsidies by the taxpayers of Amtrak. We have all agreed to that. That is why it was essential that we have reforms, so that Amtrak could be more efficient in the marketplace, so that it could have a passenger operation that would be much improved and, hopefully, bring more people into the system so it could operate without the subsidies. In addition, the $2.3 billion in infrastructure improvements, which are necessary both for the efficient operations and for the higher technology trains that we hope they will be able to operate, is contingent on these reforms. I think it was very wise, in the budget reconciliation bill, that the $2.3 billion that would be put into investment in capital improvements would be tied to these very important reforms. Because without the reforms, Amtrak has no chance to succeed—one. With the reforms, it has a chance. That is what this bill today will give it. I would like to go through a few of the most important points of what we did today.

First, of some of the labor protections that were mandated by the Federal Government are now taken out of the law. The 6-year statutory severance benefits will now be in place for 180 days as they are negotiated at the bargaining table, after which they will be totally lifted from all negotiation and there will be no Federal mandates. In other words, today if a line goes out of business or Amtrak takes it off, those employees today would be entitled by Federal law to 6 years of severance pay. Most Americans do not have jobs that have 6-year termination agreements. In fact, when Amtrak first came into place, it was a different time. Today, these severance packages are about to break the system, and I think the unions realize that and they are willing to say we will put it on the negotiating table and we will let the free market reign. So that is the first thing we are doing.

The second thing we are doing is taking the prohibition against any contracting out of the law once again. It will be part of the contracts for the next 2 years, but it is on the negotiating table now so that Amtrak, if it sees that it can make efficiencies by contracting out certain services, will be free to do that in a negotiated framework. So that is also on the table as well.

It is very important that Amtrak bring its labor costs into line because, in fact, if you look at other forms of transportation, the labor costs in passenger rail transportation are lopsided. For instance, no airline has more than 37 percent total labor expense, yet Amtrak is at 54 percent of its total expenses in labor. No competing passenger industry has similar protection yet they are regulated by the Federal Government. In fact, Greyhound drivers and mechanics, who might be laid off because of service discontinuities,
are guaranteed 7 days’ notice under union contracts; no statutory guarantee against contracting out. So I think if you are looking at transportation in its totality in our country, you have to have the ability to compete. So we have to have the ability at the bargaining table to bring these costs in line, if Amtrak is going to be a viable alternative form of transportation.

Another major area that needed some limitation was liability. Our substitute bill provides for a global passenger liability cap of $200 million. I think this is very important. For any one accident there will be a cap, so Amtrak will be able to buy insurance. That is what we are trying to do, is have some sort of quantifiable limit so we will know what the costs would be in the most extreme circumstances. And Amtrak could buy insurance to cover that, hopefully at a reasonable cost.

As Senator McCain mentioned, there is a trigger on this. There will be an Amtrak Reform Council appointed to monitor Amtrak’s progress with these new reforms, to look at the 5-year glidepath that Amtrak is on, to try to get to where there will be less, if not more, taxpayer subsidies of Amtrak. This Amtrak Reform Council is going to look at the Amtrak operation and the reforms and see how Amtrak is doing. After 2 years they will submit a strategic plan for Amtrak, and they will also report to Congress if they just don’t think Amtrak has a chance to make it, after which Congress will be able, then, to either implement the plan, the strategic plan that would be put forward, or pull the plug on Amtrak.

These are accountability standards that I think are reasonable. Certainly we want to put good money into helping Amtrak succeed, but if it is going to be a business, don’t want them to go bad money after bad. So I think the accountability is a very important part of this compromise.

We also provide in this bill for interstate rail compacts, so that two States that have traffic that would warrant, perhaps, a joint effort toward rail transportation could come together, could pool their resources and provide for rail transportation in their States. I think that is a very important step, for our States to be able to form compacts because we will add to the options of rail transportation.

It also provides that Amtrak will have to give 180 days’ notice if they are going to discontinue a route. The previous law required 90 days’ notice. That is not enough time for a State to be able to step in and help Amtrak, especially if it’s a State that has a legislature that only meets every other year and would have to make some emergency arrangements.

So I think we have several new parts of the law that will help very much in giving Amtrak the ability to succeed and also in giving more options to our States to add to the rail passenger capabilities in our country. Because, you see, I think one of the reasons that Amtrak is not only viable but a very important part of an intermodal mobility system for our country is because it is the only going into more and more into intracity rail systems. Even in southern States, in my State of Texas, now, in Dallas, Dallas has a rail train system that goes out of the Amtrak station. So I am very happy that the Texas Legislature will be able to start in Chicago, Ill., come down through Missouri, through Arkansas, over through east Texas into Dallas and Fort Worth. People can get off the train in Dallas or Fort Worth and they can get on an intracity train and go all over the city of Dallas. They can go to the zoo, they can go to the museums, they can get out north where the commuting traffic is. They will be able eventually to go to the airport.

So, as more cities are beginning to have rail connections, then the feeding in of Amtrak also provides more passengers for Amtrak and more mobility for the citizens of our country. I love the fact that you can go from Chicago all the way down through Texas to San Antonio and then get on another Amtrak train, the Sunset Limited, and go to Los Angeles or all the way over to Florida.

These systems will provide vacation capabilities for people in our country that is unparalleled on a train. I think it is something that has been so successful in Europe through the years that it will also have a resurrection in America that will provide more opportunities for families to see this great country from a train and have that experience that we really almost lost in the last 25 or 30 years.

So I think what we are doing today is not propping up a historic, old, antiquated type of transportation that we don’t want the future in this country. That is not what we are doing today. What we are doing today is providing a new, vibrant option for rail transportation to be added to the air transportation that is so terrific in our country and the bus transportation and the automobiles and highways that provide mobility options for all kinds of people—people who can’t drive and people who don’t want to drive. People who don’t live near airports would be able to go to trains instead of buses from small communities all over our States, going into an Amtrak train station where someone can get off a bus in a very small town and get on an Amtrak train and go into cities from Florida to California, from Illinois to Massachusetts, and all the way down to Texas.

So I think it is a very exciting thing we are doing. That is why I have worked so hard with my colleagues, Senator Kerry, Senator Breaux, Senator Hollings and Senator McCain, to make this a reality, to give Amtrak a chance. Because if Amtrak can compete with the other kinds of transpor-
an immediate need for 10 new tunnels under the Hudson River between northern New Jersey and New York City and 20 new highway lanes in New York. If Amtrak disappeared tomorrow, there would be an additional 27,000 cars on the highway between New York and Boston.

In my home State of Vermont, passenger rail has been rediscovered. We launched a new passenger service, the Ethan Allen Express last year, to complement already existing Vermonters. Both trains have been immensely successful, bringing passengers from New England, New York, and across the Nation to our beautiful State. These trains have relieved highway congestion, given an economic boost to the State and offer travelers an alternative to driving or flying. Our dream in Vermont is to expand this service, linking a number of our larger cities and reestablishing rail service to Maine, New Hampshire, and Boston.

And if Amtrak disappeared, as it is now threatened to do, in Vermont, rail keeps rolling regardless of weather. During the deep winter storms, as cars were snowbound and planes held on the ground, the trains were bringing business travelers and skiers to our State. We all remember when the eastern seaboard was hit with a major blizzard in the winter of 1996 and the Federal Government was shut down for a solid week. But Amtrak kept running. In fact, my only means of getting to Washington the next day was on the train, as roads were blocked and planes grounded.

Passenger rail service is the future. But many in this city have yet to recognize this reality. Amtrak has never before been given the proper tools to bring the train into the modern age. The rail system operates on 1930's technology, with outdated engines, cars and maintenance facilities.

While this system struggles, other nations have invested heavily in technologically advanced high speed trains. France, Japan, and many other nations operate state-of-the-art trains, an efficient mode of travel in densely populated regions. Japan installed their bullet trains in the early 1960's, and Europe in the 1970's. The high-speed trains, cruising at 200 miles per hour or more, easily compete with cars, buses, and planes.

Why has the United States fallen so far behind? Railroads in this country once had the prestige and financial capital to do nearly anything, but that changed over the years. Through mismanagement and limited public support we let our passenger railroads decay to the point of extinction. Today, we face the same choices. Should we support reviving and expanding advanced passenger rail through public financing or shut the system down? Let's not make a mistake that we would truly regret in the future. It's time to take this rail leadership work and maintain its role as a vital component of our Nation's transportation infrastructure.

This Nation is on the verge of one of the most important transportation developments in its history. High speed rail should be operational from Washington to Boston by 1999. Other regions of the country are also working to develop high-speed train service, including California and many other States. These trains easily compete with air travel and allow travelers a comfortable, fast and efficient means to reach their destination.

High-speed rail will also aid Amtrak's bottom line. This new system will bring further profits to a business that badly needs the capital.

Many critics will question the need for further public investment in Amtrak. As compared to other infrastructure programs, passenger rail gets little public support. Last year we spent $20 billion on highways, while capital investment for Amtrak was less than $450 million. In relative terms, between fiscal year 1980 and fiscal year 1994, spending on highways increased 73 percent, aviation increased 170 percent, while spending on rail declined by 60 percent.

Without proper reforms and additional capital funding the future of this railroad is at risk. I commend members of the Senate Commerce committee who have worked to deliver a solid reform proposal to the Senate. My hope is that the House will accept these changes and send this bill to the President before we adjourn for the year. The plan we have developed offers serious reforms that will enable the railroad to modernize while reducing operating costs.

Our Nation needs passenger rail. Together, we must move forward to preserve this important transportation option. The investments we are committing to today will increase our Nation's competitive edge in the world and economic and social activity in our regions.

Mr. LAUTENBERG. Mr. President, I rise to support the compromise Amtrak reauthorization bill being offered by Senator HUTCHISON. Passage of this bill brings us one step closer to putting our Continental railroad. And if Amtrak wasn’t there, another 11 million people would be dumped onto our roads.

How many billions of dollars would we have to spend widening roads in order to accommodate traffic? How much time and money would trucking companies, businesses, and commuters lose as a result of increased traffic and congestion? I do not think that anyone can legitimately make the argument that the billions we've spent in the past 15 years on highways and roads have not benefit from Amtrak's operations.

Amtrak does not just reduce congestion on our highways. It carries over 40 percent of the combined air-rail market between Washington and New York. Loss of Amtrak service in this corridor would require another 7,500 fully booked 757 jetliners to carry Amtrak's passenger load each year. How many billions would we have to invest in our air infrastructure to accommodate these travelers?

Mr. President, while I've spoken about my region, Amtrak is also a national passenger rail system that provides important service in areas of the country that are not as congested. In many cases, Amtrak provides residents of small rural towns with their only form of intercity transportation. Each year, some 22 million passengers depend on Amtrak for their only connection between urban centers and rural locations. Amtrak provides service in 45 of the 50 States.
November 7, 1997

CONGRESSIONAL RECORD — SENATE
S11933

Ask any Amtrak passenger, traveling through the State of Montana, perhaps stopping off at Havre, on their way to Glacier National Park, whether Amtrak is important to them. Of course it is.

Mr. President, this agreement in front of us today strikes a compromise on very difficult labor issues. It asks Amtrak’s workers to make significant concessions.

Mr. President, I worked hard to make these funds available to Amtrak. During the budget negotiations, I worked with Senators ROTH and DOMENICI to include a reserve fund for Amtrak to allow us to make additional capital funds available for future legislation.

Thanks to the leadership of Senators ROTH and MOYNIHAN, the Finance Committee found a way to provide this funding in the tax reconciliation bill through a $2.3 billion tax credit.

Mr. President, I would like to end by commending all of those who worked so feverishly to put this compromise together. In particular, Senators Kerry, LOTT, HUTCHISON, McCAIN, ROTH and BREAUX deserve special recognition for their efforts and leadership in this matter.

I urge my colleagues to support this Amtrak reauthorization compromise. I think this step we take today to begin rejuvenating our national rail system might someday be considered just as historic as the century-old congressional decision to build it in the first place.

But we must not kid ourselves. More will need to be done if Amtrak is to thrive, not just survive.

Mr. CHAFEE, Mr. President. I strongly support this legislation, which will preserve vital passenger rail service in the United States. I applaud the hard work of the members of the Commerce Committee who have worked out a reasonable compromise on this much-needed bill.

In the 25 years since Amtrak was created, we’ve learned several things about passenger rail operations in the United States: First, in today’s increasingly competitive transportation marketplace, Amtrak cannot continue to operate viably under the status quo.

Second, we recognize political reality and know that the American people will not continue to support taxpayer subsidies of Amtrak if the railroad continues to operate under the same structure that has brought it close to financial collapse. Third, like its counterparts in the highway and aviation sectors, passenger railroad ought to be afforded a reasonable level of Federal assistance for its increasingly urgent infrastructure needs.

With regard this third matter — Federal support — I am pleased that Congress included within the tax bill passed earlier this year $2.3 billion for Amtrak’s capital improvements. These funds will help Amtrak conduct badly needed modernization of its infrastructure to enhance its service to its customers and more effectively perform in a competitive marketplace. However, these funds are on hold until the bill before the Senate today is enacted into law.

What is also needed is a realistic assessment of the Federal laws currently governing Amtrak’s operation. Although attention recently seems to have focused on the protections for Amtrak employees, there are a wide range of laws that hinder Amtrak’s stated goal of operating more like a business.

It has been the provisions affecting Amtrak workers that have been most controversial and have stymied action in Congress for the past 2 years. Some of these laws stem from the Depression era, a time when Congress and the President deemed a national tragedy. Others were enacted when Amtrak was first created in the early 1970’s, well before the railroad’s financial problems had developed.

In any event, it is important to note that many of these provisions are mandated by law, rather than agreed to through the traditional collective-bargaining process that businesses and labor unions across America deal with regularly. Unfortunately, the United States are certainly not required by law to provide worker benefits similar to those required of Amtrak.

If financial and operational viability is going to be restored at Amtrak, we simply must take a candid and reasonable look at all of the very unique laws—not just the labor protections—that have hindered Amtrak’s ability to succeed. We must also ensure that, like its counterparts in the aviation and highway sectors, passenger rail is provided a reasonable level of support for capital improvements. These are the goals this bill seeks to achieve, and I am pleased that Senate is able to take it up today.

Specifically, when amended by this substitute, S. 738 will:

* Authorize $5.163 billion for Amtrak over the next 5 years;
* Mandate that Amtrak be independent of Federal operating subsidies in 5 years;
* Repeat two statutes that affect work rules at Amtrak, and put them into the collective bargaining process. These outdated statutes prohibit Amtrak from contracting out, and mandate 6 years of severance pay for laid off employees;
* Impose a reasonable cap on punitive damages on rail transportation liability;
* Create an Amtrak reform council [ARC] that will regularly evaluate Amtrak’s financial performance to ensure accountability to the taxpayer;
* Clarify that tax-inclusion within the tax bill can only be used for Amtrak capital improvements.

When taken together, the provisions of this legislation will restore financial viability to a train service that is a national asset that is going to be restored at Amtrak, we simply must take a candid and reasonable look at all of the very unique laws—not just the labor protections—that have hindered Amtrak’s ability to succeed. We must also ensure that, like its counterparts in the aviation and highway sectors, passenger rail is provided a reasonable level of support for capital improvements. These are the goals this bill seeks to achieve, and I am pleased that Senate is able to take it up today.

Specifically, when amended by this substitute, S. 738 will:

* Authorize $5.163 billion for Amtrak over the next 5 years;
* Mandate that Amtrak be independent of Federal operating subsidies in 5 years;
* Repeat two statutes that affect work rules at Amtrak, and put them into the collective bargaining process. These outdated statutes prohibit Amtrak from contracting out, and mandate 6 years of severance pay for laid off employees;
* Impose a reasonable cap on punitive damages on rail transportation liability;
* Create an Amtrak reform council [ARC] that will regularly evaluate Amtrak’s financial performance to ensure accountability to the taxpayer;
* Clarify that tax-inclusion within the tax bill can only be used for Amtrak capital improvements.

When taken together, the provisions of this legislation will restore financial viability to a train service that is a national asset that is going to be restored at Amtrak, we simply must take a candid and reasonable look at all of the very unique laws—not just the labor protections—that have hindered Amtrak’s ability to succeed. We must also ensure that, like its counterparts in the aviation and highway sectors, passenger rail is provided a reasonable level of support for capital improvements. These are the goals this bill seeks to achieve, and I am pleased that Senate is able to take it up today.

Specifically, when amended by this substitute, S. 738 will:

* Authorize $5.163 billion for Amtrak over the next 5 years;
* Mandate that Amtrak be independent of Federal operating subsidies in 5 years;
* Repeat two statutes that affect work rules at Amtrak, and put them into the collective bargaining process. These outdated statutes prohibit Amtrak from contracting out, and mandate 6 years of severance pay for laid off employees;
* Impose a reasonable cap on punitive damages on rail transportation liability;
* Create an Amtrak reform council [ARC] that will regularly evaluate Amtrak’s financial performance to ensure accountability to the taxpayer;
* Clarify that tax-inclusion within the tax bill can only be used for Amtrak capital improvements.
this bill with Senator Hutchison's amendment. If we fail to address the financial problems at Amtrak all we are doing is delaying the inevitable.

We need to make the tough choices—that is what the people of this country have been asking us to do. If we are not willing or able to do that for Amtrak then we might as well shut the system down rather then allow it to slowly bleed to death. That is what is happening now because some in this body have been uncivil in their behavior. The fact that there is no easy answer to the financial problems facing Amtrak. If there were—we would not find ourselves in this situation.

Three years ago, Amtrak took the Government's pronouncement that it should operate without Federal operating subsidies to heart. They developed a business plan and told Congress what was needed both in the way of statutory changes and capital funding in order to meet this goal. Earlier this year, Congress provided the capital trust fund—an important first step—but in this case money simply isn't enough. Until we address the statutory changes they need, we have left them to sink slowly into bankruptcy.

The Senate will make an important decision today. We can take the responsible approach, pass reform, and reach agreement on the issue. We can take the irresponsible approach, pass reform, and make no mistake about it, we will be under increased scrutiny to perform.

Hutchison amendment also provides Amtrak with all the tools, within its power, to meet those expectations. I believe that the committee's reform package—offered today by the distinguished Senator from Texas—is a fair one, but least anyone think that we are asking for a pound of flesh. In the spirit of bipartisanship, it is important to remember that this bill also includes a heavy dose of tough love. If the ARC determines that Amtrak cannot become free of Federal operating subsidies, then plans will be made for liquidation or a major restructuring.

Having worked with Tom Downs, I am a firm believer that he and the men and women who have worked so hard to keep Amtrak moving will meet the goal of self-sufficiency. If they cannot, even after Congress has provided them with the tools they have asked for, then I am ready to close them down. But I want to know that they had the opportunity, the resources and the tools to meet that goal, first. And that is what we asked the Senate to adopt the amendment offered by Senator Hutchison.

It is also important to look at what, until today, has prevented us from moving the Amtrak reform legislation—labeling as a failure.

According to the General Accounting Office, labor accounts for 52 percent of the costs at Amtrak. You don't need to be an accountant to know that if Amtrak is to succeed it needs to be able to address these costs. Amtrak has asked for the ability to sit down at the bargaining table and negotiate on the issues of contracting out of services and severance pay, which under current law is 6 years. The Committee bill required both sides to negotiate. Under the Hutchison amendment, the issue of contracting out shall itself be negotiated in the next round of contract negotiations.

A lot has changed since Amtrak was created in 1970. We need to allow the system to change with the times if it is to be a competitive force as we enter the next century. The men and women of Amtrak have worked hard to improve the system, make no mistake about it, and they have more at stake than anyone for without Amtrak they have no job. I do not believe that asking them to sit down at the table and negotiate is asking too much.

The Hutchison amendment also makes a major change in the liability issue that has long held up reform. It is a much misunderstood issue and I applaud the Senator from Texas' ability to reach agreement on the issue.

The Senate will make an important decision today. We can take the responsible approach, pass reform, and help put Amtrak on the road to self-sufficiency. Or we can take the irresponsible approach, kill the bill and shut down passenger rail service. I have the luxury, I suppose, of coming from a state that is impacted by the air, one way or the other at this time. Maine does not have train service. We would like it, and we are waiting for a decision by the Surface Transportation Board to determine if we will get it, but the people of my State believe that a national passenger rail system is important, and so do I.

A national passenger rail system is an integral part of our transportation future, and I urge my colleagues to join me in passing this bill.

Mr. Hollings. Mr. President, I rise today in support of S. 738, the Amtrak Reform and Revitalization Act of 1997, and urge its immediate passage. S. 738 is the final product of a long collaborative process between Democrats and Republicans alike who have come together in a bipartisan way in order to save and strengthen Amtrak, the Nation's passport.

Credit must be given to Senator Hutchison, the subcommittee chairman, Senator McCain, our Commerce Committee chairman, and the majority leader, Senator Lott who took a personal interest in this legislation to get it done. One for without Amtrak they have no future. One for without Amtrak they have no future. One for without Amtrak they have no future.

In addition, we should mention the Senator staff members who worked long hours to bring this legislation to the floor today. They include: Ann Begeman and Charlotte Casey from the Commerce Committee majority staff; Amy Henderson and Larry DiRita from Senator Hutchison's staff; Carl Selders of the majority leader's office. On the Democratic side I want to mention: Ivan Schlager, Jim Drewey, Clyde Hart, and Carl Bentzel from the committee staff; Greg Rothschild from Senator Kerry's office; Mark Ashby from Senator Breaux's staff; Greg Rohde from Senator Dorgan's office; Tom Zoeller from Senator Ford's office; and Jonathan Adelstein of the minority leader's office.

This bill gives Amtrak the tools it so desperately needs to succeed and prosper into the 21st century. In order for this to be done, each of Amtrak's stakeholders has had to give up some benefit. Amtrak passengers will have to bear a limit on Amtrak's liability to them, much the same way that the airlines limit their liability to passengers. Amtrak employees will have labor protections trimmed, but they will retain the ability to renegotiate these protections in the collective bargaining process. In addition, Amtrak management will have to demonstrate the ability to perform. The bill establishes an Amtrak Reform Council to advise Amtrak management and to report to the Congress.
November 7, 1997

CONGRESSIONAL RECORD — SENATE

S11935

on Amtrak's progress to self-sufficiency.

However, in return for those sacrifices, the bill provides Amtrak, for perhaps the first time, sufficient funds for it to repair and revitalize its track and fleet of ancient and outdated rail passenger service. The United States ranks very low in the world in the amount of money it spends on rail passenger service. According to one study the United States ranks below Bangladesh in the amount of money we allocate to this service. With this bill we can begin to close that gap and give the American people a service they can use and be proud of.

Mr. SHELBY. Mr. President, I compliment my colleagues on the Senate Commerce, Science, and Transportation Committee on today's successful passage of the Amtrak reauthorization bill. I acknowledge that the procurement, labor, and liability reforms contained in this bill as amended by the chairman's substitute amendment are the end result of difficult negotiations and compromises among many competing interests and represent many years' effort. Issues such as contracting out and mandatory 6-year severance have been taken out and put on the negotiating table.

I hope this bill's provisions, along with future negotiations, result in some real reforms. Even with the $2.3 billion in new credits that will be released on January 1, 1998 if this reauthorization bill is enacted into law, Amtrak will still be hard-pressed to continue running trains in the future, if meaningful improvements are not made in the way the railroad does business. Since I have taken on the chairmanship of the Senate Appropriations Transportation Subcommittee this year, one thing has become crystal clear: Amtrak does not intend to be weaned from Federal subsidies any time soon. The Amtrak—Brotherhood of Maintenance of Way Employees [BMWE] union agreement reached last weekend contains contingencies that require appropriations levels higher than those in current law or contemplated by the balanced budget agreement. Amtrak touts its glidepath to self-sufficiency as the funding path that will eventually lead to the elimination of Federal operating subsidies. However, the Amtrak-BMWE agreement is nothing more than a glidepath in the opposite direction.

The fiscal year 1998 transportation appropriations bill provided $793 million for Amtrak operating and capital expenses. Added to Federal subsidies paid to Amtrak credits the Corporation was formed in 1971, the taxpayers have thus far spent $22 billion on a national railroad that carries fewer than 20 million passengers a year—less than 1 percent of all annual intercity passenger trips in the United States. According to the General Accounting Office, the average Amtrak direct Federal subsidy is $38 per passenger trip, compared to $1.50 per commercial airline passenger enplanement. This is subsidy that comes out of the pockets of every American taxpayer, and yet, wide swaths of the country are not served at all by Amtrak, and many communities that do have train service only see the train a few times a week, or at odd hours of the day.

There is a growing sense that Federal funding of Amtrak can no longer be justified on fiscal or mobility grounds, and that it is time to consider phasing out the railroads' public monopoly status. I really hope that the reforms contained in this reauthorization bill do make a difference in the way Amtrak does business. Because if they do not, by releasing these tax credit funds, the Congress may simply be extending Amtrak's financial instability for 2 more years, and costing the taxpayers yet more appropriated funds for the subsidy of a failed experiment.

Mr. BIDEN. Mr. President, I am pleased that we will finally have before us the legislation that is long overdue for it— a new lease on life. In my remarks this afternoon, I will start with the bottom line.

When we pass this legislation today, Amtrak will be eligible to receive the $2.3 billion that was provided in last summer's balanced budget plan. This legislation authorizes the continued existence of Amtrak—that authorization expired in 1994—and therefore gives Amtrak access to the capital funds that some of us have worked so many years to establish.

Agreement on the terms of Amtrak's reauthorization has not been easy, Mr. President. It has taken several years to accomplish, marked by many long hours and more frustrations than I care to recall, as agreements we thought were done unraveled over and over again.

The bill before us this afternoon has required the best efforts of many of my colleagues and of some of the staff on the Commerce, Science, and Transportation Subcommittee. These negotiations closely can count many moments when it seemed that this legislation was dead. Only the long-suffering perseverance of the key players made this legislation possible.

But let's be clear about where we are in the history of Amtrak. As my good friend, Senator McCAIN, has stressed today, Amtrak is indeed in dire economic trouble. And yes, some of this trouble is indeed due to some of the constraints that we in Congress put on Amtrak's business practices when we created it a quarter of a century ago. That is why the reforms in this legislation are needed.

But I believe that much of the problem is due to our failure over the years to provide our nation's passenger rail system with the level of financial support that we give to other elements of our country's transportation system.

As Senator KERRY has argued here this afternoon, we here in the United States rank below some of the poorest Nations on the planet in the level of financial support per citizen that we provide our passenger rail system.

One result of this has been that during the 25 year life of Amtrak, its employees have seen their wages cut as the result of living in a lever while their paychecks stagnated.

In my State of Delaware, we have two of the essential maintenance facilities for Amtrak—at the Wilmington and Bear, DE yards. The workers at these facilities are true professionals and are carrying on a tradition that reaches back to the turn of the century in which Delaware has provided essential support for passenger rail along the East Coast.

The hard work that the men and women of the Delaware yards have put in keeping Amtrak's equipment and tracks safe and dependable has been rewarded with a stagnant standard of living. And our citizens—not just in East Coast areas, but also in my State, have faced those frustrations. We could not have reached this point without the leadership of Senator HUTCHISON, along with Senator MCCAIN, and of course, their colleague on the Commerce Committee, the distinguished majority leader, to reach agreement on the many difficult issues that this legislation has raised.

And I know that without the persistence of Senator JOHN KERRY, along with Senators HOLLINGS and BREAUX, we would not get this far.

And if I may say so, Mr. President, the entire Delaware congressional delegation has been a part of this process from the beginning. My good friend Bill Horn, chair of the Finance Committee, and our Governor, Tom Carper, who is on the Amtrak board of directors, both continued to play their key roles at critical moments in this process.

The result is a bipartisan compromise, that required that everyone give up some of what they wanted to get as much as possible of what Amtrak needs. Those of us who followed these negotiations closely can count many moments when it seemed that this legislation was dead. Only the long-suffering perseverance of the key players made this legislation possible.

The result is a bipartisan compromise, that required that everyone give up some of what they wanted to get as much as possible of what Amtrak needs. Those of us who followed
we are contemplating the possibility of shutting down passenger rail in this country.

So while those of us who put in the hard work that made this moment possible should rightly be proud of those efforts, we cannot lose sight of the big picture. While we have bought a little more time for Amtrak, we have by no means assured that passenger rail—essential to the efficient operation of every other industrial economy's transportation system—will survive in the future.

Over the next 5 years, there will be more tough choices as we move toward the twin goals of a balanced Federal budget and the end of Federal operating support for our country's passenger rail system. If we fail to provide Amtrak with the resources it needs to modernize, to attract the ridership and revenues that can advance the goal of self-sufficiency, today's accomplishments will be hollow.

I also wish to acknowledge, Mr. President, that we have chosen the right course for passenger rail in this country. No one argues against reforms that make the best use of taxpayers dollars, reforms that permit Amtrak to make use of the best business practices to attract riders and to expand our country's passenger rail system. But by themselves, those reforms will not relieve us of our responsibility to keep passenger rail alive.

Senator Hollings reminded us today that the European Community has committed to major new investments on top of their substantial contributions to their country's passenger rail system. As the most productive economy in the world, we should face up to the need to make similar commitments here.

So many benefits flow from these investments—benefits that can be measured, but not always on the books of any given passenger rail system—that the rest of the developed world is willing to make that kind of commitment. Those benefits include more efficient use of fuel, cleaner air, reduced congestion on our highways and at our airports—real benefits that add up to real dollars saved that can be put to better use.

In today's world—with balanced budgets and increased economic competition—we must make sure that we capture those benefits and save those dollars. That is why the fight for passenger rail in the United States is far from over today.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that the vote that was scheduled for 2:15 be delayed until the end of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I am delighted to join with the Senator from Texas, the chairman of the Commerce Committee, the Senator from Arizona, Senator Hollings, Senator Breaux in strongly supporting Amtrak itself and, equally important, supporting this reauthorization bill which is pending before the Senate.

I offer my sincere thanks to the Senator from Texas, Senator Hutchison, in particular, for her support. I do not just of the bill but particularly Amtrak, which she just talked about, which she has vision of and of which we share a vision.

I also thank Senator McCain who worked hard with all of us. Despite his own very deeply felt misgivings regarding federally subsidized passenger rail, as chairman he was very fair to all of the opinions that existed on the committee and gave us the opportunity to be able to come together to forge what I think is a good compromise.

A compromise, obviously, doesn't leave everybody happy. It is not supposed to. There are folks on both sides of the aisle who, if they wrote their own bill, would write a different bill. Clearly, that is true. But it is because we reached that compromise that I think we put Amtrak in a position not only to survive but to thrive, and we have preserved the rights of labor to be able to negotiate appropriately for the relationship with the management.

I will not review, in the interest of time, any of the specific provisions at this moment. Senator Hutchison has done that. Senator McCain has done that. But I do think that it is important just to emphasize what I think can't be emphasized enough, which is the importance of Amtrak to the country and particularly important to the Northeast Corridor Improvement Project and to the transportation infrastructure of the Northeast region of the country. I think it is important to all the regions it reaches, but I particularly point out that the future completion of the Northeast corridor, which this legislation will help to make sure, is expected to attract 3 million additional passengers annually between New York and Boston.

This improved rail service is going to ease the congestion of Logan and other major Northeast airports. The Federal Railroad Administration expects passenger air service between Boston and New York to decrease by 40 percent as a result of these measures and to result in the elimination of over 50 daily New York–Boston flights. That, in turn, is expected to attract 3 million additional passengers annually between New York and Boston.

This improved rail service is going to ease the congestion of Logan and other major Northeast airports. The Federal Railroad Administration expects passenger air service between Boston and New York to decrease by 40 percent as a result of these measures and to result in the elimination of over 50 daily New York–Boston flights. That, in turn, is expected to attract 3 million additional passengers annually between New York and Boston.

The fact is that in the United States of America within the next 20 to 30 years, the vast majority of our population, 75 percent of it, will live within 50 miles of coastline, including the Great Lakes. We will need to consider how we move people and products as those areas become more crowded.

So, simply stated, we need Amtrak because we cannot continue to pave our way out of our transportation problems and look to Japan, and we should look to other countries for the experience that they have had as more and more of the square miles of their country are consumed by business and by living space and where they have had to make use of those spaces efficiently.

Throughout our Nation's history, we in Congress have been proactive and aggressive about this kind of assistance. You can drive in one relatively straight line from the northern coast of Maine to Florida on a well-paved road because the Federal Government planned it and because we funded the Interstate Highway System. The planning and construction of our Nation's ports and canal networks, transcontinental railroads, the air traffic control system, and the Interstate Highway System are all examples of Federal leadership in transportation policy which led to overall economic growth, to improved transportation efficiency, and, finally, to the development of entirely new industries.

Indeed, while we in Congress have argued over whether the Federal Government should or shouldn't ensure a healthy inter-city rail system, internationally it is no secret that a well-founded rail network is an essential ingredient of a strong 21st century economy.
In fact, every major economic power, except the United States, invests several billions of dollars annually in passenger rail transportation. The European Union plans to invest more than $100 billion to better utilize and integrate its multimillion-dollar systems that work and are in competition with Amtrak. You have competitors in Asia, including China, Taiwan, Malaysia, and South Korea, are all investing heavily in rail.

The unfortunate truth is that on a per capita basis, at least 34 countries, including China, Malaysia, Myanmar, South Africa, and Botswana each spend more than the United States on passenger rail. In this light, which I think is the correct light in which to view what we are doing today, we are doing the bare minimum necessary to ensure continued passenger rail travel in the United States and to maintain a vibrant national transportation network.

Finally, I would like to take a moment just to say something about the men and women of Amtrak’s labor organizations who work extraordinarily hard daily to ensure that the trains are in working order, that the tracks are maintained and that millions of Americans are able to get to work and travel comfortably and safely from city to city.

Much has been made in the arguments over reform about labor provisions in U.S. law which did give protections to those who worked on Amtrak. Those protections were to guarantee that their jobs wouldn’t be contracted away or that a specific level of a severance might exist in order to safeguard them.

Before one overly criticizes those provisions which we have changed and which, in my judgment, we appropriately came to a compromise on, recognizing the times that we now live in, but it is important to not overly cynical about them and to, frankly, understand the context in which they came about.

Amtrak was formed only in the 1970’s, and the reason it was formed was that the freight carriers were unwilling to continue to provide passenger service. It was unclear at the time whether a new entity, called Amtrak, was going to be able to survive at all. It needed experienced, skilled workers in order to be able to put that survival to the test, in order to try to become a viable entity.

So we made those skilled, viable workers from another job under another umbrella which they worked in where they had a pension and where they had years of experience, it was necessary to give them. They were not going to lose your job immediately. We are going to guarantee you that for taking the risk for helping to make Amtrak work, we will provide you with a guarantee.

The labor provisions that are at issue in this debate were originally put into Amtrak law in order to attract employees from other carriers so that they would work for Amtrak. Simply stated, the provisions guaranteed that people who came to work for Amtrak when they didn’t know it would survive would receive nothing more than the protection they had enjoyed previously.

Since that time, I point out to my colleagues, that Amtrak employees have made tremendous financial sacrifices in order to help keep Amtrak going. I don’t think those have been recognized. In the early 1980’s, Amtrak employees agreed to a 12-percent wage deferral in order to help Amtrak’s bottom line. This deferral has never been repaid. So in point of fact, it became not a deferral, it became a wage giveback, a 12-percent wage giveback.

From 1987 through 1992, Amtrak employees agreed to have their wages frozen, even though management received salary increases as high as 15 percent during that period.

In addition, Amtrak employees are paid considerably less than workers who hold similar positions in transportation agencies. For example, Amtrak car mechanics will earn $2,200 less than those car mechanics on Atlanta’s commuter lines; $5,500 less than those on Chicago’s commuter lines; and $15,300 less than those on New York’s and New Jersey’s PATH commuter lines. A mechanic who started to work at Washington’s Metro in 1980 literally would have received over $100,000 more than if he or she had worked for Amtrak.

So now with this bill, Amtrak’s employees are making yet another sacrifice, and they are giving up statutory protections to allow them severance benefits in the event of route cuts and also to change the contracting-out provisions.

Mr. President, one of the reasons we have this bill is because Amtrak employees have agreed to make this sacrifice. I think that those of us in Congress and the millions of Americans who enjoy Amtrak ought to be grateful for their courage and commitment to its continued viability.

I believe we have laid the groundwork for Amtrak to survive. Labor would be permitted to negotiate as normally as they can negotiate in the marketing process. I think we have reached an accommodation that will help us keep Amtrak not just alive but a viable entity.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the Senator from Massachusetts who was so helpful in working out this compromise. I think, as he said, a lot of people had to give something that they didn’t want to give, which probably means that we did not achieve a fair compromise. Senator Breaux, who is also on the floor, was very much a part of this. Senator Hollings, who was here, I also thank.

If there is no one else wishing to speak, then I would like to have third reading and then go to a vote, if that is possible.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third time and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass, as amended?

The bill (S. 738), as amended, was passed.

Mr. LOTT. Mr. President, today the Senate acted in a fair and responsible manner to adopt meaningful and genuine legal, labor, and management reforms for America’s national passenger railroad. It offers legislative solutions that could begin to restore the fiscal health of this vital railroad.

American taxpayers have already invested over $20 million in this railroad. Let me be clear: the Senate is sending a bipartisan message to this railroad—the management and the workers must fundamentally change both their culture and operating methods.

Amtrak cannot continue getting subsidies.

The legislation adopted today is an amendment to the bill reported by the Commerce Committee earlier this year. It is the bill sponsored by Senator BAILEY HUTCHISON. The amendment was a joint effort of several members of the Commerce Committee on both sides.

I want to personally commend the Senate’s Commerce Committee for their leadership on this important transportation issue.

I’m sure the nearly 2 million Americans who ride the commuter rail system every day want to also thank them.

I also want to recognize the work of a number of dedicated staffers who worked many hours, evenings and weekends to get the legislative language right. The work was intense, emotional and personal, but everyone maintained their professional manner and got the job done. The staff responsible for the details are: Ann Begeman, Clyde Hart, Amy Henderson, James Drewry, Lloyd Ator, and Penny Compston.

Let me just take one moment and clarify one important issue within this bill. The current industry practice between Amtrak and other rail carriers is to allocate financial responsibility for claims. This makes sense and in fact many such contractual agreements exist today. The language in section 28003(b) of the bill is intended to confirm that such contractual agreements are consistent with Federal law and public policy. One should not construe this section as modifying such agreements.

Today, the Senate’s action to ensure Amtrak’s passenger rail service will not be interrupted. And, the Senate also mandated reforms to assure a prospering passenger railroad.
Mr. President, this reauthorization reform for Amtrak is long overdue, but it is on the right track.  

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Christina A. Snyder, of California, to be U.S. District Judge for the central district of California.

Mr. THOMAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I am glad to see that the Senate is finally turning its attention to the nomination of Christina Snyder. She was first nominated in May 1996, over 17 months ago. Her hearing was finally held in July of this year and after another 2-month delay, she was reported by the Judiciary Committee without objection. She has been pending on the Senate Calendar without action and without any explanation for the 2-month delay that has since ensued.

It seems that the delay in considering her nomination had nothing to do with her outstanding qualifications or temperament or ability to serve as a Federal judge. Rather, it seems that some opposed this fine woman and held up her nomination to a very busy court because she had encouraged lawyers to be involved in pro bono activities.

Ms. Snyder has been held up anonymously for months and months. When the Judiciary Committee finally met to consider her nomination, I was curious to learn who and what had delayed her confirmation for over a year. But no one spoke against her and no one voted against her.

Ms. Snyder has been an outstanding lawyer, a member of the American Law Institute, and someone who contributes to the community and has lived the ethical consideration under Canon 2 of the Code of Professional Responsibility. I congratulate her on her outstanding career.

When she was being interrogated about her membership on the boards of Public Counsel and the Western Center on Law and Public Interest, Senator Feinstein properly observed:

"[It] is kind of an irony when we get to the day where if you don't participate in pro bono activities, you are somehow in a situation where your record is a little safer vis a vis being nominated to a Federal judgeship. And then when you get involved in pro bono activity, that might actually cause you to get a few more questions. . . . [T]hat can't be an encouragement for lawyers to get involved in pro bono activities on behalf of people who don't have the ability to go to court very easily."

After all these months, I was please to hear Senator Sessions pronounce Ms. Snyder "an outstanding individual with a fine record" and "a capable lawyer of integrity and ability," when her nomination was considered by the Judiciary Committee.

I congratulate Ms. Snyder and her family and look forward to her service on the Federal court.

Although I am delighted that the Senate will today be confirming Christina Snyder as a Federal district court judge, the Republican leadership has once again passed over and refused to take up the nomination of Margaret Morrow. Ms. Morrow's nomination is the longest pending judicial nomination on the Senate Calendar, having languished on the Senate Calendar since June 12.

The central district of California desperately needs this vacancy filled, which has been open for more than 18 months, and Margaret Morrow is eminently qualified to fill it. Thus, while the Senate is finally proceeded to fill one of the judicial emergency vacancies that has plagued the U.S. District Court for the central district of California, it continues to shirk its duty with respect to the other judicial emergency vacancy, that for which Margaret Morrow was nominated on May 9, 1996.

Just 2 weeks ago, the opponents of this nomination announced in a press conference that they welcomed a debate and rollcall vote on Margaret Morrow. But again the Republican majority leader has refused to bring up this well-qualified nominee for such debate and vote. It appears that Republicans want press conferences or press conferences to attack one of the President's judicial nominations, but the majority leader will not allow the U.S. Senate to turn to that nomination for a vote. We can discuss the nomination in sequential press conferences and weekend talk show appearances but not in the one place that action must be taken on it, on the floor of the U.S. Senate.

The Senate has suffered through hours of quorum calls in the past few weeks which time would have been better spent debating and voting on this judicial nomination. The extremist attacks on Margaret Morrow are puzzling—not only to those of us in the Senate who know her record but to those who know her best in California, including some Republicans.

They cannot fathom why a few senators have decided to target someone as well-qualified and as moderate as she is. Just this week I included in the CONGRESSIONAL RECORD a recent article from the Los Angeles Times by Henry Welts of the L.A. Times, entitled "Margaret Morrow, entitled "Bipartisan Support Not Enough for Judicial Nominee." This article documents the deep and widespread bipartisan support that Margaret Morrow enjoys from Republicans that know her. In fact, these Republicans are shocked that some senators have attacked Ms. Morrow.

For example, Sheldon H. Sloan, a former president of the Los Angeles County Bar Association and an associate of Gov. Pete Wilson, declared that: "My party has the wrong woman in their sights."

The Senate has suffered through 2 months of quorum calls in the past few weeks. When the Republicans were asked to try to free up the Morrow nomination, according to this article Judge Trott informed Senator Lott:

"I know that you are concerned, and properly so, about the judicial philosophy of each candidate to the federal bench. So am I. I have taken the oath, and I know what it means: follow the law, don't make it up to suit your own purposes. Based on my own long acquaintance with Margaret Morrow, I have every confidence she will respect the limitations of a judicial position."

Robert Bonner, the former head of DEA under a Republican administration, written in the article in the article that: "Margaret has gotten tangled in a web of larger forces about Clinton nominees. She is a mere pawn in this struggle." I could not agree more.

I ask unanimous consent to have printed in the RECORD the article by Terry Carter from the Los Angeles Daily Journal entitled "Is Jihad on Judicial Activism About Principle or Politics?" In that article Senator Sessions is quoted as saying that the Senate "can have a vote on [Morrow] nomination tomorrow." Well, today is tomorrow. It is high time to free the nomination of Margaret Morrow for debate and a vote.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(From the Los Angeles Daily Journal, Nov. 6, 1997)

**IS JIHAD ON JUDICIAL ACTIVISM ABOUT PRINCIPLE OR POLITICS?**

(Washington, D.C.)—Three years after being nominated for the federal bench—having been branded a California "activist," grilled by Senate Judiciary Committee members about her personal voting habits and consigned to nomination limbo by an unidentified senator's "hold"—it would have been understandable if Los Angeles lawyer Margaret Morrow began composing a withdrawal letter in her head. If she did, she could have looked for inspiration to what previous failed nominees had written.

"Despite the unpleasantness of the process, I am grateful for the honor of having had your support," one would-be federal judge wrote his sponsor there. "I really thought that your Herculean efforts had overcome the false and misleading charges that were made against me."

The author of that letter found solace in a manner few dream of. After his 1986 bid for a judgeship fell to a party line vote, then-Alabama U.S. Attorney Jeff Sessions, who faced questionable charges of racial insensitivity during Judiciary Committee hearings, went on to become a two-term governor and was
elected to the Senate in 1994 along with a number of other uncompromising firebrands.

Today, Sessions sits on the very Judiciary Committee that rejected him, and he holds his thumb up or down on judicial nominations.

In an interview, Sessions said, "We can have a vote on [Morrow] tomorrow as far as I'm concerned. I want to talk about some of her writings and statements and the Senate could vote." Sessions went on to say, "Margaret Morrow has written disrespectfully of the potential for good public policy coming out of the referendums in California. We have a real popular uproar over judges who've overturned referendums.

She could be, Sessions said, "a judicial activist."

In the judicial activism wars, Morrow will be either a survivor or a sacrificial tidewater. The spring, Morrow, a partner with Arnold & Porter and the first woman president of the State Bar, made it through the committee on a 13-5 vote.

Tough questions from, among others, Sen. Charles Grassley, R-Iowa, about how she voted on past state referenda were seen by many as an attempt to see how, as a judge, she might rule on matters concerning immigration, the death penalty, medical use of marijuana and other hot topics. But she seemed to weather the storm. Even the conservative Judiciary Committee chairman, Sen. Orrin Hatch, R-Utah, finally pronounced Morrow fit, saying he had concerns about her potential as a judicial activist had been assuaged. Now that her name has gone to the floor, her candidacy is promised a full-fledged debate by both Republicans and Democrats.

Either way, Morrow has come to define the renewed flare-up of the age-old debate over the role of judges.模式 set 200 years ago by Madison and Hamilton in the Federalist Papers. But there is a difference this time. Swirling in the background is a clash of old and new politics on Capitol Hill, particularly among Republicans campaigning for re-election and intent on keeping control of the Congress, even as they battle among themselves over leadership.

Republicans didn't have to look far to find a bogeyman in the judiciary—which not only is a good target, but it can't fight back. Certain judicial activism is like asking judges to interpret the Constitution. Often the only common thread is their certainty. An activist against governmental activism, Thomas Jipping of the Judicial Selection Monitoring Project offers a quote from Humpty Dumpty in a colloquy with conservative colleagues—Rehnquist, Scalia and Thomas in particular—for engaging in the kind of judicial activism they've eschewed so vocally in the past. Stevens pointed out that they've resorted to "pe-numbras" from the Constitution, tools liberals often are accused of wielding to torture the document.

While there is no locus classicus defining judicial activism, Laurence Tribe at Harvard Law School may trump them all: "To say there is a neutral vantage point outside the system for someone to declare in an Olympian and purportedly objective way that this is activism and that is restraint is itself a rather arrogant delusion."

But then, Tribe comes from the "eye of the beholder" school of thought, which tends to be composed of liberals. Those in the middle and right prefer to see judges as a one-hand-scratching-the-other. The conservative scholars usually define the term in considerable detail and nuance, with explanations of the mis-uses and confusions.

Most are quick to mention specific cases, both old and recent. Some still argue Marbury v. Madison. 5 U.S. 137 (1803). George Will is a conservative constitutional law professor Michael McConnell, now teaching at the University of Utah College of Law, made a defense of judicial activism in a 10 to 20 years, he said, the term judicial activism "has been a rhetorical theme of conservatives criticizing the court, and it's only natural that their ideological opposites would try to deconstruct and weaken that by saying it could be anything in the eye of the beholder."

McConnell offered a definition: "When a court imposes its own moral or political judgments in place of those of the democratically elected branches, without adequate reference to the constitutional structure and precedent."

A corollary to the argument that judicial activism is in the beholder's eye might be that made by some that it is necessary. Conservatives have complained for years that liberals went to the courts to get policy they couldn't muster through legislatures. Now many conservatives would like to turn the tables.

Clint Bolick, director of the libertarian Cato Institute's Center for Judicial Studies, believes the courts "should play a feisty role."

"The courts, particularly the Supreme Court, were intended to be a vigorous guardian of individual liberties against the encroachment of other branches of government," he explained. So at Cato, "we're in the business of securing judicial activism of the right kind, as in the correct kind.

The Supreme Court's decisions striking down several federal laws this past term are "the way the court is supposed to be activist," he said.

"In a more playful take on reining in judicial activism a belt with a jagged edge, the pro-life, Christian-oriented Family Research Council and the Free Republic website, June 14, 2005. Meanwhile, the Supreme Court Jesters Award, for judges it believes stepped out of bounds. Noticeably missing

ConGRESSIONAL RECORd — SEnATe S11939

November 7, 1997
from the list, as the conservative gratify Fein pointed out, were two who made headlines during the year. One is federal Judge John Spizzo in New York, who acquitted two men accused of blocking access to an abortion clinic because their actions stemmed from “conscience-driven religious belief” rather than terminal intent. The other is a state court judge in Alabama who posted in Ten Commandments in his courtroom and invited clergy to lead prayers in prayer before cases. The FRC director, Gary Bauer, was willing to offer a written definition of judicial activism for this story but was unavailable over several weeks for an interview to discuss the topic.

“So many conservatives are so unprincipled in attacking judicial activism because the real grievance is against the results they don’t like,” said Fein, a columnist for the conservative Washington Times newspaper and a regular commentator on CNN. “And the standards Republicans are now voicing to screen Clinton nominees is what they said in the Bork hearings would never be applied,” he said referring to the failed Republican nomination of Robert Bork in 1986.

The Jihad against judicial activism is seen some, in part, as the continuation of a dynamic the simmered through the Bork hearings. The Bork hearings were a battle against the Warren and Burger court. For some such attacks through the rear-view minor former attorney general Edwin Meese appeared as Ashcroft’s watchdogs on judicial activism. A fellow the Heritage Foundation, Meese followed up, releasing to the Judiciary Committee’s report titled “Putting the Federal Judiciary Back on Track.” The former Reagan administration official wants a number of landmark decisions by the Warren and Burger courts overturned. Reagan reversed, conservative with the much-criticized belief that Congress should be empowered to overrule Supreme Court decision by simple majority vote.

For some, that rear-view mirror is cloudy. “The irony of complaints now about judicial activism,” said Professor Erwin Chemerinsky of the University of Southern California Law School, “is that the majority of justices on the Supreme Court and the majority of federal judges are Republican appointees. And the Supreme Court hasn’t recognized a new constitutional right in 25 years.”

That may be why many believe the judicial activism war is a war against a political agenda. Federal judges and the Supreme Court are “pushing fewer hot bottoms than they were 25 or 30 or 40 years ago,” said A.E. Dick Howard, a constitutional scholar at the University of Virginia School of Law. The debate over judicial activism “is not as hot today. No attack on the modern court is comparable to [President Richard] Nixon’s attacks on the Warren court.”

There is no broad-based criticism of the courts today that compares to the time of Brown v. Board of Education, 347 U.S. 483 (1954), and issues of one-person-one-vote and school prayer. Howard explained. Criticism today is different, he said.

On Capitol Hill, senators trying to break the lock on judicial nominations believe Chief Justice Rehnquist should go further than criticizing it in his annual report to the judiciary, “Who reads that?” asks one Senate staffer. “He needs to get out and say it in a meeting.” And others say that President Clinton went to war over one or two judges, win or lose in Senate confirmations, the floodgates would open for all the others. “Everyone has a president’s house. It looks like he’s fighting for principle, he wins politically,” said Professor Herman Schwartz, of American University’s Washington College of Law. “People like to stay continued to work to see if we can resolve the outstanding issues
on appropriations and be prepared to act on fast track, if and when the House does act. We will keep the Members informed. We will try to be conscious of schedules, but I think you should be prepared to have at least one more vote this afternoon, and there is a possibility that there would be a vote or two tomorrow afternoon and Sunday afternoon.

Again, on Sunday we would not be in until probably 1 o'clock to give Members an opportunity to go to church. One of the reasons why we won't have votes after 5 o'clock tonight is because of the Jewish sabbath. We are trying to honor Members' commitments in that regard while still trying to move this process forward.

There is a 50–50 chance, still, that we can finish all this by Sunday. There is one thing for sure: If we don’t stay here and keep working, there is a 100-percent chance we will be here next Friday. Let’s keep trying to get it to a conclusion. I believe it is possible. I thank Senator DASCHLE for collaborating with me on these issues. I wonder if the minority leader might want to add anything?

Mr. DASCHLE. Mr. President, the majority leader has laid it out pretty well. We have had a lot of questions about what the schedule is for the weekend. As the majority leader has indicated, we can expect to be here tomorrow and most likely on Sunday. I think if we can work as we have in the last few hours on an accord and other related legislation, there is at least that 50-50 chance we can complete our work this weekend.

One of the concerns that I have been hearing is that at some of the meetings we are not getting the kind of attendance that is necessary in order to complete the negotiations. I urge all Senators, as these meetings are scheduled—sometimes they are with very short notice—that people drop what they are doing and come to the meetings so we can expedite these negotiations.

I appreciate everyone's participation and cooperation and, again, we will work with the majority leader to see if we can accommodate what he has laid out for the agenda for this weekend.

Mr. LOTT. I yield the floor.

Mr. LEAHY. Mr. President, I ask unanimous consent to be able to yield to the senior Senator from Alaska without losing my right to the floor.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent to be permitted privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

DAIRY DECISION OF MINNESOTA

Federal Court

Mr. LEAHY. Mr. President, a court decision was issued recently which could throw the entire system of supplying milk to consumers into chaos and could lead to dramatically higher milk prices for consumers.

This decision was a runaway ruling that jeopardizes the survival of thousands of dairy farmers outside the Midwest.

The current milk marketing order system assures local milk production and reliable supplies of fresh and wholesome local milk.

The system is designed, according to the Congressional Research Service, to avoid "shortages of milk," and "to assure consumers of adequate and dependable supplies of pure and wholesome fluid milk." In this respect, America is the envy of many nations in the world which have unreliable milk supplies shipped in from distant locations at high prices because there is no local competition.

Price differentials, which were struck down in this decision, help keep local producers in business, help cover the cost of transporting fluid milk, and avoid shortages of milk in supermarkets, according to CRS.

Common sense tells us that the cost of producing and transporting milk varies from region to region. A flat pricing system is wrong.

I joined with 47 of my colleagues recently in sending a letter to the Secretary of Agriculture urging him to keep the current system which assures local supplies of fresh milk to millions of American families. The key to this system that has worked so well for decades is under attack—once again—in Minnesota.

It is no secret that Northern Midwestern States want to provide milk to the Nation. New technology is available where they can "drain" the water out of their milk, ship the resulting concentrate, and then reconstitute the milk at distant locations.

Over time, this new concentration of the dairy industry in Northern Midwestern States could put thousands of dairy farmers out of business around the Nation. I am very afraid that, ultimately, prices to consumers will rise as the supply of milk becomes more and more concentrated in one area of the country.

My major fear is that when Midwestern winter storms blanket roads with snow, or when freezing conditions in the North stop traffic on the interstate highways, there is a trucker's strike, that consumers in the rest of the country are going to feel lucky if they can buy milk for just $5 a gallon. Parents who need milk for children might want to pay a lot more than $5 a gallon, if they could buy milk at any price.

I do not think consumers are going to like this system of being dependent on reconstituted milk being shipped in from 1,000 miles away at who knows what price.

Our current system of encouraging local production of milk works very well for consumers. USDA has been right to promote the local production of fresh milk instead of this system of concentrating the industry in one region and then shipping products to be reconstituted into milk later.

The Court's ruling—unless stayed—will be effective almost immediately. The order will not have a great deal of effect in states fortunate enough to be in Northeast Dairy Compact, or in states that have their own milk order system such as California.

For those states, local dairy farmers should be able to stay in business and provide towns and cities with local, fresh supplies of milk. When disasters, or winter storms hit, consumers in these areas will be able to buy milk.

USDA must appeal the decision immediately—no ifs, ands, or buts. The existence of thousands of dairy farmers is at stake.

It is unclear to me precisely which order regions will be affected by the Court order. The Order terminates Class I differentials in "all surplus and balanced marketing orders and all deficit orders that do not rely on direct shipment of alternative milk supplies from the Upper Midwest or other deficit orders which in turn rely on the Upper Midwest for replacement supplies."

A balanced market is one with sufficient milk to meet demand and plus a 40% reserve. A surplus market produces milk in excess of the demand and reserve percentage.

Thus, a few Southeastern states may be exempt from the Order for states like New York, Pennsylvania, New Jersey, and some South-eastern states, and southern Midwestern states, impact of the Order should come swiftly as banks decline to make loans to dairy farmers.

The expectation that producer income will drop significantly and that farmers would go out of business as lenders refuse to provide credit.

Prices in the Northern Midwest could stay between 20 to 30 cents per hundredweight (one-hundred pounds) sold—but it is too early to really know how much their prices would go up.

This action was originally filed some years ago by Eric Olsen, Patricia Jensen, James Massey and Lynn Hayes representing the Farmers Legal Aid Action Group. It was filed before the Honorable Judge David S. Doty of the Fourth Division for the District of Minnesota.

Mr. President, I know that my distinguished colleague from Vermont, Mr. JEFFORDS, will also be addressing the Senate on the same issue. Again, it is about a court decision that was issued recently which could throw the entire system of supplying milk to consumers into chaos and could also lead to dramatically higher milk prices for consumers.

The decision was a runaway ruling that jeopardizes the survival of thousands of dairy farmers everywhere except the Midwest.

Now, the current milk marketing order system, which is a very complex
The Department of Agriculture has to appeal this decision immediately—no ifs, ands, or buts. The existence of millions of dairy farmers is at stake. USDA has to act for these farmers and for the consumers.

Mr. President, I see my distinguished colleague from Vermont on the floor. I now yield the floor.

Mr. JEFFORDS addressed the Chair. The PRESIDING OFFICER. The Senator from Vermont, Mr. JEFFORDS, is recognized.

Mr. JEFFORDS. Mr. President, I commend my colleague from Vermont for raising what could be a very important issue to all of the people of this country who like milk. I don’t understand how a court could do that, other than the fact that, when I read he was from Minnesota, I knew why it was done. The judiciary sometimes gets a little prone to its own constituency. But I want to tell you, I want to raise the danger that is the consequence of these sets. I urge Secretary Glickman to appeal the judge’s decision and to make sure that this does not maintain an existence.

If this ruling survives, it could be the final financial blow to many farmers throughout the country. It could also lead to all the processors pay for their milk. Senator LEAHY and I have stood many times defending Vermont’s dairy farmers and dairy farmers across the country. We have fought to give both the dairy farmers and consumers rely upon for stable prices.

This methodology of creating a system to provide differentials was created way back in our history, at a time when the original milk acts were considered, recognizing that it’s incredibly important that we have fluid milk available to the families all across the Nation. One only has to remember back a few years ago when there was a tremendous drought in Minnesota and Wisconsin, in the area where these farmers say they can produce it for all the country. As a result of that, we had the huge price increases. We had to supply milk to other regions because they could not produce it sufficiently. Minnesota and Wisconsin that is a demonstration of what the original dairy legislation in the acts of the thirties made sure that this fluid milk would be available across the Nation at all times, understanding the need for fresh milk.

If this ruling of the judge from Minnesota prevails, the entire country may ultimately rely on Minnesota and bordering States for their milk supply. This would be extremely dangerous to consumers for prices and for the dairy farmers and consumers rely upon for stable prices.

I know that in Vermont, every morning—and I am sure it’s the same at breakfast tables across the country—people enjoy fresh milk that was produced and packaged within a reasonable distance of their home and at reasonable prices. There are many other reasons for maintaining a healthy dairy industry in each region. The economic and social benefits apple through each farming community.

Mr. President, the present system for pricing fluid milk is currently under consideration from the U.S. Department of Agriculture. There is tremendous support for maintaining the current pricing structure for fluid milk. Recently as Senator LEAHY mentioned, 48 Senators and 113 House Members sent a letter to Secretary Glickman urging him to keep the current system.

It is critical that the Secretary act quickly to request a stay and appeal this decision. I urge my colleagues to join Senator LEAHY and myself in that request.

Several Senators addressed the Chair. The PRESIDING OFFICER. The Senator from Illinois.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL

Ms. MOSELEY-BRAUN. Mr. President, I rise to state my objection to the motion to proceed on the District of Columbia appropriations bill, at least temporarily. I want to explain why.

There is currently an amendment on the D.C. appropriations bill that will grant certain Central Americans access to the suspension of deportation procedure. These are refugees—people who leave their countries for political asylum here. And they will not be deported because of the amendment that is part of the D.C. appropriations bill. It covers some 191,000 Salvadorans, some 21,000 Nicaraguans, some 118,000 Guatemalans, and I certainly support the suspension of deportation for all of those groups of asylum seekers. It does not, however, cover just about 18,000 Haitians. In fact, the only group of asylum seekers that were left out of the bill as it came out of the House were the Haitians.

This is not only patently unfair but certainly suggests almost a tin ear on the racial implications of what came out of the House by the House Members who put this together. I think they would not understand—that singling out the Haitians for exclusion from this relief would be perceived as negative in many parts of this country which is nothing short of stunning to me.

I am happy to report that I had a conversation with the majority leader, Senator LOTT. He wants to try to help us with this situation. Senator GRAHAM has an actual bill to try to fix the situation with regard to the Haitians separate and apart from the District of Columbia appropriations. I support and would cosponsor Senator GRAHAM’s legislation. However, the catch here and the reason for my voicing my objection...
right now—my temporary objection right now—is that, as Senator Lott pointed out in his comments, we talk about whether or not these Haitians would be deported in the meantime until Senator Graham's bill can get passed. We don't yet have an agreement from the administration, from the INS, from the House, from the Senate in terms of Senate oversight. We don't have an agreement that these Haitians won't be singled out—18,000 out of almost 250,000 people to be deported. That effort until Senator Graham's effort is concluded.

So I find myself in the difficult position of having to object to proceeding to something that might otherwise be a good thing until this obvious blatant error is—at least until we get some commitments that these people will not be harmed. That is what the number of men, women, and children need for their lives in behalf of and in pursuit of democracy. It is not fair to single them out as special treatment for no rational reason other than as they have brought to me that they fear they have been singled out because of their color, that they have been singled out because of their race.

This is not right. That is not what this country stands for. I hope that is not the signal that we are going to send by the way this legislative process works out.

So, until we get an agreement on suspension of deportation, I am afraid I will have to object to the motion to proceed with regard to the District of Columbia appropriations bill. I know there are some other issues. I hope these issues get worked out. I hope this issue gets worked out.

I want to put the Senate on notice that this legislation in its current form sends the absolute wrong signal to the country and, indeed, to the world regarding our commitment to family.

How to assure suspension of deportation for 191,000 people from El Salvador, 21,000 people from Nicaragua, 118,000 people from Guatemala and not allow 18,000 people from Haiti to take advantage of the same relief under almost identical circumstances? There is no reason for it. There is no rationality for it. Quite frankly, I would be remiss if I allowed this mistake to go forward. I am confident it is going to be worked out.

Again, my conversation with Senator Lott, my conversation with Senator Graham, with Senator Kennedy, and with Senator Mack—we have had conversations across the board. We just want to make certain there is an agreement before this starts to leave here—that there is an agreement that these people will not be kicked out of country under circumstances in which almost 250,000 people similarly situated are allowed to stay. That is my objection. That is my problem with the bill at this time.

I want to make the point that we in the Senate are not prepared to send that kind of negative signal to the country or to the rest of the world, and that we will at least resolve the deportation issue before the District of Columbia appropriations legislation goes forward.

I thank the Chair. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

NIH ENDORSES ACUPUNCTURE

Mr. HARKIN. Mr. President, earlier this week an expert scientific panel at the National Institutes of Health strongly endorsed acupuncture as an effective treatment for certain conditions. This is the first time that the NIH has endorsed a major alternative therapy. It is truly a breakthrough, and is just the type of advance that I envisioned when I worked to establish the Office of Alternative Medicine at the NIH.

The consensus conference held by NIH involved top scientists from around the Nation, including those with expertise in acupuncture and experts in medical evaluation and design. These scientists, led by Dr. David Ramsey, president of the University of Maryland, Baltimore, objectively evaluated the evidence of acupuncture's efficacy and came to a consensus that this therapy is safe and provides significant help for a number of health problems.

They found that acupuncture is an effective treatment for postoperative dental pain, postoperative and chemotherapy-induced nausea, nausea during pregnancy, and other conditions. They also identified a number of other conditions, including asthma, substance addiction, stroke rehabilitation, headache, general muscle pain, low back pain, carpal tunnel syndrome, for which acupuncture demonstrates effectiveness but with a less degree of certainty.

I was dismayed to read that despite this consensus agreement after rigorous evaluation of the scientific evidence, there is still a fringe element in the medical community that refuses to acknowledge the facts. These critics seem only to be interested in bad mouthing anything out of what they consider to be the medical mainstream. While I respect the intellectual pulse of skepticism in the scientific process, I hope in the future, this small group of critics take off their blinders long enough to objectively look at the scientific evidence and give credit where credit is due.

Mr. President, as I have said before, millions of Americans—more and more each day—are using alternative medical therapies. In 1993, the FDA reported that Americans were spending $500 million a year for between 9 and 12 acupuncture treatment visits. Unfortunately, research has not kept pace. The NIH has failed to break through biases that exist and devote the attention to this area that is needed. As a result, American consumers have been denied information about the effectiveness of the therapies they are using or thinking of using.

I am pleased to report that the conference report on the 1998 Health and Human Services appropriations bill has agreed to provide more than a 50-percent increase to the Office of Alternative Medicine to expand efforts like this week's consensus conference on acupuncture to other work and to investigate and validate complementary and alternative therapies. Our report also guarantees that this increase will be spent on grants and contracts that directly respond to requests for proposals and program announcements issued by the Office of Alternative Medicine.

Mr. President, this week's endorsement of acupuncture by NIH is a positive step forward for the American public. I ask that the new Office of the NIH be charged with leading the medical community to commit to the objective evaluation of a range of promising complementary and alternative medical therapies.

Mr. President, I ask that the full text of the findings of this historic NIH consensus panel be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL INSTITUTES OF HEALTH CONSENSUS DEVELOPMENT STATEMENT

INTRODUCTION

Acupuncture is a component of the health care system of China that can be traced back for at least 2,500 years. The general theory of acupuncture is based on the premise that there are patterns of energy flow (Qi) through the body that are essential for health. Disruptions of which are believed to be responsible for disease. The acupuncturist can correct imbalances of flow at identifiable points close to the skin. The number of acupuncture points and the pathophysiological conditions in American medicine was rare until the visit of President Nixon to China in 1972. Since that time, there has been an explosion of interest in the United States and Europe in the application of the technique of acupuncture to Western medicine.

Acupuncture describes a family of procedures involving stimulation of anatomical locations on the skin by a variety of techniques and is just the type of advance that I believe to be responsible for the Nation. I hope that it will lead not only to greater acceptance of, and access to, cost effective acupuncture services, but to increased willingness on the part of NIH to work with the medical community to commit to the objective evaluation of a range of promising complementary and alternative medical therapies.

Mr. President, I ask that the full text of the findings of this historic NIH consensus panel be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL INSTITUTES OF HEALTH CONSENSUS DEVELOPMENT STATEMENT

INTRODUCTION

Acupuncture is a component of the health care system of China that can be traced back for at least 2,500 years. The general theory of acupuncture is based on the premise that there are patterns of energy flow (Qi) through the body that are essential for health. Disruptions of which are believed to be responsible for disease. The acupuncturist can correct imbalances of flow at identifiable points close to the skin. The number of acupuncture points and the pathophysiological conditions in American medicine was rare until the visit of President Nixon to China in 1972. Since that time, there has been an explosion of interest in the United States and Europe in the application of the technique of acupuncture to Western medicine.

Acupuncture describes a family of procedures involving stimulation of anatomical locations on the skin by a variety of techniques and is just the type of advance that I believe to be responsible for the Nation. I hope that it will lead not only to greater acceptance of, and access to, cost effective acupuncture services, but to increased willingness on the part of NIH to work with the medical community to commit to the objective evaluation of a range of promising complementary and alternative medical therapies.

Mr. President, I ask that the full text of the findings of this historic NIH consensus panel be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL INSTITUTES OF HEALTH CONSENSUS DEVELOPMENT STATEMENT

INTRODUCTION
and other practitioners for relief or prevention of pain and for a variety of health conditions. After reviewing the existing body of knowledge, the U.S. Food and Drug Administration has determined that acupuncture does not fall within the category of “experimental medical devices” and now regulates them just as it does other devices, such as surgical scalpels. Acupuncture is a complex intervention that may vary for different patients with similar chief complaints. The number and characteristics of treatment points used may vary among individuals and during the course of treatment. Given this reality, it is perhaps not surprising that there exist a number of studies of sufficient quality to assess the efficacy of acupuncture for certain conditions.

According to contemporary research standards, there is a paucity of high-quality research assessing efficacy of acupuncture compared with placebo or sham acupuncture. The vast majority of papers studying acupuncture in the biomedical literature consist of case reports, case series, or intervention studies with designs inadequate to assess efficacy.

This discussion of efficacy refers to needle acupuncture (manual or electroacupuncture) because the published research is primarily focused on these practices. It does not encompass the full breadth of acupuncture techniques and practices. The controlled trials usually have only involved adults and did not include short-term (i.e., years) acupuncture treatment.

Efficacy of a treatment assesses the differential effect of a treatment when compared with a placebo or sham condition. It does not measure the full breadth of acupuncture techniques and practices. The controlled trials usually have only involved adults and did not include short-term (i.e., years) acupuncture treatment.

To address important issues regarding acupuncture, the National Institutes of Health and the NIH Office of Medical Applications of Research organized a 2-day conference to evaluate the scientific and medical data on the risks, and benefits of acupuncture procedures for a variety of conditions. Cosponsors of the conference were the National Cancer Institute, the National Institute of Mental Health, the National Institute of Child Health and Human Development, the NIH Office of Rare Diseases, the National Institute of Mental Health; the National Institute of Nursing Research; the NIH Office of Research on Women’s Health; the Agency for Health Care Policy and Research; and the Centers for Disease Control and Prevention.

1. What is the efficacy of acupuncture, compared with placebo or sham acupuncture, in the conditions for which sufficient data are available to evaluate?

2. What is the place of acupuncture in the treatment of various conditions for which sufficient data are available, in comparison with or in combination with other interventions (including no intervention)?

3. What is known about the biological effects of acupuncture that helps us understand how it works?

4. What are the bioethical and regulatory issues that need to be addressed so that acupuncture may be appropriately incorporated into today’s health care system?

5. What are the directions for future research?

The primary sponsors of this meeting were the National Human Genome Research Institute and the NIH Office of Medical Applications of Research. The conference was cosponsored by the National Institute of Diabetes and Digestive and Kidney Diseases; the National Heart, Lung, and Blood Institute; the National Institute of Child Health and Human Development; the NIH Office of Rare Diseases; the National Institute of Mental Health; the National Institute of Nursing Research; the NIH Office of Research on Women’s Health; the Agency for Health Care Policy and Research; and the Centers for Disease Control and Prevention.

1. What is the efficacy of acupuncture, compared with placebo or sham acupuncture, in the conditions for which sufficient data are available to evaluate?

Acupuncture is a complex intervention that may vary for different patients with similar chief complaints. The number and characteristics of treatment points used may vary among individuals and during the course of treatment. Given this reality, it is perhaps not surprising that there exist a number of studies of sufficient quality to assess the efficacy of acupuncture for certain conditions.

According to contemporary research standards, there is a paucity of high-quality research assessing efficacy of acupuncture compared with placebo or sham acupuncture. The vast majority of papers studying acupuncture in the biomedical literature consist of case reports, case series, or intervention studies with designs inadequate to assess efficacy.

This discussion of efficacy refers to needle acupuncture (manual or electroacupuncture) because the published research is primarily focused on these practices. It does not encompass the full breadth of acupuncture techniques and practices. The controlled trials usually have only involved adults and did not include short-term (i.e., years) acupuncture treatment.

Efficacy of a treatment assesses the differential effect of a treatment when compared with a placebo or sham condition. It does not measure the full breadth of acupuncture techniques and practices. The controlled trials usually have only involved adults and did not include short-term (i.e., years) acupuncture treatment.

To address important issues regarding acupuncture, the National Institutes of Health and the NIH Office of Medical Applications of Research organized a 2-day conference to evaluate the scientific and medical data on the risks, and benefits of acupuncture procedures for a variety of conditions. Cosponsors of the conference were the National Cancer Institute, the National Institute of Mental Health, the National Institute of Child Health and Human Development, the NIH Office of Rare Diseases, the National Institute of Mental Health; the National Institute of Nursing Research; the NIH Office of Research on Women’s Health; the Agency for Health Care Policy and Research; and the Centers for Disease Control and Prevention.
Many studies in animals and humans have demonstrated that acupuncture can cause multiple biological responses. These responses can occur locally, i.e., at or close to the site of insertion, or at a distance, mediated mainly by sensory neurons to many structures within the central nervous system. This can lead to activation of pathways affecting neurotransmitters or other biochemicals throughout the brain as well as in the periphery. A focus of attention has been the role of endogenous opioids in acupuncture analgesia. Considerable evidence supports the claim that opioid peptides are released during acupuncture and that the angesic effects of acupuncture are at least partially mediated by them. That opioid antagonists such as naloxone reverse the angesic effects of acupuncture further strengthens this hypothesis. Stimulation of acupuncture points activates the hypothalamic and the pituitary gland, resulting in a broad spectrum of systemic effects. Alteration in the secretion of neurotransmitters and neurohormones and changes in the regulation of blood flow, both centrally and peripherally, have been documented. There is also evidence that there are alterations in functions pertinent to acupuncture. Which of these and other physiological changes mediate clinical effects is an unclear.

Despite considerable efforts to understand the anatomy and physiology of the “acupuncture points,” the definition and characterization of these points remains controversial. It is not the scientific literature of some of the key traditional Eastern medical concepts such as the circulation of Qi, the meridian system, and the five phases theory, which are unfamiliar to Western medicine but continue to play an important role in the evaluation of patients and the formulation of treatment plans.

Some of the biological effects of acupuncture have also been observed when “sham” acupuncture points are stimulated, highlighting the importance of defining appropriate control groups in assessing biological changes purported to be due to acupuncture. Such findings raise questions regarding the specificity of these biological changes. In addition, similar biological alterations including the release of endogenous opioids and changes in neurotransmitters have been observed after painful stimuli, vigorous exercise, and/or relaxation training; it is at present unclear to what extent acupuncture shares similar mechanisms.

It should be noted also that for any therapeutic intervention, including acupuncture, the so-called “non-specific” effects account for a substantial proportion of its effectiveness, and thus should not be casually discounted. Many factors may profoundly determine therapeutic outcome including the quality of the intervention as perceived by the clinician and the patient, the degree of trust, the expectations of the patient, the compatibility of the backgrounds and belief systems of the patient and the therapist, and a myriad of factors that together define the therapeutic milieu.

Although much remains unknown regarding the mechanisms(s) that might mediate the therapeutic effect of acupuncture, the panel is encouraged that a number of significant acupuncture-related biological responses can be identified and carefully delineated. Further research in this direction not only is important for elucidating the phenomena associated with acupuncture, but also has the potential for exploring new pathways in human physiology not previously examined in a systematic manner.

4. What are the directions for future research?
   
   The occurrence of adverse events in the practice of acupuncture has been documented to be extremely low. However, those events have occurred in rare occasions, some of which are life threatening (e.g., pneumothorax). Therefore, appropriate safeguards and emergency measures will need to be in place. Patients should be fully informed of their treatment options, expected prognosis, relative risk, and safety risks prior to their receipt of acupuncture. This information must be provided in a manner that is linguistically and culturally appropriate to the patient. Use of acupuncture needles should always follow FDA regulations, including use of sterile, single-use needles. It should be noted that although acupuncture practitioners have been established in English where necessary. There is variation in the titles that are conferred through these processes, and the requirements to obtain their vary widely. The scope of practice allowed under these State variations as well. While States have the individual prerogative to set standards for licensing acupuncture professionals, harmonization in these areas will provide greater confidence in the qualifications of acupuncture practitioners. For example, not all States recognize the same credentialing examination, thus making reciprocity difficult.

   There is evidence that some patients have experienced serious adverse events. Can the efficacy of acupuncture for various health conditions be determined by examining the role of acupuncture for various health conditions. Such studies should include experimental and control groups of patients, and use of appropriate statistical methods to determine the effectiveness of acupuncture.

   There is evidence that some patients have limited access to acupuncture services because of inability to pay. Insurance companies can decrease or remove financial barriers to access by providing coverage to include appropriate acupuncture services. An increasing number of insurance companies are either considering this possibility or now provide coverage to include appropriate acupuncture services. Where there are State health insurance plans, and for populations served by Medicare or Medicaid, expansion of coverage to include appropriate acupuncture services would also help remove financial barriers to access.

   As acupuncture is incorporated into today’s health care system and further research clarifies the role of acupuncture for various health conditions, it is expected that dissemination of this information to health care practitioners, insurance providers, policy-makers, and the general public will lead to more informed decisions in regard to the appropriate use of acupuncture.

   What are the directions for future research?

   The incorporation of any new clinical intervention into accepted practice faces more scrutiny now than ever before. The demands of evidence-based medicine, outcomes research, managed care systems of health delivery, and the myriad of alternative medical choices makes the acceptance of new treatments an arduous process. The difficulties are accentuated when the treatment is based on theories unfamiliar to Western medicine and its practitioners. It is important, therefore, that the evaluation of acupuncture for the treatment of specific conditions be carried out in a rigorous manner which can withstand rigorous scrutiny. In order to further the evaluation of the role of acupuncture in the management of various conditions, the following areas for future research are suggested.

What are the demographical and patterns of use of acupuncture in the U.S. and other countries?

   There is currently limited information on basic questions such as who uses acupuncture, for what indications is acupuncture most commonly sought, what variations in experience and techniques used exist among acupuncture practitioners, and whether differences in the use of acupuncture vary by geography or ethnic group. Descriptive epidemiologic studies can provide insight into these and other questions. This information can be used to guide future research and to identify areas of greatest public health concern.

Can the efficacy of acupuncture for various conditions for which it is used for or for which it shows promise be demonstrated?

   Relatively few high-quality, randomized, controlled trials have been published on the effectiveness of acupuncture. Such studies should be designed in a rigorous manner to allow evaluation of the effectiveness of acupuncture. Such studies should include experimental and control groups of patients, and use of appropriate statistical methods. This information can be used to guide future research and to identify areas of greatest public health concern.

   Competing theoretical orientations (e.g., Chinese, Japanese, French) currently exist...
that might predict divergent therapeutic approaches (i.e., the use of different acupuncture points). Research projects should be designed to assess the relative merit of these divergences, as well as to compare these systems with treatment programs using fixed acupuncture points.

In order fully to assess the efficacy of acupuncture, studies should be designed to examine not only fixed acupuncture points, but also the Eastern medical systems that provide the foundation for acupuncture therapy, including the use of points. In addition, assessing the effect of acupuncture in context, this text would also provide the opportunity to determine the relative utility of various acupuncture techniques and the relative effectiveness of acupuncture points, as well as to examine the relative utility of competing systems (e.g., Chinese vs. Japanese vs. French) for such purposes.

What areas of public policy research can provide guidance for the integration of acupuncture into today's health care system? The incorporation of acupuncture into a treatment raises numerous questions of public policy. These include issues of access, cost-effectiveness, reimbursement by State, Federal, and private payors, and training, licensure, and accreditation. These public policy issues must be founded on quality epidemiologic and demographic data and effective research.

Can further insight into the biological basis for acupuncture be gained? To provide a Western scientific explanation for some of the effects of acupuncture are beginning to emerge. This is encouraging, and may provide novel insights into endocrine and other physiological processes. Research should be supported to provide a better understanding of the mechanisms involved, and such research may lead to new applications.

Does an organized energetic system exist in the human body that has clinical applications? Although biochemical and physiologic studies have provided insight into some of the biologic effects of acupuncture, acupuncture practice is based on a very different conceptual model of energy balance. This theory may provide new insights to medical research that may further elucidate the basis for acupuncture.

How do the approaches and answers to these questions differ among populations that have used acupuncture as a part of its traditional health care system? How do these systems with treatment programs and approaches (i.e., the use of different acupuncture techniques) differ? What are the potential benefits and risks associated with these therapies, and how are they assessed in clinical trials? What are the implications for research in acupuncture and related therapies?

Conclusions and Recommendations

Acupuncture as a therapeutic intervention is widely practiced in the United States. There have been many studies of its potential usefulness. However, many of these studies provide equivocal results because of design, sample size, and other factors. The issue is further complicated by inherent difficulties in the use of appropriate controls, such as placebo and sham acupuncture groups.

However, promising results have emerged, for example, efficacy of acupuncture in adult post-operative and chemotherapy nausea and vomiting and in post-operative dental pain. There are other situations such as addiction, stroke rehabilitation, headache, menstrual cramps, trigeminal neuralgia, myofascial pain, osteoarthritis, low back pain, carpal tunnel syndrome, and asthma where acupuncture may be useful as an add-on therapy and other factors that may not be included in a comprehensive management program. Further research is likely to uncover additional areas where acupuncture intervention will be useful.

Findings from basic research have begun to elucidate the mechanisms of action of acupuncture, including the release of opioids and other peptides in the central nervous system and the periphery and changes in neuroendocrine function. Although much remains to be learned about acupuncture, many of the known and plausible mechanisms for the therapeutic effects of acupuncture are encouraging.

The introduction of acupuncture into the medical mainstream is a question that is readily available to the public. This stage is in its early stages. Issues of training, licensure, and reimbursement remain to be clarified. There is sufficient evidence, however, of its potential value to conventional medicine to encourage further studies.

Does there exist sufficient evidence of acupuncture's value to expand its use into correctional medicine and to encourage further studies of its physiology and clinical value?

Mr. HARKIN. I yield the floor.

Mr. FEINGOLD addressed the Chair. The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I would like to take this opportunity to respond to my friends, the Senators from Vermont, Mr. LEAHY and Mr. JERROD, who just spoke with regard to a recent decision by the Federal District Court of Minnesota. It also gives me an opportunity to not only present a different viewpoint, but also to also hail the ruling, which is the first ray of hope that the dairy farmers in the upper Midwest, and in particular the farmers in my home State of Wisconsin, have had for a very, very long time.

I think the judge in this case ruled quite correctly. In the Minnesota Milk Producers versus Dan Glickman, Secretary of the U.S. Department of Agriculture.

Federal Judge David Doty finally said what Wisconsin dairy farmers have long known is the case, and that is that the current Federal milk marketing order system is outdated and is, in fact, illegal, given the realities of our national dairy market today. This system was set up some 60 years ago, because of inadequate refrigeration and transportation technology. So this system has made it a policy to reduce Government pricing interference in agricultural markets, that it is still interfering in a very serious and detrimental way with a free and open national dairy market. This decision by Federal Judge David Doty is the first ray of hope that the dairy farmers in the upper Midwest—a Federal court—is an excellent decision. It is a decision that finally tells it like it is—and that is that there is no legitimate basis for these discriminatory class I price differentials, which provide one farmer in the Northeastern part of the United States and another farmer in Texas far more for the same type of milk than the hard-working farmers in Wisconsin or Minnesota.

Mr. President, I think it is important, proper and very overdue decision. It gives us some hope that the remaining
farmers in our State, in the upper Midwest, will be allowed to survive without the interference of an outdated and unfair system—in fact, as now indicated by the court, a system that is unlawful, given the changes in the dairy market and given the changes in the times.

Mr. President, this court decision was, at long last, the right one and I look forward to the positive consequences that can flow from it.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

NATIONAL DRUG POLICY

Mrs. FEINSTEIN. Mr. President, I rise this afternoon to commend and strongly support Gen. Barry McCaffrey, Director of the Office of National Drug Policy Control, in his call for increased funds for the drug interdiction effort. I have been one who has been most critical over the low priority effort that has been made to stop the flow of drugs into this country. The recent series in the Washington Post—I think it was five articles—pointed out that anywhere from 5 to 7 tons a day of heavy narcotics is flowing into our country.

General McCaffrey reports that he has been visiting at least four Cabinet Secretaries, including the Cabinet Secretary representing Defense, to really ask for moneys to increase the interdiction efforts with respect to hard narcotics.

I, who have criticized, must also be one who stands and supports this. Later today, Senator COVERDELL and I, and I hope the distinguished Senator from Iowa, Senator GRASSLEY, who has just come to the floor, will be joining in a letter to the Secretary, also indicating our support.

General McCaffrey insists that he cannot certify the Pentagon's requested budget for fiscal 1999 unless it includes $141 million in additional drug interdiction funding. I believe the general is right in taking this action. I urge the administration to support him.

While highlighting the fact that other Federal agencies have increased their counter-narcotics spending at a faster rate, the general has asked that the Defense Department increase the amount it spends for the drug fight in four key areas.

The first is Andean coca reduction. He is asking for an increase of $75 million to carry on the drug fight in the Andes region, where American and local officials are working in cooperation to disrupt the cocaine export industry.

The National Guard counter-drug operations—he is asking for an increase of $30 million to support antidrug activities of the National Guard that partially fund operations conducted by General Snyder since 1993 in State plans funding, which include support for counterdrug activities along the border.

Third, he is asking for an increase of $12 million for a program to intercept traffickers in the Caribbean Basin, including southern Florida, Puerto Rico, the U.S. Virgin Islands, and the eastern Caribbean. This would implement comprehensive counternarcotics spending during the Caribbean summit in Barbados.

And he is asking for money for Mexican initiatives, an increase of $24 million to provide additional resources to reduce illicit drugs from sources in Mexico and for a drug training program for Mexican officials so that they can locate and arrest drug traffickers and money launderers at the border.

The point that General McCaffrey makes, that I think is so important, is although the domestic funding of domestic agencies to fight drugs has gone up, the Defense Department funding, which is really the interdiction funding—the air surveillance, the radar, the trafficking, those things that is going into really cutting off the flow of narcotics—has gone down by 2 percent this year. If you look at a chart of its decline and you will see that where it went up to a high in 1992, came dramatically down by 1994, and has remained virtually flat, even declining some more, between 1995 and 1999. So the current DOD budget is only 1.3 percent higher than fiscal year 1990.

We were told we have 5 to 7 tons of cocaine and hard narcotics coming in over our border a day. And yet, the DOD budget is only 1.3 percent higher than these areas than it was in 1990. That is less than a single year of inflation.

So, I think the head of this Office of Drug Control has a very, very good point in asking for this money and, frankly, for really putting his foot down. Many of us in the Senate have been after him to do urging action to stop the flow of narcotics: "Why don't you do something about it? Why don't you see that the air and sea and land interdiction funding you can't do that without the resources to do it."

Mr. President, I happen to believe in terms of the appropriateness of it being in the Defense Department budget, that there is no threat to America's national security equal to the threat of drugs.

Tens of thousands of people are killed in this country from drugs. Hundreds of thousands of lives in this country are ruined and blackmailed by the drug problem, and is largely responsible today for the crime rate in virtually every community throughout this Nation. It is a driving force and a force which is really the interdiction fund—

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

CONFIRMATION OF CHRISTINA SNYDER

Mrs. FEINSTEIN. Mr. President, I thank the Senate, in particular I thank the majority and minority leaders for the agreement that allowed the confirmation of Christina Snyder as a Federal district court judge to proceed. I think this body will be proud of Mrs. Snyder's work on the bench. I have a great deal of faith in her.

I thank the majority leader very much for scheduling this vote on the nomination of Christina Snyder. Mrs. Snyder is an excellent candidate, and I am delighted that the Senate will act today on her nomination.

Christina Snyder's nomination has been pending before the Senate since...
being reported by the Judiciary Committee on September 18, and the California district courts face an urgent need for additional judges on the bench.

I recommended Chris Snyder to the President, in January 1996, for appointment to the central district of California because I believe she is extremely well qualified for the position.

Christina Snyder is a highly respected lawyer in Los Angeles. She has more than 20 years of experience in the courtroom and served as a partner in three respected Los Angeles law firms.

She has focused her legal career on civil procedure, where approximately 70 percent of her cases have been in the Federal courts.

Her practice has consisted of complex civil litigation, representing mostly defendants, including cases involving the Federal securities laws, civil RICO, antitrust, intellectual property, and the Lanham Act.

Christina’s record for integrity and decisiveness has earned the respect of her peers, both Democrats and Republicans alike.

Chris Snyder has the support of professors, judges, and lawyers in the central district and throughout California. Among her supporters are such prominent Republican Los Angeles leaders as Mayor Richard Riordan, who noted his very high regard and enthusiastic support for her, and Sheriff Sherman Block.

As a testament to her high regard by her colleagues in the legal profession, Mrs. Snyder was nominated for membership to the prestigious American Law Institute. Membership in the organization is equally divided between lawyers, judges, and legal professors. It is indeed an honor to be elected to the organization and Mrs. Snyder was elected to the institute the very first time she was nominated, a noteworthy accomplishment.

Mrs. Snyder has also lectured on various subjects related to banking law and intellectual property law, and is currently coauthoring a treatise on the local rules of practice of the Federal courts in the State of California.

As an attorney for over 20 years, she has the experience and temperament to excel in this position.

I urge the Senate to confirm her nomination to the central district court.

Thank you, Mr. President. I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President. I want to pick up on a thank you here about the fact that we were able to confirm today an outstanding candidate that Senator Feinstein recommended to the President, Christine Snyder.

NOMINATION OF MARGARET MORROW

Mrs. BOXER. Mr. President, I personally say to Senators LOTT and DASCHLE an enormous thank you for working out an agreement by which we can vote on another extraordinary woman, Margaret Morrow, and make sure that vote will take place before the February break.

We have had one or two Senators who put anonymous holds on this nomination. I am happy to say they decided to come out and talk about why they don’t feel it is a good nomination, because at least we know who is objecting to Margaret Morrow.

Those two Senators and I have spoken. We have written to each other extensively, and they have agreed that it is only fair that there be a vote on Margaret Morrow. She has the support of Senator Hatch. She has the support of many members of the Judiciary Committee on both sides of the aisle. Margaret Morrow will make a great judge. I think it is most unfortunate that she has to wait until February, but I feel that at least we have a commitment from this body that we will have a vote, and that will be before the February recess.

Again, I thank very much the majority leader, Senator LOTT, and the Democratic leader, Senator DASCHLE, for working with me to make sure that this happens.

I think as we wind down, I have something to be very happy about, which is that we are going to have a vote on Margaret Morrow. I know when my colleagues see the strong bipartisan support for the State of California and in this U.S. Senate that she will win confirmation.

Thank you very much, 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. BYRD. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may have as much time as I require.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORIGINS OF FAST TRACK

Mr. BYRD. Mr. President, I have followed the fast-track debate closely, and it is with some disappointment that I note the absence of any discussion of the constitutional and institutional framework that governs our country’s approach to foreign trade. A proper understanding of that framework is essential if we are to have a productive, enlightened debate about fast track.

I am also convinced that some of fast track’s most ardent admirers might find their ardor dimmed a little if they recognize the sordid truth about fast track.

Accordingly, I wish to speak, not overly long, about the illegitimate birth and disreputable pedigree of fast track. And I will attempt to unfold a decidedly unflattering but undeniably truthful account of how Presidential machinations and arrogance combined with congressional spinelessness to produce the monstrosity of fast track.

They will learn that fast track is not about saving jobs or opening markets but about building a bridge to the next century. Fast track, in a very considerable measure, is about power—raw, unfettered, Presidential power. And Mr. President, let me point out to any colleagues who doubt my reliability and objectivity in this regard that much of what I have to say is drawn from a recent article in the George Washington Journal of International Law and Economics, whose author appears favorably disposed to fast track.

I start by noting that the Constitution assigns Congress a major role in the regulation of foreign affairs. Contrary to popular opinion—and contrary to the beliefs of most Presidents—the executive branch does not possess sole authority over foreign affairs. Indeed, beyond the general statement in article II, section 1 that “[t]he executive Power shall be vested in a President of the United States of America,” the Constitution contains only four provisions that grant the executive clear foreign relations authority.

Now, I carry in my shirt pocket a copy of the Constitution of the United States. Alexander the Great greatly admired the Iliad. And he carried with him a copy of the Iliad, a copy that Aristotle had carefully examined and refined somewhat. And it was called the “casket copy.” Aristotle slept with this casket copy of the Iliad under his pillow. And along with the Iliad, there was a sword.

Now, Mr. President, I do not have a copy of the Constitution at night under my pillow, but I try to check on that all times whether I am in West Virginia or whether I am here. I try to carry a copy of the Constitution in my shirt pocket. It is a copy of the Constitution that I have had for several years. It only cost 15 cents at the time I procured it from the Government Printing Office. Although the price has advanced now to probably about $1.50, $1.75, it is still the same Constitution.

We may have added one or two or three amendments to the Constitution since I first procured this copy. I have not stopped to check on that. But the Constitution itself has not changed in that time other than, as I say, some amendments have been added.

Would it surprise Senators to know that the Constitution contains only four provisions that grant the executive clear foreign relations authority? As one scholar has dryly observed, “the support these clauses offer the President is less than overwhelming.” The
Constitutional Convention saw a lot of debate about which branch was better qualified to make foreign policy, the document that was signed on September 17, 1787. The Constitution granted Congress its power to make the law—section 8, article 1—and its control over spending and appropriations in section 9, one of the powers granted to Congress in article I, section 8 involve foreign affairs. They include the powers: (1) “To regulate Commerce with foreign Nations” (clause 3); (2) “To lay and collect Taxes, Duties, Imposts and Excises” (clause 1); (3) “To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations” (clause 9); (4) “To declare War, and make Rules concerning Captures on Land and Water” (clause 11); (5) “To raise and support Armies” (clause 12); (6) “To provide and maintain a Navy” (clause 13); and (7) “To provide for organizing, arming, and disciplining the Militia.” (clause 16). When one throws into the mix Congress’ power to make the law—section 1, article 1—and its control over spending and appropriations in section 9, one conclusion is inescapable, namely: Congress’ power to make foreign policy is formidable.

Despite the Constitution’s clear language, however, the history of this country has seen the executive branch assume control over increasingly large swathes of foreign affairs power, while Congress has occasionally taken back a scrap or two or a crumb or so for itself. It is now almost axiomatic that the President is sole representative of the United States before foreign nations. This is the culmination of a process that began in the earliest days of the Republic, when Congress met infrequently, giving the President effective day-to-day power over foreign affairs; the process has since accelerated with the advent of modern media—particularly television—which provide the President with a singularly powerful forum in which to make his case on matters of foreign policy.

While the executive branch has assumed general authority over foreign affairs for a long time Congress made sure that its power over foreign trade remained on the eastern end—on the eastern end—of Pennsylvania Avenue. After all, the Constitution is clear on this point: Congress has sole authority over trade. Two of the article I clauses as I just cited deals squarely with that issue, and they are conclusive, namely: Congress must “regulate Commerce,” and it has the power to “lay and collect . . . Duties, Imposts and Excises.”

For much of this Nation’s history, there was a balance between legislative and executive branches over trade regulation, unlike other areas of foreign policy, such as the use of military force.

As I have said on earlier occasions, for the first 150 years or so of its existence, Congress exercised broad control over foreign trade and tariffs. Starting in 1934, however, Congress decided that it no longer wished to unilaterally exercise its power to set tariffs. Accordingly, Congress delegated to the President in the Reciprocal Trade Agreements Act of 1934 the authority to negotiate tariff agreements and to proclaim changes in tariff rates, within certain parameters set by Congress. This so-called “Proclamation Authority” was periodically renewed, typically for brief periods of around three years.

It did not take Congress long to decide that it had given away—which it had delegated—too much trade negotiating authority. The result was the Trade Expansion Act of 1962 which, among other things, created the Office of the Special Representative for Trade Negotiations. That office required that multilateral trade negotiations include designated members of the Senate Finance Committee and the House Ways and Means Committee; and prevented the President from negotiating certain tariff reductions designated by the Tariff Commission.

Congress soon discovered that the Trade Expansion Act was not enough to rein in a newly emboldened executive branch. That branch, seizing as much control over foreign trade as it could get away with—and then some! The first shoe to fall was the U.S.-Canada Automotive Products Agreement of 1965, which the administration secretly negotiated for over a year with so much as notifying Congress. When President Johnson sent the Agreement to Congress for approval, presenting it as a fait accompli which needed only a legislative rubber stamp, Congress rejected it in a rare disconcerted vote, in which the Senate overwhelmingly rejected the agreement as they viewed it as high-handedness. Many resented the President’s usurpation of Congress’ rightful role in trade matters. And I suspect that many others wish that they had stood up for congressional prerogatives rather than permitting the executive to accumulate still broader powers over trade. Instead, members adopted a course of conciliation and appeasement; they should have stood firm. We condemned President Johnson’s refusal to heed the Senate’s instructions and we rejected his outrageous belief that “executive authority” allowed him to make trade agreements that could nullify our domestic law. Few scholars, today, of course, would agree with the President’s position, but the matter was less clearly defined then. And, Mr. President, I for one am relieved that Congress stood fast in defense of its constitutional prerogatives. I wish it would wake up one day and read history and read the Constitution again.

The other shoe dangled briefly before falling to the floor with a resounding crash a few years later. This time, the issue was the 1964-67 Kennedy Round of the General Agreement on Tariffs and Trade, or GATT. At the time, tariffs were relatively low, which meant that more attention was focused on non-tariff barriers. This posed a problem for congressional oversight. After all, while tariff changes could be restricted within a designated range of percent-ages, it was much more difficult to provide precise limits on the negotiation of non-tariff barriers. During the second session of the 99th Congress the Senate therefore adopted a concurrent resolution encouraging the President to instruct U.S. negotiators in Geneva to bargain only on provisions authorized in the Trade Expansion Act of 1962.

Now, what was the President’s response to this clear, explicit instruction from the Senate? As best I can determine, the President simply cast those directions aside, for he promptly entered into two non-tariff barrier agreements that were not so authorized. One of these agreements was an antidumping code, for which President Johnson claimed “sole executive agreement authority.” I was a member of the Senate back then, and let me assure you that we did not look kindly on the President’s blatant refusal to follow our instructions or those of the Constitution. Our response was to state unequivocally that the President’s agreement did not supersede Congress’ law or limit the Tariff Commission’s statutory discretion to implement the antidumping laws. Congress made clear that the President’s antidumping agreement would be followed only in cases where it did not conflict with this standing law; and Congress reiterated that no President—not even that master arm-twister, Lyndon Baines Johnson!—could encroach upon Congress’ power to make the laws.

It is almost axiomatic that President Johnson entered into without congressional authorization was the repeal of the American Selling Price method of customs valuation. Once again, the President asserted his authority to make—or, in this case, to repeal—the laws. It is just what we are seeing happen in the case of line-item veto. Congress has given the President the authority to repeal laws. Shame, shame on Congress. Once again, and to its everlasting credit, Congress stood firm. We condemned President Johnson’s refusal to heed the Senate’s instructions and we rejected his outrageous belief that “executive authority” allowed him to make trade agreements that could nullify our domestic law. Few scholars, today, of course, would agree with the President’s position, but the matter was less clearly defined then. And, Mr. President, I for one am relieved that Congress stood fast in defense of its constitutional prerogatives. I wish it would wake up one day and read history and read the Constitution again.
The battle was not over, however. President Nixon continued his predecessor's attempts to usurp Congress' trade authority, though this time by persuasion rather than by intimidation. The different tactics of Presidents Johnson and Nixon towards the same goal may say a lot about their respective personalities and presidencies. President Johnson had launched a frontal attack upon Congress, relying on brute force and his own, ample powers of persuasion to intimidate the legislature into granting him greater trade power. Nixon, however, took a different tack; rather than storming the barricades of Congress, he tried to convince us to open the gates to him.

The President made a powerful pitch for Congress granting him the ability to unilaterally change domestic law. He declared, with a fervor that subsequent fast track supporters have echoed, that the failure of the committee to enter into trade agreements hung in the balance. The future of the United States itself was in jeopardy unless Congress would delegate to him—you will recall, in this same thing today; the United States was in jeopardy unless Congress would delegate to him the authority to proclaim all changes to U.S. law necessitated by a trade agreement. Now, how prosperous, I will not dwell on the obvious constitutional infirmities of Nixon's proposal; suffice it to say that giving the President the power to proclaim changes to U.S. law might have raised a few eyebrows at the Constitutional Convention! Don't you think? That might have raised a few eyebrows up there with that illustrious group of men that included James Madison, Hamilton, Elbridge Gerry, and others. You would have seen some eyebrows going up and down. Our Constitution knew all that lawmaking by Executive fiat is the very definition of tyranny.

I wish that this story of the executive branch's attempt to seize the power that carries with it the power to proclaim changes to domestic law. However, he did succeed in pressuring Congress to grant him the authority to negotiate certain trade agreements which Congress might neither amend nor debate extensively: what we now simply call "fast track." President's invocation of the national interest, and the fears he raised that, without fast track—and we are hearing the same siren call today—he would be unable to implement an effective trade policy for the United States, and it won him the support. In a moment of weakness—and Congress has had its moments of weakness, as in this instance—Congress allowed itself to be seduced by the President's rhetoric and his appeal to patriotic duty. He declared, with a fervor that subse-

The President made a powerful pitch for Congress granting him the ability to unilaterally change domestic law. He declared, with a fervor that subsequent fast track supporters have echoed, that the failure of the committee to enter into trade agreements hung in the balance. The future of the United States itself was in jeopardy unless Congress would delegate to him—you will recall, in this same thing today; the United States was in jeopardy unless Congress would delegate to him the authority to proclaim all changes to U.S. law necessitated by a trade agreement. Now, how prosperous, I will not dwell on the obvious constitutional infirmities of Nixon's proposal; suffice it to say that giving the President the power to proclaim changes to U.S. law might have raised a few eyebrows at the Constitutional Convention! Don't you think? That might have raised a few eyebrows up there with that illustrious group of men that included James Madison, Hamilton, Elbridge Gerry, and others. You would have seen some eyebrows going up and down. Our Constitution knew all that lawmaking by Executive fiat is the very definition of tyranny.

I wish that this story of the executive branch's attempt to seize the power that carries with it the power to proclaim changes to domestic law. However, he did succeed in pressuring Congress to grant him the authority to negotiate certain trade agreements which Congress might neither amend nor debate extensively: what we now simply call "fast track." President's invocation of the national interest, and the fears he raised that, without fast track—and we are hearing the same siren call today—he would be unable to implement an effective trade policy for the United States, and it won him the support. In a moment of weakness—and Congress has had its moments of weakness, as in this instance—Congress allowed itself to be seduced by the President's rhetoric and his appeal to patriotic duty. He declared, with a fervor that subse-
which occurred before you were born is to remain always a child.

So history is repeating itself. I wonder why that is. God created water and other things in the beginning. He created water, H2O—which parts of hydrogen and oxygen. And it didn’t change. It is still the same. It is still H2O. It is still two parts of hydrogen and one part oxygen. Well, human nature hasn’t changed either from the beginning. It changed through Abel. Abel’s blood cried out from the ground. It changed through Noah. Noah did not have a very good life, but there was a cleansing. It changed through Abraham. Every valley and every mountain and hill shall be made low: and the crooked shall be made straight, and the rough places plain:

And the glory of the Lord shall be revealed, and all flesh shall see it together.

And that is true. Isn’t television altering the valleys and making low the mountains and the hills? Isn’t all flesh seeing the glory of the Lord together? There came a time when the clock struck and we had the undercable, the wireless telegraph, the telephone, the diesel motor train, the air-plane—of all of these things. And by all of these things, radio and television, the printing press—of all of these things, then, the glory of the Lord has been revealed in all of the globe. And Isaiah’s prophecy has come true.

So, our Founding Fathers could not possibly have foreseen the time when Americans would have these wonderful inventions. And when the President would have, at the snap of his finger, all of the media in that White House gather around his bully pulpit. They could not foresee these things.

For the most part, this system has worked. And I hope and pray that it will continue to work. Thus, I say to my colleagues in the House and here: Stand firm. Hold fast, and together let us oppose this fast track to nowhere.

Mr. President, I yield the floor. I suggest the amendment. The PRESIDING OFFICER. The PRESIDING OFFICER. The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENIOR BYRD’S 80TH BIRTHDAY

Mr. DASCHLE. Mr. President, on January 8, 1997, the Senate noted the beginning of Senator Robert C. Byrd’s 51st year of public service to the people of West Virginia. On that occasion, I spoke of Senator Byrd’s public record, of his service in both houses of the West Virginia State legislature, his service in both houses of the U.S. Congress, of the leadership positions he has held in the Senate, and of the remarkable seven consecutive terms to which he has been elected to represent the people of West Virginia. On such an occasion, I spoke of the public man, of the fascinating orator seen edifying Senators and C-SPAN audiences alike with his grasp of history and his love of the Constitution and of this body.

On November 20, Senator Byrd will mark another, more personal, anniversary. On November 20, Senator Byrd will celebrate the completion of his 80th year of life. To celebrate this event, and in conjunction with many of his former staff members, I want to share with this body and the world some of our reflections on the personal side of Senator Byrd’s life. This is our senator, and I hope the American people will share our respect, and honor every day.

If the heart of West Virginia is made of coal—that rich, black, compressed carbon of long-ago life that breathes fire to warm our homes and light our dark nights—then Senator Byrd is a diamond honed over time to be its purest, clearest core. Years of experience and study have cut many facets in his character, each adding a distinctive sparkle.

Robert C. Byrd never forgets the people of West Virginia. He cares, deeply, about living up to the trust and confidence that has been placed in him and about setting the example for others that he can in his own life and behavior. He is a tireless worker. Many of his staff members can tell stories about leaving him in his office late at night, still working, and dragging themselves weakly in the next morning, only to be greeted by his chipper, “Good morning.” His energy and drive have not lessened over the years. When added to his own natural bent for self-improvement, this tendency can make him a challenging man to work for, but trying to live up to this challenge has made every member of his staff a better and more committed employee.

Senator Byrd speaks often about the old values—about the importance of hard work, the love of family, respect for authority, loyalty to community and country, and about reverence for the Creator. He does not say these things because he believes they are popular or engaging—he talks about them because he believes in them and because he lives by them. He keeps a King James Bible on his desk and often refers to its passages, seeking ancient wisdom to guide him through the mire of convoluted political issues and diverse viewpoints.

Senator Byrd does do all things or anyone or anything for granted. Being a Senator and working in the Capitol building has lost none of its importance and none of its magic for Senator Byrd. Often, when the Sun is setting behind the Washington Monument, he will invite his staff to look out the window and down the Mall, so that moment—that special vantage point and that sunset—would not be taken for granted.

To travel with Senator Byrd in West Virginia is to see up-close the men and women whose footsteps he follows, in which he is held. Yet, his stature as a national statesman has not created a chasm between him and those he serves. On the
contrary, all West Virginians feel as if they know him. And, not only do people feel they know him, many have a personal story to tell about him. They often comment on “the night he spent with our family,” or when “he had dinner at our house when he was at my commencement,” or when “he helped my mother to get her widow’s benefits after my dad died.”

As he values each and every citizen of West Virginia, so does Senator BYRD value everyone who works for him—for themselves and for the job that they do for him and the people of West Virginia. He sets high standards, but he never asks more of anyone than he asks of himself. And, his drive is tempered by thoughtfulness.

He goes out of his way to smile, greet, and speak gently with everyone in his office. When personal or family tragedies strike, he is also there, offering support and encouragement, and living up to his belief that family must come first. Senator BYRD has seen members of his staff through cancer, the birth and death of children, the loss of parents, and all of life’s best and worst experiences with characteristic kindness and understanding. In return, he has had a large group of employees, who believe the common perception that staff turnover on Capitol Hill is frequent. His current staff combine for a total of over 4 centuries of experience in his service and in service to the Nation and the people of West Virginia, and his former staff remain close to him.

Working with Senator BYRD is an honor because he is a legendary figure even in his own time. He is larger than life, not only for the positions he has held and his accomplishments, but for his principles. On many occasions he has quoted Mark Twain: “Fame is vapor, popularity an accident, riches take wings only one thing endures: character. He is a man of principle who is willing to risk the displeasure of his principles, his experience, and his reason, with his eye always on the unforgiving pen of history and not on polls or interest group calls. He has taken some lonely stands, speaking candidly and entertainingly without fear or favor. He has taken some lonely stands, speaking candidly and entertainingly without fear or favor. He has taken some lonely stands, speaking candidly and entertainingly without fear or favor. He has taken some lonely stands, speaking candidly and entertainingly without fear or favor.

I, therefore, on this, his 81st birthday, wish him the happy birthday wish he deserves. Today, I join Senator BYRD’s staff in wishing him a happy 81st birthday and happy 51st year of public service.

Mr. President, I ask unanimous consent that the list was ordered to be printed in the RECORD, as follows:

- Ann Adler
- James Allen
- Noyla Arnas
- Alisa Bailey
- Suzanne Bailey
- Mary Bainsbridge
- Anne Barth
- Sue Bayliss
- Betsy Benitez
- Elizabeth Blevins
- Pat Braun
- C. Richard D’Amato
- Dionne Davies
- Mary Dewald
- Carol Dennis
- Joan Drummond
- Mary Edwards
- Glenn Elliott
- James English
- Tina Evans
- Elías Gabriel
- Carolyn Golio
- Patrick Griffin
- Scott Gudes
- Kimberly Hatch
- Marilyn Hill
- Pauliee Hedges
- Cynthia Huber
- Susan Huber
- James Huggins
- Gal John
- Helen Kelly
- Peter Kiefhaber
- Charles Kinney
- Carol Kiser
- Karen Kiser
- Catherine Lark-Preston
- Angela Lee
- Kathleen Luelsdorff
- Rebecca Roberts-Malamis
- Sue Martin
- Mark McIntosh
- Lane McIntosh
- Martha Anne
- McIntosh
- Nancy
- Richard Peters
- David Pratt
- Barbara Redd
- Peter Rogoff
- Terrance Sauvain
- Melissa Woford
- Shiek
- Marilyn Jane Small
- Elysia Smith
- Teree Smith
- Leslie Staples
- Joe Steward
- Lesley Strauss
- Brenda Teutsch
- Lisa Videnieks
- Jacquie Watkins
- Julie Watkins
- Paul Weinberger
- R.G. Wright
- Gail Stanley
- Scott Bunton
- Lola Davis
- Melvin Dubee
- Tom Fliter

Mr. DASCHLE. 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. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the quorum call is rescinded.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. Without objection, morning business will be extended until 5:30 p.m. with Senators permitted to speak for up to 10 minutes each.

In my capacity as a Senator from the State of Alabama, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Roberts). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask that I may proceed as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

DEPARTMENT OF JUSTICE—CIVIL RIGHTS DIVISION

Mr. SESSIONS. Mr. President, lately, a discussion has been undertaken about the question of civil rights. Some think civil rights means preferences, quotas, and set-asides; others say it principally means equality in the law. There has been a major bone of contention as we have considered the nomination of Mr. Sessions. Without objection, the quorum call is rescinded.

The PRESIDING OFFICER (Mr. Roberts). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask that I may proceed as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

The PRESIDING OFFICER. The Senator is recognized.
The three-judge panel suggested to the Justice Department that it be "more sensitive" in the future "to the impact on racial harmony that can result from the filing of a claim of purposeful discrimination." The court said it found the Justice Department's actions, "with investigation of the truth, unconscionable."

"Hopefully," the court goes on to say, "we will not again be faced with reviewing a case as carelessly investigated as this one."

Now, Mr. President, I think that the Department of Justice has an important role in this country to ensure equal rights, to make sure everyone has the right to vote, to make sure that there is equal justice under the law. But they also have a responsibility to be fair, to carry on their cases effectively, to be nonpartisan, to be objective, and to be careful in the cases they bring. This case went on for 4 years, when in fact, it could have been disposed of in order with an effective investigation.

So, whoever is chosen to head the Civil Rights Division of the Department of Justice will have an important task. I asked Mr. Attorney General, I interviewed him, if he would take control of this Department? Would he make sure that the attorneys in that Department are obeying the law and are actually doing justice and not injustice? Would he make sure that they would not engage in civil wrongs when focusing on civil rights?" Yes, this article will tell you that the Department of Justice can do civil wrongs and, in fact, they have done so. As attorney general of the State of Alabama I had occasion to witness this, as the following story illustrates.

There was a question about whether or not the voting rights section of the Department of Justice had the power and the duty and the obligation to preclear—say, "we will not again be faced with reviewing a case as carelessly investigated as this one."

Now, Mr. Attorney General, I asked him, if he would take control of this Department? Would he make sure that the attorneys in that Department are obeying the law and are actually doing justice and not injustice? Would he make sure that they would not engage in civil wrongs when focusing on civil rights?

Yes, this article will tell you that the Department of Justice can do civil wrongs and, in fact, they have done so. As attorney general of the State of Alabama I had occasion to witness this, as the following story illustrates.

There was a question about whether or not the voting rights section of the Department of Justice had the power and the duty and the obligation to preclear—say, "we will not again be faced with reviewing a case as carelessly investigated as this one."

Now, Mr. Attorney General, I asked him, if he would take control of this Department? Would he make sure that the attorneys in that Department are obeying the law and are actually doing justice and not injustice? Would he make sure that they would not engage in civil wrongs when focusing on civil rights?

Yes, this article will tell you that the Department of Justice can do civil wrongs and, in fact, they have done so. As attorney general of the State of Alabama I had occasion to witness this, as the following story illustrates.

There was a question about whether or not the voting rights section of the Department of Justice had the power and the duty and the obligation to preclear—say, "we will not again be faced with reviewing a case as carelessly investigated as this one."

Now, Mr. Attorney General, I asked him, if he would take control of this Department? Would he make sure that the attorneys in that Department are obeying the law and are actually doing justice and not injustice? Would he make sure that they would not engage in civil wrongs when focusing on civil rights?

Yes, this article will tell you that the Department of Justice can do civil wrongs and, in fact, they have done so. As attorney general of the State of Alabama I had occasion to witness this, as the following story illustrates.

There was a question about whether or not the voting rights section of the Department of Justice had the power and the duty and the obligation to preclear—say, "we will not again be faced with reviewing a case as carelessly investigated as this one."

Now, Mr. Attorney General, I asked him, if he would take control of this Department? Would he make sure that the attorneys in that Department are obeying the law and are actually doing justice and not injustice? Would he make sure that they would not engage in civil wrongs when focusing on civil rights?

Yes, this article will tell you that the Department of Justice can do civil wrongs and, in fact, they have done so. As attorney general of the State of Alabama I had occasion to witness this, as the following story illustrates.

There was a question about whether or not the voting rights section of the Department of Justice had the power and the duty and the obligation to preclear—say, "we will not again be faced with reviewing a case as carelessly investigated as this one."

Now, Mr. Attorney General, I asked him, if he would take control of this Department? Would he make sure that the attorneys in that Department are obeying the law and are actually doing justice and not injustice? Would he make sure that they would not engage in civil wrongs when focusing on civil rights?

Yes, this article will tell you that the Department of Justice can do civil wrongs and, in fact, they have done so. As attorney general of the State of Alabama I had occasion to witness this, as the following story illustrates.

There was a question about whether or not the voting rights section of the Department of Justice had the power and the duty and the obligation to preclear—say, "we will not again be faced with reviewing a case as carelessly investigated as this one."

Now, Mr. Attorney General, I asked him, if he would take control of this Department? Would he make sure that the attorneys in that Department are obeying the law and are actually doing justice and not injustice? Would he make sure that they would not engage in civil wrongs when focusing on civil rights?

Yes, this article will tell you that the Department of Justice can do civil wrongs and, in fact, they have done so. As attorney general of the State of Alabama I had occasion to witness this, as the following story illustrates.
ALABAMA - COOSA - TALLAPOOSA AND APALACHICOLA-CHATTAHOOCHEE-FLINT RIVER BASIN COMPACTS

Mr. SESSIONS. Mr. President, I would like to take this opportunity to express my gratitude today for the cooperation of my colleagues, and in particular Senator Shelby, and our Home State Representative Richard Laird, as well as colleagues from Florida and Georgia and the chairman of the Judiciary Committee, Senator Orrin Hatch, and the chairman of the Constitution Subcommittee, Senator John Ashcroft, for their expedited consideration of the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River basin compacts that passed the Senate today.

Our citizens in Alabama and the Southeast region have many benefits from an outstanding environment and a generous water supply. But population growth has made water resources extremely valuable. The water compacts passed today by the Senate are the first step in allowing the three States of Alabama, Georgia, and Florida to enter into legal, acceptable agreements that will ensure the water resources of the region are divided in a responsible and equitable way, which protects the environment and ensures a reliable supply of water for drinking, agriculture, and recreation.

Passage of these water compacts is the result of nearly 20 years of work between the States of Alabama, Florida, and Georgia. Today’s action represents only the initial step in a challenging process which must ultimately be carried through by these States. The water compacts themselves do not contain the formula for actually dividing the water resources, but serve only to grant permission to the States to create a formula themselves. Without the water compacts, it is likely my home State of Alabama, along with Georgia and Florida, would be forced into Federal court for protracted litigation to determine an equitable way to divide these resources. The action taken today will allow our States to enter into thoughtful negotiations rather than wasteful litigation to determine a permanent solution to our region’s water resource problems.

Mr. President, no remarks on this action by me today would be complete without my mentioning the work of Alabama Governor Fob James and State Representative Richard Laird, who have worked tirelessly toward this end. Governor James has personally given his attention to the matter, and negotiations have been ongoing, as I have noted. Representative Laird has been very active in this entire process and has been the main spokesman for Alabama’s effort for over 3 years. As a former attorney general in the State of Alabama and one who was involved in these activities, I know firsthand the personal commitment that Representative Laird has given to this effort.

I also want to take this opportunity to recognize Mr. Craig Kneisel, the chief of the environmental section of the Alabama Attorney General’s office. Craig Kneisel has been the chief of that environmental office since its founding around 20 years ago. He has given leadership to this effort that has reached a good conclusion today.

So we have made a major step toward making an equitable resolution of the water problems of these States, but we have to keep going. There will be greater and greater stress on these environmental resources. We must protect them and at the same time make sure that economic growth is facilitated by having a healthy environmental resource such as these two river basins.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I thank the Chair. Mr. President, are we in morning business?

The PRESIDING OFFICER. Morning business has just concluded.

Mr. KERRY. It is only 20 to 6.

The PRESIDING OFFICER. It is morning somewhere.

Mr. KERRY. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

DRUG CZAR BARRY McCAFFREY AND THE DRUG WAR

Mr. KERRY. Mr. President, 2 years ago Senator Shelby, the distinguished Senator from Alabama, and I were managing the Treasury-Postal appropriations bill on the floor at about this time of the year, I believe.

And one of the actions that we had taken in our bill was to zero out the drug czar’s office. And the reason that we had done that was that we were quite unhappy with the progress and the performance and, especially, the effort made to interdict and the effort here at home to try to get young people to quit consuming drugs.

We were persuaded at the end of the day, Senator Hatch, Senator Biden, and the President himself, saying that they were going to make some substantial changes.

Change No. 1 that they made was to bring on Barry McCaffrey, a retired Army general. I overheard they had talked him into it. Somehow they managed to talk him into coming back and being the drug czar.

Yesterday, Mr. President, Barry McCaffrey sent a letter to the Secretary of Defense. Among other things he has done over the past couple years, this justifies both the President’s confidence in him and Senator Shelby’s and my confidence that action would be expedited.

General McCaffrey sent Secretary Cohen, Secretary of Defense, a letter on the 6th of November saying essentially that:

The National Narcotics Leadership Act requires that the Office of National Drug Control Policy review the drug budget of each department and certify whether the amount requested is adequate to implement the drug strategy. The President’s fiscal year 1999, the Department of Defense has requested $809 million for drug control programs, approximately the same level as FY 1998. After careful review, ONDCP has determined pursuant to 21 U.S.C. . . . that this budget cannot be certified.

Mr. President, this is a gutsy move. As you know, as everybody around this town knows for a long time, I have long regarded Secretary Cohen, the Department of Defense a letter saying, ‘We’re not going to certify that your budget is adequate to accomplish the strategy that we have all approved in terms of fighting drugs in America,’ is a substantial gutsy move. And I support it 100 percent.

Perhaps Secretary Cohen will have a response to it. I have a great deal of respect for Secretary Cohen as well. Perhaps he will be able to come back and give his justification as to why the additional money for the Andean Coca Reduction Initiative, for the Mexican Initiative, for the Caribbean Violent Crime and Regional Interdiction Initiative, and for the National Guard Counterdrug Operations are fully funded at the $809 million level.

My guess is, he will not. My guess is that General McCaffrey has done his homework and analyzed it well and understands what the drug policy is supposed to accomplish. And he understands that as drug czar he has authority.

In the past, drug czars have not exercised that authority quite as willingly. Barry McCaffrey did. And I hope this Congress supports him. All of us, when we are home, we will have townhall meetings. And if the subject of drugs comes up of, what are we doing? people say to me, ‘At least I hear you say it’s a war on drugs. Describe the nature of that war. What are we doing? People sources are we putting into it?’ I say, ‘We’ve got a drug czar. We’ve got a drug strategy. And we’re implementing that drug strategy. We’re not going to hold anything back in order to be successful.’

What General McCaffrey has done is he has called upon the Department of Defense to do just that. As I said, I have not seen Secretary Cohen’s response to this letter. I am here this morning just to applaud the drug czar for having the courage that previously drug czars have been a little reluctant to show. And if it is shown that these
additional resources are needed in order to be able to answer the question at home in townhall meetings in Nebraska that that is what is needed to get the job done, then I hope the Congress will provide the Department of Defense with the resources and insist that the Department of Defense dedicate in 1999 the resources in order to be able to get it done.

I have not read all of them, the three- or four- or five-part series in the Washington Post on the problem of drugs coming across the border—so-called. There is not much of a border between the United States and Mexico. It is over 2,000 miles. And from what I have seen down there, there is not much to let you know when you are in Mexico or in the United States. And there is a tremendous amount of truck and automobile traffic and an awful lot of resources and money behind the effort to get drugs into the United States.

It is corrupting Mexico, making it difficult for them to operate—an extremely violent world. And in this morning’s paper, there is a story about Mr. Fuentes’ doctors, three of whom were captured for his death apparently, giving him a facelift or something so he would look a little different. They were found in concrete canisters along a road in Mexico.

These guys play for keeps. From their standpoint, it is a war. From their standpoint, they are deploying the maximum amount of resources, their considerable amount of wealth and resources.

Barry McCaffrey, a first-rate military officer, now our drug czar, when he says to me, “We need additional resources in order to be successful in these four areas,” I pay attention to him. And I applaud his willingness to be able to come to the Department of Defense and to Congress and say, “This is what we need to do in order to be successful.”

Mr. President, I ask unanimous consent that three documents be printed in the RECORD: One is a letter of November 6 from General McCaffrey sent to Secretary Cohen, and another is the document that indicates the additional resources that are needed, and the third is the “Legal Authority to De-Certify Agency Budgets.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:


HON. WILLIAM S. KOHN, Secretary of Defense, Department of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY KOHN: The National Narcotics Leadership Act requires that the Office of National Drug Control Policy (ONDCP) review the drug budget of each department and certify whether the amount requested is adequate to implement the drug control program of the President. For FY 1999, the Department of Defense (DoD) has requested $890 million for drug control programs, approximately the same level as FY 1998. After careful review, ONDCP has determined pursuant to 21 U.S.C. §1502(c)(3)(B) that this budget cannot be certified.

To correct the deficiencies in the current FY 1999 proposal, DoD needs to amend its FY 1999 budget to include an additional $141 million in drug control initiatives, which will enhance operations in the Andes, Mexico, the Caribbean, and along our borders. Details associated with these amendments are highlighted in the enclosed document. Under 21 U.S.C. §1502(c)(5), DoD is required to include this additional funding in its FY 1999 submission to the Office of Management and Budget.

The support of the Department of Defense (DoD) is critical to achieving the goals of the National Drug Control Strategy. Appreciate your leadership of DoD’s important counterdrug programs. The outstanding success of these missions in a credit to the dedicated men and women of our armed forces. Working together, the Executive Branch can structure a drug control budget which will reduce drug use and its consequences in America. Look forward to receiving the Department’s amended FY 1999 budget proposal. Your support on this issue, is so vital to our Nation’s security and the health of our young people, is critical.

Respectfully,

BARRY R. McCAFFREY, Director.

FY 1999 DRUG CONTROL BUDGET AMENDMENTS DEPARTMENT OF DEFENSE (AS REQUIRED BY 21 U.S.C. §1502(c)(5))

Andean Coca Reduction Initiative (+$75 million). This proposal incorporates enforcement and interdiction measures that will disrupt the cocaine export industry. These efforts will include support for host nation programs to interdict the flow of coca base and cocaine in source countries, as well as expanded support to Peruvian and Colombian riverine interdiction programs.

Mexican Initiative (+$24 million). This proposal will provide additional resources to reduce the flow of illicit drugs from Mexico into the United States and disrupt and dismantle criminal organizations engaging in drug trafficking and money laundering. This effort will help implement the Declaration of the Mexican-U.S. Alliance Against Drugs signed by President Zedillo and President Clinton on May 6, 1997. It will expand U.S. operational support to detection and monitoring missions in Mexican airspace and territorial seas, establish a joint law enforcement investigative capability in the Bilateral Border Task Forces, and aid the Mexican Government in developing a self-sustaining interdiction capability.

Caribbean Violent Crime and Regional Intercountry Initiative (+$12 million). This effort will target drug trafficking-related criminal activities and violence in the Caribbean Region, including South Florida, Puerto Rico, the U.S. Virgin Islands, and the independent states and territories of the Eastern Caribbean. This will implement commitments made by the President during the Caribbean Summit held in Barbados.

National Guard Counterdrug Operations (+$30 million). These efforts will partially restore reductions incurred since FY 1993 in State Plans funding, which includes support for counterdrug activities along the border.
I want to especially commend the leadership of the Senate committees, whose statutory jurisdictions are far broader, for directing so much of their energies to this matter.

Over the last 2 months alone, the Foreign Relations Committee, the Appropriations Committee, and the Senate Budget Committee have held a total of nine hearings on NATO enlargement. They have addressed such issues as the geopolitical rationale behind this initiative, the affect it has on businesses, our ally Russia's evolving international role as an actor and as a democracy, the financial costs, and the military implications, among other issues, and the pro's and con's that one hears on these matters.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the meetings and hearings that have been conducted by these three Senate committees on NATO enlargement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**Senate Committee Hearings on NATO Enlargement**

October 7: Senate Foreign Relations Committee begins hearing on NATO expansion.

October 9: Senate Foreign Relations Committee hearing on NATO Enlargement. Pros and Cons of NATO Enlargement with Senator Roth, Zbigniew Brzezinski, Joanne Kirkpatrick, Michael Mandelbaum and Jonathan Dean.

October 21: Appropriations Committee hearing on NATO Enlargement. NATO Enlargement Costs with Madeleine Albright and William Cohen.

October 22: Appropriations Hearing on NATO Enlargement. NATO Enlargement Costs and DoD Readiness Impact with Chairman Joint Chiefs of Staff General Hugh Shelton and SACEUR General Wes Clark.

October 23: Appropriations Committee hearing on NATO Enlargement. GAO Studies of NATO Enlargement Costs with Hinton, Jr., Assistant Comptroller General, General Accounting Office.

October 26: Senate Foreign Relations Committee hearing on NATO Enlargement. NATO Enlargement Costs, Benefits and Burden Sharing of NATO Enlargement.

October 29: Budget Committee hearing on NATO Enlargement. NATO/EMU Costs with James Baker and Susan Eisenhower.

November 5: Senate Foreign Relations Committee hearing on NATO Enlargement. NATO-Russia Relations with Henry Kissinger.

Mr. ROTH. These hearings have been conducted to the highest standard. They have addressed the most contentious and potentially divisive dimensions of NATO enlargement. They have provided a powerful podium for skeptics and for those who simply want to be sure that all the "I's" have been dotted.

Mr. President, I firmly believe that NATO enlargement will yield a stronger and more stable Europe, and a Europe that will be an even more effective partner for the United States in a world where our shared interests are increasingly global in nature.

I am not going to burden this Chamber with another rendition of why I support NATO enlargement. However, I have heard these hearings closely, and I would like to address what I think one should draw from their deliberations on three of the most important issues of NATO enlargement: the cost; its relationship to America's global interests; and, the future of Russia.

Costs has been the most debated dimension of NATO enlargement. However, the Senate's examination of this issue so far leaves me even more confident that this will be a most worthwhile investment.

Earlier this year, the President, at the request of Congress, estimated that NATO enlargement will cost the United States some $180-200 million per year over the next decade.

Last month, Secretary Cohen and Secretary Albright testified to the Appropriations Committee that the costs to the United States may be less because some of the infrastructure existing in Poland, the Czech Republic, and Hungary is more capable than previously estimated.

More detail on the costs of NATO enlargement is an urgent priority. NATO will soon complete its own estimate of the costs of integrating the three nations. This report is due before the December NAC ministerial. It is imperative that this study is fully transparent, clear, and specific.

It is said that even if NATO enlargement were to cost the United States some $500 million a year over the decade, that yearly cost would still amount to about a quarter of the cost of one B-2 bomber. That is not a bad deal considering the gains we will attain in solidifying peace and stability in post-cold-war Europe.

The Senate hearings have also reaffirmed my confidence that NATO enlargement will enhance our capability to secure its vital interest around the globe—not just those in Europe.

NATO enlargement is critical step toward a more unified and more peaceful Europe. It is, thus, fundamental to Europe's evolution into a partner that will more effectively meet global challenges before to the transatlantic community. An undivided Europe at peace is a Europe that will be better able to look outward, a Europe better able to address the United States to address necessary global security concerns. A partnership with an undivided Europe in the time-tested architecture of NATO will enable the United States to more effectively meet the global challenges to its vital interests at a time when our defense resources are increasingly strained.

This was a, if not the, central theme of former national security advisor Zbigniew Brzezinski's recent presentation to the Senate Foreign Relations Committee. To use his words: NATO expansion is central to the vitality of the European-American connection, to the
SENATOR BIDEN’S NATO SPEECH

Mr. ROTH. Mr. President, our colleague, Senator Joe Biden, addressed the Permanent Representatives to the North Atlantic Council, so called NAC, during their visit to the United States last month. His speech was an impressive overview of the state of debate between the Senate on NATO enlargement and how that debate is being affected the debate in Europe on issues of transatlantic security. Among these are, of course, the effort to foster reconciliation and peace in the Balkans.

The next coming months will feature a number of important events concerning NATO enlargement, including the NAC ministerial in mid-December which will yield protocols of accession into NATO for Poland, Hungary, and the Czech Republic. Keeping in mind the debate that we will have early next year on NATO enlargement, I encourage my colleagues to read Senator BIDEN’s statement. It is one that should also be closely read by our colleagues in the executive branch.

Mr. President, I ask unanimous consent that Senator BIDEN’s outstanding speech on NATO enlargement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RATIFICATION OF NATO ENLARGEMENT BY THE U.S. SENATE

(By Senator Joseph R. Biden, Jr.)

I am honored by the invitation of the North Atlantic Council to share my thoughts on the American side of one of the most important foreign policy decisions that our alliance has faced for many decades: ratification of the Admission of Poland, the Czech Republic, and Hungary to membership in the North Atlantic Treaty Organization.

First, let me make clear that I am a strong proponent of NATO enlargement. In the interest of brevity, and because there is no need to persuade this audience, I will not go into the details of my rationale.

Let me just say that the case for enlargement is overwhelmingly persuasive. First, it is my belief that the inclusion of the three aforementioned countries—if they meet all of NATO’s rigid political, military, and economic criteria—would strengthen the alliance and enhance the security of the United States.

Second, the consequences if we fail to act are equally serious. The history of the twentieth century has taught us that if the United States is absent from European affairs, the result on the continent is instability leading to chaos. Ultimately, dealing with the instability and chaos will cost far more in blood and treasure than the initial costs of staying engaged.

Finally, there is the moral factor. As Secretary of State Albright noted in her testimony before the Senate Foreign Relations Committee:

“What possible justification can there be for confirming the old cold war division of Europe by foreclosing the new democracies east of Germany?”

As most of you know, according to the U.S. Constitution, international treaties must be ratified by the Senate. In this case, we would be ratifying an amendment to the Treaty of Washington of 1949. As the Democratic party’s chief foreign policy spokesman in the Senate, I have the responsibility to lead the fight for ratification.

Despite what I believe to be the overwhelming logic for NATO enlargement, ratification will not be easy—it will not be a “slam dunk,” as we say in this country. It will be considered in the context of national security policy, but in the context of domestic politics.

And in the context of our debate about enlargement versus isolationism, I believe that most of you are primarily concerned with military matters. But I hope you will convey to the civilian and political leaders in each of your countries the kinds of profound danger that enlargement poses for your security.

My principal reasons for being cautious about NATO enlargement revolve around two sides of the same issue: burden-sharing. The first side relates to sharing the costs of NATO enlargement; the second side relates to sharing the military duties in Bosnia. Contrary to assertions by some European politicians, these cost and burden-sharing issues are not superficial problems. They have not been relevant or dispositive to the debate on ratification of enlargement, but also to the kind of alliance we will have in the 21st century.

First the costs. There has been a good deal of publicity in the United States in recent years about three widely differing cost estimates of NATO enlargement. NATO’s own cost-estimate—mandated by the North Atlantic Council at last July’s Madrid summit—will not be known until just before the December NATO ministerial. So any firm predictions about how that will come out would be risky and premature.

Nonetheless, the latest estimate from the Clinton administration, offered this week in testimony before the Foreign Relations Committee, was somewhat lower than the Pentagon’s earlier study because only three—not four—countries are to be added to the alliance, and some of their militaries are in a bit better shape than previously thought.

Whatever the final numbers, the atmosphere of the debate over cost-sharing since Madrid have been damaging to Trans-Atlantic solidarity. Public statements from West European leaders that their countries should not—or even will not—pay additional costs for enlargement given potent ammunitions to neo-isolationists in the U.S. Senate and to those who favor engagement but who have legitimate questions about costs.

Although there have been many warnings in the United States about the possibly huge costs of NATO enlargement, to my knowledge not a single American politician has said that we will not pay our share if enlargement is ratified. Yet when European leaders therefore even offered a NATO cost-study to come out in December—threaten not to pay even one additional franc or mark for enlargement, it is waving a red flag in front of my colleagues in the Senate.

Many of my fellow Senators are aware of the fact that West Europeans face competing priorities. We know that the eleven European NATO members who are also members of the European Union are currently engaged in painful budget cutting in order to meet the criteria for a single currency, the Economic and Monetary Union (EMU) on January 1, 1999. And we are aware that Germany and others are insisting that those countries will qualify be held to rigid fiscal discipline thereafter through a so-called “stability pact” without “political” criteria.
We do not underestimate the political stakes: resentment against this belt-tightening played a key role in the defeat of President Chirac’s coalition in the French national elections earlier this year. The current day temporary fall of Prime Minister Prodi’s government in Italy earlier this month. Several other EU member states have also seen anti-government demonstrations.

As a politician, I empathize with the challenge my European parliamentary colleagues face. But we all have to make difficult choices. For example, in my country, during the last month, we had to vote on a balanced budget. We had to cut defense spending and reduce the deficit.

Let me go one step further, if NATO is to continue to be a viable organization with the role, leading and coordinating the civilian and military effort to support the countries of the Central and Eastern Europe as a substitute role of European pillar in NATO. But when they hear talk of the American rapid reaction force on standby alert for meeting their countries' current alliance commitments and their future share of enlargement costs.

The real point is that burden-sharing is not a book-keeping exercise. We will all do well to avoid the temptation to mis-explain the discussion to just that—military burden-sharing in the alliance.

One other point related to comparative spending and beyond enlargement and power-projection capability, unless you—our European allies—significantly upgrade your militaries, particularly your air forces and the command and control of information, a "strategic disconnect" between a technologically superior United States military and outdated Western European militaries will eventually make it impossible for NATO to function effectively. From several personal conversations, I believe that this is a worry that many of you share.

There is a second dark cloud looming on the horizon of Trans-Atlantic relations. In the spring of 1998, just when the U.S. Senate is likely to be voting on amendments to the Treaty of Washington to accept new members, American SFOR ground forces are scheduled to be completing their withdrawal from Bosnia.

As it now stands, our European NATO allies will follow suit, in line with their "in together, out together" policy, despite a U.S. offer to lease you, nay, give you, communications, and intelligence assets available to a European-led follow-on force, with an American rapid reaction force on standby alert. But they are refusing to maintain troops in Bosnia without European participation, and in a speech on a post-SFOR force for Bosnia, would considerably enhance the chances for ratification of NATO enlargement by the U.S. Senate.

To be blunt: I don't think you want us to let down our friends in Washington to accept new members, American SFOR ground forces are scheduled to be completing their withdrawal from Bosnia.

The THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, November 6, 1997, the Federal debt stood at $5,431,079,031,652.94 (Five trillion, four hundred thirty-one billion, seventy-nine million, thirty-one thousand, six hundred fifty-two dollars and ninety-four cents).

One year ago, November 6, 1996, the Federal debt stood at $5,245,748,000,000 (Five trillion, two hundred forty-five billion, seven hundred forty-eight million).

Five years ago, November 6, 1992, the Federal debt stood at $4,087,224,000,000 (Four trillion, eighty-seven billion, two hundred twenty-four million).

Ten years ago, November 6, 1987, the Federal debt stood at $2,396,279,000,000 (Two trillion, three hundred ninety-six billion, two hundred twenty-nine million).

Twenty-five years ago, November 7, 1972, the Federal debt stood at $355,570,000,000 (Forty billion, fifty-five million, five hundred seventy million).

Mr. President, at the close of business yesterday, Thursday, November 6, 1997, the Federal debt stood at $5,431,079,031,652.94 (Five trillion, four hundred thirty-one billion, seventy-nine million, thirty-one thousand, six hundred fifty-two dollars and ninety-four cents).
CONGRATULATIONS TO ANNA TAYLOR CELEBRATING HER 100th BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Anna Taylor of Grandview, MO, who will celebrate her 100th birthday on November 22. Anna is a truly remarkable individual. Anna has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of Anna's life has meant much more, however, to the many relatives and friends whose lives she has touched over the last 100 years.

Anna's celebration of 100 years of life is a testament to me and all Missourians. Her achievements are significant and deserve to be recognized. I would like to join Anna's many friends and relatives in wishing her health and happiness in the future.

COMMERCIALIZATION OF BIOTECHNOLOGIES

Mr. ABRAHAM. The Federal Government has spent millions of dollars during the past decade to support research at laboratories, universities and the private sector to develop technologies to reduce the Nation's reliance on imported oil through the use of renewable energy sources, and to improve the efficiency and reduce the cost of cleaning up federally-owned sites which are contaminated with hazardous waste. This research is extremely valuable and is directed at addressing some of the most serious challenges facing our Nation. Unfortunately, these national research and development initiatives often do not provide maximum benefit to the Federal Government or to the private sector, since the technologies are not demonstrated to be effective on a commercial scale. It is my hope that as we continue to pursue these issues, the Federal Government can do more to help give the lessons learned from this research broader application.

A new program which recently has come to my attention—Acceleration Demonstration of Federally Sponsored Research for Renewable Energy Production and Environmental Remediation programs account that can be awarded for commercialization of renewable fuels and environmental cleanup technologies on a competitive basis. I would urge DOE to seriously consider supporting this work in fiscal year 1998 up to the $5 million level.

Mr. BURNS. That is my view as well.

THE VILLHAUERS OF HOSMER, SOUTH DAKOTA

Mr. DASCHLE. Mr. President, I am looking forward to returning to South Dakota to join the citizens of my home state in honoring the men and women who have so faithfully served our nation in the armed forces. While all those who have given themselves to the call of duty will be on our minds on Tuesday, November 11, 1997, there is one family that will especially be on my mind.

The Villhauers of Hosmer, South Dakota hold a distinction that may well separate them from any other family in this nation. Mr. and Mrs. Fred Villhauer raised 7 boys in Hosmer, all of whom served this nation concurrently during World War II. Fred Jr., John, Henry, Albert, Arthur, Edmund and Herman Villhauer all answered the call of this country, and laid their lives on the line for the security and ideals of the United States.

Six of the brothers would survive the second world war and return to the United States. Albert, unfortunately, was killed during the retaking of the Philippine Islands on January 30, 1945. Fred Jr. returned to my hometown of Aberdeen where he lived until several years ago. The 5 other brothers are all alive today.

I should add that an 8th Villhauer brother, Pat, would have to serve in World War II. But he joined the Army shortly after the war and eventually served during the Korean War. Paul Villhauer has also passed away.

Service to the United States seemed to run in the family for the Villhauers. The 7 boys and their 8 brothers would have over 20 of their descendants serve in World War II, including 3 at Pearl Harbor. In all, more than 60 members of this family would join the armed forces of the United States of America. Six generations later, this segment of the Villhauer family boasts more than 1,000 descendants. This information was graciously provided by Emil Villhauer, a former resident of South Dakota now residing in Wisconsin.

As Veterans' Day draws near, let us remember all who have served this nation, and especially those who were called to make the ultimate sacrifice to preserve our freedom. But this year in particular, I hope my colleagues and all the citizens of our great nation will join me in remembering one very special family that knows the true meaning of love of country: the family of Fred and Catherine Villhauer of Hosmer, South Dakota.

ENCRYPTION

Mr. ASHCROFT. Mr. President, I wanted to take a moment to associate myself with the comments of the majority leader from October 21, 1997. Senator LOTT has correctly highlighted the FBI's constantly shifting arguments and the Bureau's seemingly relentless attempts to grab more power at the expense of the Constitution, particularly the fourth amendment's protection of privacy and the fifth amendment's guarantee of due process.

The FBI legislative proposal goes far beyond the Commerce Committee's misguided encryption legislation in further disregarding our Constitution. Instead of working with those who understand that S.909 gives the FBI unprecedented and troubling authority to invade lives, the FBI has attempted to grab even broader authority. The Senate would be foolish to pass S.909. In no way can we even consider the ill-advised FBI approach. The reach of the FBI has now extended so far that the document has taken one of the largest issues of the issue and supported a free market approach, according to his public comments delivered abroad.

I can only conclude that the FBI has introduced its proposal as a ploy to make S.909 look like a reasonable compromise. The only other explanation for the FBI's proposal is that the Bureau will not be satisfied with S.909, but instead will continue to work to erode our Constitutional protections. In fact, the new proposal only draws attention to the weakness of the commerce Committee language. Neither proposal is acceptable.

The issue of encryption must be revisited in a real and serious way next year, both at the committee level and in the Senate chamber, to examine the many Constitutional implications of the various proposals. I look forward to working with the Majority Leader and other Senators who have expressed interest in encryption legislation.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.
The nominations considered and confirmed are as follows:

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Samuel M. Ramirez, Jr., of Texas, to be an Assistant Secretary of Housing and Urban Development.

**DEPARTMENT OF STATE**

Nancy H. Rubin, of New York, for the rank of Ambassador during her tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

A. Peter Burleigh, of California, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Deputy Representative of the United States of America to the United Nations.

Bill Richardson, of New Mexico, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

**UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY**

Kirk K. Robertson, of Virginia, to be Executive Vice President of the Overseas Private Investment Corporation.

Thomas McGinn, of Virginia, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

**UNITED STATES INFORMATION AGENCY**

Cheryl F. Halpern, of New Jersey, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 1999.

Carl Spielvogel, of New York, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 1999.

**DEPARTMENT OF ENERGY**

Linda Kay Breathitt, of Kentucky, to be a Member of the Federal Energy Regulatory Commission for a term expiring June 30, 2004.

Curt A. Herbert, Jr., of Mississippi, to be a Member of the Federal Energy Regulatory Commission for a term expiring June 30, 1999.

**THE JUDICIARY**

John M. Campbell, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Anita M. Josey of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Betty Eileen King, of Maryland, to be an Assistant Administrator for International Development.

Bill Richardson, of New Mexico, to be United States District Judge for the Eastern District of Virginia.

A. Peter Burleigh, of California, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

**THE JUDICIARY**

Seth Waxman, of the District of Columbia, to be Solicitor General of the United States.

**THE JUDICIARY**

Stanley Marcus, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

Jerome B. Friedman, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Norman K. Moon, of Virginia, to be United States District Judge for the Western District of Virginia.

**THE JUDICIARY**

NOMINATION OF CURTIS L. HEBERT, JR.

Mr. LOTT. Mr. President, today the Senate is sending two very distinguished and qualified new Commissioners to the Federal Energy Regulatory Commission. I am pleased that my good friend Curtis L. Hebert, Jr., of Pascagoula, MS, is one of them.

Curt has served the State of Mississippi as a member of the Public Service Commission for several years. During that time, he has demonstrated the ability to balance the diverse utility interests in our State. This is not an easy task. Mississippi is the home to both public and private power companies, PUHCA's and providers of all sizes.

Curt has proven that he has the skills necessary to address the needs of each of these entities, while keeping the best interest of the consumer in mind.

As a former member of the Senate Energy and Natural Resources Committee, I certainly appreciate the high standard that FERC nominees are held to during committee consideration. Throughout the nomination process, Curt has demonstrated that he has not only the knowledge, but the determination and skills to get the job done. He has been a responsible and able steward of the utility industry in Mississippi. I expect that he will serve the FERC and our Nation with the same enthusiasm and foresight.

We all must recognize that electric utility deregulation is on the horizon. How and when a new system will be created remains to be seen. What is certain, however, is that the FERC will be instrumental in guiding Congress toward competition in the utility industry. I am confident that Curt has the experience and insight necessary to help us reach the right balance of interests. Most importantly, Curt understands what deregulation means on the State level.

There is no industry as complex as the utility world—and none that impacts the lives of Americans more directly every day. The challenge ahead are great and must be tackled head on.

There is no denying that the FERC Commissioners have their work cut out for them.
Mr. President, I am pleased that the Senate has unanimously confirmed Curt Hebert as a member of the FERC, ensuring that the future of the electric utility industry is in good hands. I congratulate him on this accomplishment and wish him the best of luck in the future.

**NOMINATION OF JERRY FRIEDMAN**

Mr. LEAHY. Mr. President, I commend the majority leader for deciding to take up the nomination of Jerry Friedman to serve as a judge for the Eastern District of Virginia. Judge Friedman’s nomination was received by the Judiciary Committee on June 26, 1997. He appeared before us during a nomination hearing on October 28 and was reported favorably out of the committee on November 6.

From June 1985 to January 1991, Judge Friedman sat on the bench of the Juvenile and Domestic Relations District Court in Virginia Beach, VA. Since 1991, he has served as a judge for the Virginia Beach Circuit Court. The American Bar Association gave Judge Friedman a unanimous “well-qualified” evaluation—its highest rating. I would like to congratulate both Judge Friedman and his family. I look forward to his service on the U.S. District Court.

**MORNING BUSINESS**

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for morning business until 7:30 p.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

**MESSAGES FROM THE HOUSE**

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on November 7, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2570. An act to condemn those officials of the Chinese Communist Party, the Government of the People’s Republic of China, and other persons who are involved in the enforcement of forced abortions by preventing such persons from entering or remaining in the United States.

At 7:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:


H.R. 2647. An act to ensure that commercial activities of the People’s Liberation Army of China or any Communist Chinese military company in the United States are monitored and are subject to the authorities under the International Emergency Economic Powers Act.

H.J. Res. 101. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (H.R. 2264) making appropriations for the Departments of Labor, Health, and Human Services, Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.
MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 987. An act to prohibit the use of United States funds to provide for the participation of certain Chinese officials in international conferences, programs, and activities and to provide that certain Chinese officials shall be ineligible to receive visas and excluded from admission to the United States; to the Committee on Foreign Relations.

H.R. 2358. An act to provide for improved monitoring of human rights violations in the People's Republic of China; to the Committee on Foreign Relations.

H.R. 2470. An act to implement the provisions of the Taiwan Relations Act concerning the stability and security of Taiwan and United States cooperation with Taiwan on the development and acquisition of defensive military articles; to the Committee on Foreign Relations.

H.R. 2570. An act to condemn those officials of the Chinese Communist Party, the Government of the People's Republic of China, and other persons who are involved in the enforcement of forced abortions by preventing persons from entering or remaining in the United States; to the Committee on Foreign Relations.

H.R. 2685. An act to require the United States to oppose the making of concessional loan by international financial institutions to any entity in the People's Republic of China; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

H.R. 2366. A bill to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes (Rept. No. 105–144).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment:

S. 1267. A bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants (Rept. No. 105–142).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1115. A bill to amend title 49, United States Code, to improve one-call notification processes for and for other purposes (Rept. No. 105–143).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 222. A bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies (Rept. No. 105–144).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 1787. A bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 845. A bill to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY, from the Select Committee on Intelligence:

Robert M. McNamara, Jr., of Maryland, to be General Counsel of the Central Intelligence Agency.

(The above nomination was reported with the recommendation that he be confirmed.)

By Mr. THURMOND, from the Committee on Armed Services:

Robert M. Walker, of Tennessee, to be Under Secretary of the Army.

Jerry MacArthur Hultin, of Virginia, to be Under Secretary of the Navy.

F. Whitten Peters, of the District of Columbia, to be Under Secretary of the Air Force.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force, to the grade indicated under title 10, United States Code, section 12203:

To be brigadier general
Col. Ronald A. Turner, 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

To be brigadier general
Col. Howard L. Goodwin, 0000

The following-named officer 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. Beckel, 0000
Brig. Gen. James G. Browder, Jr., 0000
Brig. Gen. Melvin R. Johnson, 0000
Brig. Gen. J. Craig Larson, 0000
Brig. Gen. Rodney D. Rush, 0000

To be brigadier general
Col. Celia L. Adolph, 0000
Col. Donna F. Barbish, 0000
Col. Emile P. Bataille, 0000
Col. Joel G. Blanchette, 0000
Col. George F. Bowman, 0000
Col. Gary R. DiLaio, 0000
Col. Douglas O. Dollar, 0000
Col. Russell A. Eggers, 0000
Col. Sam E. Gibson, 0000
Col. Fred S. Haddad, 0000
Col. Carol A. Kennedy, 0000
Col. Dennis E. Klein, 0000
Col. Duane L. May, 0000
Col. Robert S. Silverthorn, Jr., 0000
Col. James T. Spivey, Jr., 0000
Col. William B. Watson, 0000
Col. Charles E. Wilson, 0000

The following-named 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. David R. Irvine, 0000

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

(The above nominations were reported with the recommendations that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS (for himself, Mr. GLENN, Mr. DEWINE, and Mr. FAIRCLOTH):
S. 1397. A bill to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers; to the Committee on Governmental Affairs.

By Mr. THOMAS (for himself, Mr. KERREY, Mr. ENZI, and Mr. HAGEL): S. 1400. A bill to establish certain contacts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir; to the Committee on Energy and Natural Resources.

By Mr. BOND:
S. 1399. A bill to authorize the Secretary of the Army to carry out a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River; to the Committee on Environment and Public Works.

By Mr. BOND (for himself, Mr. CHAFEE, Mr. WARNER, Mr. BAUCUS, and Mr. DE MINT):
S. 1400. A bill to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Interstate Surface Transportation Efficiency Act of 1991; to the Committee on Environment and Public Works.

By Mr. BUMPERS (for himself and Mr. GORTON):
S. 1401. A bill to provide for the transition to competition among electric energy suppliers, the benefit and protection of consumers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. KERRY):
S. 1402. A bill to amend the Social Security Act to establish a community health aide program for Alaskan communities that do not qualify for the Community Health Aide Program for Alaska operated through the Indian Health Service; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. MOYNIHAN, Mr. THOMPSON, and Mr. MURKOWSKI):
S. 1403. A bill to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself, Mr. MOYNIHAN, Mr. THOMPSON, and Mr. MURKOWSKI):
S. 1404. A bill to establish a Federal Commission on Statistical Policy to study the reorganization of the Federal statistical system, to require uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency of Federal statistical programs; to establish the Federal statistical policies by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards; to the Committee on Governmental Affairs.

By Mr. SHELBY (for himself, Mr. MACK, Mr. FAIRCLOTH, Mr. D’AMATO, Mr. BRYAN, Mr. GRAMS, Mr. KERRY, Mr. BENNETT, Mr. GRAMS, Mr. HAGEL, Mr. ALLARD, Mr. ENZI, and Ms. MOSLEY-BRAUN):
S. 1405. A bill to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, to provide for improved consumer credit disclosure, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH of Oregon:
S. 1406. A bill to amend section 2301 of title 38, United States Code, to provide for the furnishing of flags on behalf of certain deceased members and former members of the Selected Reserve; to the Committee on Veterans Affairs.

By Mr. BURNS:
S. 1407. A bill to allow participation by the communities surrounding Yellowstone National Park in decisions affecting the park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. D’AMATO (for himself and Mr. ROBORSKY):
S. 1408. A bill to establish the Lower East Side Tenement National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself, Mr. THOMPSON, and Mr. BENNETT):
S. 1409. A bill for the relief of Sheila Heslin of Bethesda, Maryland; to the Committee on the Judiciary.

By Mr. REED:
S. 1410. A bill to amend section 238 of the Communications Act of 1934 to enhance the protections against unauthorized changes in subscriber selections of telephone service providers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MACK (for himself, Mr. HARKIN, Mr. DIWINE, Mr. BANTORUM, Ms. COLLINS, Ms. SNOWE, Mr. D’AMATO, Mr. SMITH of Oregon, Mr. BOXER, Mr. KENNEDY, Ms. FEINSTEIN, Mr. LAUGHLIN, Mr. DODD, Mr. DURBIN, and Mr. WELLS):
S. 1411. A bill to amend the Internal Revenue Code of 1986 to disallow a Federal income tax deduction to the Federal Government or any State or local government in connection with any tobacco litigation or settlement and to use any increased Federal revenues to promote public health; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself, Mrs. FEINSTEIN, Mr. WYDEN, Mr. BAUCUS, and Mr. GORTON):
S. 1412. A bill to amend the Internal Revenue Code of 1986 to permit certain tax free corporate liquidations into a 501(c)(3) organization and to exempt those entities from the Federal income tax rules regarding receipt of debt-financed property in such a liquidation; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. HAGEL, Mr. ROBERTS, Mr. THOMAS, Mr. GRAMS, Mr. KERRY, Mrs. FEINSTEIN, and Mr. CHAFEE):
S. 1413. A bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. BREAX, and Mr. GORTON):
S. 1414. A bill to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes; read the first time.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. BREAX, and Mr. GORTON):
S. 1415. A bill to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCONNELL:
S. 1416. A bill to amend Federal election laws to repeal the public financing of national political party conventions and Presidential elections and spending limits on Presidential election campaigns, to repeal the limits on coordinated expenditures by political parties, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. BAUCUS, and Mr. GILLIAM):
S. 1417. A bill to provide for the design, construction, furnishing and equipping of a Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes; considered and passed.

By Mr. AKAKA (for himself, Mr. CRAIG, and Ms. LANDRIEU):
S. 1418. A bill to promote the research, identification, assessment, exploration, development, and expansion of underground resources, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MURkowski:
S. 1419. A bill to deem the activities of the Miccosukee Tribe on the Tamiami Indian Reserve to be consistent with the purposes of the Everglades National Park, and for other purposes; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN (for herself and Mr. Kyl):
S. 1420. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to provide for full reimbursement of States and localities for costs related to providing emergency medical treatment to individuals injured while entering the United States illegally; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. COCHRAN, Mr. DURBIN, Mr. FAIRCLOTH, and Ms. MIKULSKI):
S. 1421. A bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MCCAIN (for himself, Mr. BURNS, Mr. CONRAD, and Mr. DORGAN):
S. 1422. A bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HAGEL (for himself, Mr. BENNETT, Mr. KERRY, Mr. McCARTHY, Mr. ROBERTS, Mr. THOMAS, Mr. DODD, Mr. DURBIN, Mr. SMITH of Oregon, Mrs. BOXER, Mr. WYDEN, Mr. BAUCUS, and Mr. GORTON):
S. 1423. A bill to modernize and improve the Federal Home Loan Bank System; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MURkowski (for himself, Mr. AKAKA, Mr. STEVENS, and Mr. INOUYE):
S. 1424. A bill to amend the Internal Revenue Code of 1986 to modify the air transportation tax changes made by the Taxpayer Relief Act of 1997; to the Committee on Finance.

By Mr. BURNS:
S. 1425. A bill to provide for the preservation and sustainability of the family farm through the transfer of responsibility for operation and maintenance of the Flathead Irrigation Project, Montana; to the Committee on Indian Affairs.

By Mr. LAUTENBERG:
S. 1426. A bill to encourage beneficiary developing countries to provide adequate protection of intellectual property rights, and for other purposes; to the Committee on Finance.

By Mr. FORD:
S. 1427. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself, Mr. MURkowski, and Mr. BUMPERS):
S. 1428. A bill to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert J. Rogers of Coral Gables, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during
the Vietnam conflict; to the Committee on Armed Services.
By Mr. ROCKEFELLER (for himself, Mr. BURNS, and Mr. DORGAN):
S. 1290. A bill to enhance rail competition and to ensure reasonable rail rates in any case in which there is an absence of effective competition; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:
S. 1430. A bill to suspend from January 1, 1996, until December 31, 2002, the duty on SESSO Granulated (HOE S 2291); to the Committee on Finance.
S. 1431. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Finance.
S. 1432. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Finance.
S. 1433. A bill to suspend temporarily on a certain chemical; to the Committee on Finance.
S. 1434. A bill to suspend until January 1, 2001, the duty on a certain chemical; to the Committee on Finance.
S. 1435. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Finance.
S. 1436. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.
S. 1437. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.
S. 1438. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.
S. 1439. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.
S. 1440. A bill to suspend until January 1, 2001, the duty on a certain chemical; to the Committee on Finance.
S. 1441. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.
S. 1442. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.
S. 1443. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.
S. 1444. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.
S. 1445. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.
S. 1446. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.
S. 1447. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.
S. 1448. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.
S. 1449. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.
S. 1450. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.
S. 1451. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS
The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:
By Mr. SPECTER (for himself and Mr. BYRD):
S. Res. 146. A resolution establishing an advisory role for the Senate in the selection of Supreme Court Justices; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. HELMS (for himself, Mr. GLENN, Mr. DEWINE, and Mr. FAIRCLOTH):
S. 1397. A bill to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers; to the Committee on Governmental Affairs.

THE CENTENNIAL OF FLIGHT COMMEMORATIVE ACT
Mr. HELMS. Madam President, I have a bill, S. 1397, at the desk. Now, Senators DEWINE, FAIRCLOTH, GLENN, and I are introducing this legislation, and we are naming it the Centennial of Flight Commemorative Act. As I indicated, the bill number is S. 1397.

This significant legislation will establish a commission to assist the numerous events that will lead up to and include the celebration of the 100th anniversary of powered flight, a feat in all the history books, accomplished in my own State of North Carolina by the geniuses, two brothers, Orville and Wilbur Wright, Ohio brothers who were born and raised in Dayton where they operated a bicycle shop.

I don’t know whether you have been to Kitty Hawk, particularly in the middle of December, but it is not a comfortable place to be. Wilbur and Orville came to the Outer Banks of North Carolina to conduct their experiments. The first powered flight occurred at Kitty Hawk, NC, on December 17, 1903.

In fact, the Wright brothers engaged in four flights that day, and with their effort they changed the concept of travel forever.

About noon on that cold and windy December day, at Kitty Hawk, NC, the aviation age, the air age, began.

So, Madam President, the Wright brothers were indisputably the first pioneers of powered flight, and they become national heroes, justifiably etched in history.

As for our bill, S. 1397, the able Senator from Ohio, Mr. DEWINE, and the able Senator from Ohio, Mr. GLENN, did excellent work in drafting this legislation.

Senator GLENN, I am obliged to mention, and I am glad to do so, is a man of history himself in terms of powered flight. He was the first American, as all of us know, to orbit the Earth. When he walks up and down the corridors, I see mamas and daddies pointing to him saying, “That’s Senator GLENN.” Senator GLENN and six other pioneers, the Mercury astronauts, got America’s space program off the ground.

As President, I want to let me say the title again so it will register—the Centennial of Flight Commemorative Act—proposes the establishment of a commission of 21 individuals to plan for and assist in events leading up to and including the commemoration of the centennial anniversary of the Wright brothers’ flights at Kitty Hawk. The commission will be composed of the Secretary of the Interior, the Director of the National Air and Space Museum, the Secretary of Defense, the Secretary of Transportation, the NASA Administrator, and each of these officials can name a designee. Then there will be two representatives each from the States of North Carolina and Ohio and 12 other private citizens.

Of these 12 private citizens, the President of the United States will appoint two from a list recommended by the Senate majority leader in consultation with the Senate minority leader, and two from a list recommended by the Speaker of the House in consultation with the House minority leader. The remaining eight will be chosen based on qualifications and/or experience in the fields of history, aerospace, science, industry, or other professions that will enhance the work of the commission.

The commission will represent the United States and take a leadership role with other nations in recognizing the achievement of the Wright brothers and the importance of aviation history. The commission’s activities will be closely coordinated with the First Flight Centennial Commission and the First Flight Centennial Foundation of North Carolina and the 2003 Committee of the State of Ohio. The commission is allowed to retain the executive director and staff that may be required in order to carry out its functions.

S. 1397 authorizes appropriations of $250,000 for each of the fiscal years 1998 to 2004 to fund the work of the commission.

Additionally, the commission may accept monetary contributions and other in kind contributions, volunteer
services and the like. In order to further defray the expenses of the commission, the legislation gives it exclusive right to names, logos, emblems, seals, and marks, which may be licensed on which proceeds from royalties will be used to offset the operating costs of the commission.

S. 1397 requires that annual audits of the commission be conducted by the Inspector General of the General Services Administration to ensure its financial integrity.

The legislation shall be terminated no later than 60 days after the submission of the final audit report.

Senators may ask why establish a Federal commission to commemorate this event? The Wright brothers’ triumph at Kitty Hawk on that bone-chilling day of December 17, 1903 has to rank as one of mankind’s greatest achievements. The world has not been the same since.

As the development of the airplane progressed so did its uses in warfare and civilian aviation. Its development spawned generations of aviation trailblazers. Names like Eddie Rickenbacker, Billy Mitchell, Charles Lindbergh, Jimmy Doolittle, Chuck Yeager, and Alan Shepard, Mercury, Gemini, Apollo, and space shuttle astronauts became household words.

What is even more astonishing is that 66 years later, Neil Armstrong of Ohio became the first man to set foot on the moon. That would not have been possible without the Wright brothers.

Because of the Wright brothers you can get on a jet aircraft at Dulles Airport and be in London in six or seven hours, far less if you are flying the Concorde or a 747 or whether it is the Concorde flying at supersonic speed across the Atlantic Ocean.

It was at Huffman Prairie, in Montgomery County, actually what is now enclosed in Wright Patterson Air Force Base, technically in Greene County, that the Wright brothers learned to fly. So, those of us from Ohio are very proud of the Wright brothers, as this whole country is.

We are also proud in Ohio that ever since the time of the Wright brothers, Ohio has continued to build a proud aviation history. From the Wright brothers, to flying ace David Ingalls, to JOHN GLENN who just walked on to the floor of the Senate, the first man, the first American to orbit the Earth, to Neil Armstrong, the first man to walk on the Moon, to the most recent flight by space shuttle astronaut in the Centennial of Flight. We are seeing daily developments in aviation small light airplane or a giant jet.

The work had begun in 1899 with a special study of everything the Wrights read and the results they came up with. By 1900, the Wrights had built a 6-foot wind tunnel to conduct experiments with over 200 different wing elements with over 200 different wing models. They developed the first reliable tables on the effects of air pressure on curved surfaces.
In 1902, they conducted over almost 1,000 tests with a more promising glider. In 1903, the Wright brothers had completed the construction of a larger plane powered by their own lightweight gas-powered engine.

Arriving at Kitty Hawk in September, storms and mechanical difficulties delayed trials until December. On the 17th, four men and a boy witnessed the very first flight, and a memorable photograph, fortunately, was captured. Four men and a boy witnessed this first flight.

Back home in Dayton in 1904 and 1905, the Wright brothers continued testing their invention at Huffman Prairie, which is the area adjacent to what is today Wright Patterson Air Force Base where they first achieved maneuverable flight.

In 1908, Wilbur and Orville signed a contract with the War Department for the first military airplane. In September, Orville circled the parade ground at an altitude of 120 feet just across the Potomac River from us today, over at Fort Meyer in Virginia.

When most people these days think of the Wright brothers, we tend to think of them as having lived a long, long time ago. We think of them as having lived before the Wright brothers as being part of ancient history. We also think of their airplane, the Wright Flyer III, as being an incredibly primitive machine, at least by today’s standards. And it was a primitive machine. There were no fancy guidance systems or high-tech controls.

By swiveling their hips from one side to the other, Orville and Wilbur could steer the airplane. To this day, when young people come in, when school groups come to Washington and visit my office and they say they are going over to the Air and Space Museum, I always tell them to get up on the galley level and look down on the Wright brothers’ airplane and see how they controlled flight, because the person flying lay on the lower wing and had a wooden yoke around his hips. That wooden yoke slid back and forth and there was a wire that went to the trailing edge of the upper wing, and they would slide in the direction they wanted to go, slide their hips over, pull that wire and literally warp the trailing edge of the wing down and made more lift on the wing on that side and the airplane would turn in the direction their hips were slid toward.

I am glad they developed later on in aviation a better means of control. We can imagine a 747 pilot today making an approach swiveling his hips back and forth. But that was the way the Wright brothers controlled those very early flights.

The first flight at Kitty Hawk and Huffman Prairie seemed so far removed from what we did later on, from my own experience in orbital flight in 1962, or from the first lunar landing, or from living aboard the orbiting space station for weeks on end, as Shannon Lucid did. She was up there for 188 days. She will be honored at the Smithsonian this evening, as a matter of fact. Yet, all this occurred within a lifetime.

I know we kid Senator Thurmond around here quite a lot about his age, but Senator Thurmond was born December 7, 1920. The Wright brothers did not fly until a year later, on December 7, 1903. So we have in this body right now a man whose lifetime spans all of manned flight, powered flight, from the first flight at Kitty Hawk into space. Strom Thurmond has witnessed the complete history of flight. And we marvel at just how far we have come in an incredibly short period of time.

We have literally gone from the Wright brothers to the Moon and beyond in a single lifetime.

That is amazing. In that sense, I think it is fair to say that Orville and Wilbur Wright were our first astronauts, really, because they were the first to take the first step on thesurface of the Earth in a sustained way and make flight that then advanced to higher and higher altitudes until we are above the Earth’s atmosphere now with different kinds of machines; though I think in some ways what they were the first two who, as the poem goes, “slipped the surly bonds of Earth” — slipped the surly bonds of Earth and ventured into the air under the power of a motor.

Everything since then has just been going higher and going faster. I also think it is fair to say the Wright brothers personified something that is behind every single leap or advancement in science or human knowledge since the beginning of time. The one characteristic they had — we could lump it all together and say that is something that is in the heart of all human progress — is curiosity and an innate curiosity about how we can do things differently or whether we can explore and find new shores or whether we can do experiments and do research in new areas.

Whether you look at the voyage of Christopher Columbus, who brought Europeans to the shore of North America, whether you look at the experiments of Alexander Fleming — you know what Alexander Fleming was curious about? It was plain old green mold on bread. He did not know why the patterns formed around the mold the way they did. The green mold, it was a particular pattern. He was curious about that.

You know what that led to? His curiosity led to the discovery of penicillin and the development of modern antibiotics. That curiosity about green mold on bread has led to increased life expectancy of people all around this globe. It is a part of the life expectancy more in the last 100 years than in the previous 2,000 years. I read in a magazine just a short time ago. So the discovery of penicillin and Alexander Fleming’s curiosity about green bread mold that led to that, has really revolutionized this Earth.

Or we go ahead with the unexpected circumstance in a small electronic switching device that led to the development of the first transistor and ultimately to today’s incredibly sophisticated computer systems.

It is clear to me that curiosity isn’t what killed the cat. It is also the goose that laid the golden eggs. Fleming’s curiosity about green bread mold led to the discovery of penicillin, that has really revolutionized the world. That is going to be true in the future as well as the past. In field after field, in discipline after discipline, in industry after industry, it is curiosity, that insatiable, relentlessly questioning spirit that keeps asking “why” that has moved our species ahead.

The irony, of course, is any time someone or a group such as the Wright brothers, or a group of people undertake an exploration or undertake to demonstrate a new idea, whether in a laboratory, a spaceship, a bicycle shop or on a production line, there are many who question the wisdom of it all. Those naysayers who wanted to know when their bike would be fixed with the Wright brothers derided the idea that if we were to fly God would have given us feathers, they said.

So there was a joke about the Wright brothers at that time. “If God wanted us to fly, why don’t we have feathers?” The Wright brothers said along with everybody else, but at the same time went ahead with their work. They were not deterred. But if there is one thing we know for sure about research or any kind of exploration of the unknown, it is that we have to know what we will see at the end or what it may lead to.

I believe that today, as perhaps never before, we cannot afford to lose that kind of curiosity and questing spirit that the Wright brothers had. With it, we can continue to learn new things, first, for this Nation, putting them to practical application, staying ahead of global competition. That has been the story of this country’s advancement. Without it, we will quickly become yesterday’s leader, yesterday’s leader, not tomorrow’s leader but yesterday’s leader, hopelessly trying to hold back the hands of the clock and hold on to a past glory that can never be retained or recaptured.

So the spirit of the Wright brothers is needed as much today as before their very first flight. That is why today I am pleased to join with my colleagues — my colleague from Ohio, my colleagues from North Carolina — in introducing this legislation to establish a national commission to assist in the commemoration of the centennial of powered flight that will occur in 2003 and the achievements of the Wright brothers. Those who worked to build our national parks and memorials to the Wright brothers in Ohio and North Carolina where flight was born and first achieved will now work together to recall and remember the spirit of flight to be commemorated as we approach the centennial of flight in 2003.

The spirit represented by the Wright brothers was captured in their own day by their good friend, Paul Lawrence....
Dunbar, who captured in the prophetic verse which he penned the triumphs that are remembered at the Dayton Aviation Heritage National Historical Park. One of his notations was:

What dreams we have and how they fly like rosy clouds across the sky; of wealth, of fame of sure success . . .

That is certainly what curiosity has brought us and what the Wright brothers brought us.

Think of all that has occurred since that first flight at Kitty Hawk in 1903. Think of aviation today and all it entails and the giant industry. It has revisited all the world’s transportation, has revised our military, our security. All of that stemmed from that first flight in 1903.

So we are happy to put in this legislation today. We hope that it is supported not just those from Ohio and North Carolina, because what started there in 1903 is something that affects everyone. It affects every State and every nation around the globe, even these days. And we look forward to this commission doing a great job in assisting in the commemoration of the centennial of powered flight and the achievements of the Wright brothers.

Mr. FAIRCLOTH. Mr. President, today I am pleased to be an original co-sponsor of legislation being introduced by Senator ENZI and Senator HAGEL to commemorate the 100th anniversary of powered flight.

Mr. President, on a cold, windy December morning in 1903, in the Outer Banks of North Carolina, the Wright brothers changed the history of the world. Orville Wright flew for just 12 seconds—but it was the first manned flight.

Today, many people take for granted what was accomplished by the Wright brothers that day, but at the time it was a historic achievement. Man had been thinking of flight for thousand of years—and yet the Wright brothers, here in the United States, were the first to do it.

The development of flight grew rapidly. A little over a decade later, airplanes were used in the battles of World War I. Two decades after the 12-second first flight—Charles Lindbergh flew solo across the Atlantic.

And of course, in 1962, in just a half century after the first 12-second flight, our distinguished colleague JOHN GLENN was the first man to fly around the world in space. Seven years after that, we landed a man on the Moon.

It is hard to believe that all of this has taken place in the span of less than 100 years.

This is why the centennial anniversary of first flight is so significant to us, the sponsors of this legislation.

The Commission will coordinate the plans for the celebration. The Wright brothers were from Ohio, of course, where they ran a bicycle shop. The State of North Carolina’s license plates bear the slogan “First in Flight”—so we are especially proud of this achievement in my State. To these two States, the celebration is important.

But much more than that, I think the anniversary should be used to inspire students to learn more about the history of flight. Hopefully, it will remind people that this is a great nation inventors—and that American ingenuity has made us the greatest country in the history of the world. Finally, it should remind our citizens that America is a land of opportunity and freedom—where anyone’s imagination can change the world. This is an entrepreneurial spirit that we must keep alive.

I want to thank Senator HELMS and Senators GLENN and DEWINE for joining together today to introduce this legislation. I hope that the Senate will take it up soon.

By Mr. THOMAS (for himself, Mr. KERREY, Mr. ENZI, and Mr. HAGEL):

S. 1396. A bill to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir; to the Committee on Energy and Natural Resources.

The Irrigation Project Contract Extension Act of 1997

Mr. THOMAS. Mr. President, I rise today to introduce the Irrigation Project Contract Extension Act of 1997. I am pleased to be joined in this endeavor by Senators ENZI, KERREY, and HAGEL.

This legislation would extend, for a period of 3 years, certain water contracts between the Bureau of Reclamation and irrigators in Wyoming and Nebraska that receive water from Glendo Reservoir. All contracts are subject to renewal on December 31, 1998. Extending these contracts is considered a major Federal action and, therefore, subject to review under the National Environmental Policy Act [NEPA] and the Endangered Species Act [ESA]. Without a short-term continuation agreement, the irrigators would be responsible for the costs of the analysis and other environmental documentation.

Currently, the States of Wyoming, Nebraska, and Colorado—and the Department of the Interior—are in the process of implementing a comprehensive Scientific and Technical Agreement for Platte River Research and Other Efforts relating to Endangered Species Habitats along the Central Platte River, Nebraska. The term of this initiative is for 3 years, with an allowable 6-month extension. Upon completion of the cooperative agreement, efforts to enact the Platte River Recovery Implementation Program can begin. This basin wide, three-State plan will help to recover the endangered whooping crane, piping plover, and least tern, and improve habitats in the Central Platte River Basin.

I believe it important for Congress to act on this measure and extend these contracts for 3 years, or until the cooperative agreement is completed. In that time, the needed NEPA and ESA reviews will be fulfilled—clearing the way for the program to be initiated. It is important to remember that the program cannot be implemented until the environmental studies are completed and the parties have agreed to the results.

Mr. President, this bill does not avoid environmental evaluation. It merely provides some relief to the water users, while allowing the NEPA and ESA document to take place through the cooperative agreement process. It is my understanding that once this agreement has expired, and if the Department of the Interior and the three States decide not to pursue the program, the contract renewal process would proceed as a separate Federal action at that time.

This is good and fair legislation. It will benefit the environment and the water users. I look forward to working with my colleagues in the Senate and House to secure its passage.

By Mr. BOND:

S. 1399. A bill to authorize the Secretary of the Army to carry out a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River; to the Committee on Environment and Public Works.

The Fish and Wildlife Habitat Act of 1997

Mr. BOND. Mr. President, I am pleased to introduce legislation to enhance, preserve and protect habitat for fish and wildlife on the Missouri and Mississippi Rivers. This new 5-year $50 million authorization is a win-win approach that will implement and expand the use of new and innovative measures developed by the Corps of Engineers to improve habitat conservation without impacting adversely private property and other water-related needs of the rivers including irrigation, flood control and water supply.

As I have always maintained, fish and wildlife conservation and commercial activity are not mutually exclusive. Indeed, we cannot afford to abandon either river commerce or the species that live in and use the river. This new approach is a win for man, for nature and for the river.

This legislation is supported by Missouri Farm Bureau, MARC2000, American Rivers, the Missouri Soybean Association, the Missouri Corn Growers Association, and Farmland Industries. While these groups have not always agreed on river policy, that should not preclude us from seeking common ground and working together to address the questions of resource management and I am delighted that we can come together in support of this commonsense approach.

Without specific authorization and only scarce dollars, the St. Louis Corps of Engineers has been developing and
testing ways in which navigation structures used to guide the river and maintain the channel may be modified to meet environmental as well as navigation goals. These innovations have proven successful earning wide acclaim including a Presidential Design Award and Federal Design Achievement Award.

This legislation seeks to put these successful innovations to work on the Missouri River and expand their use on the middle Mississippi by providing a specific authorization and a dedicated and substantial source of funds. In other words, we are giving the corps the tools they need to put their ideas to work to guide the rivers to benefit fish and wildlife.

The legislation authorizes $10 million per year to protect, create and enhance side channels, island habitat, sandbars, and other riverine habitat. For example, by notchting rock dikes that run perpendicular to the shoreline, sandbars develop between the dikes which has been provided nesting habitat for a list of least concern species along with valuable spawning ground for the endangered pallid sturgeon. The Missouri Department of Conservation has run tests validating an increase in diversity and numbers of microinvertebrates surrounding the notched dikes.

Chevron dikes have been developed to improve river habitat and to create beneficial uses of dredge material. These structures are placed in the shallow areas of the river channel, pointing upstream which improves the river channel while serving as small islands. These islands encourage the development of all four primary river ecosystem habitats and additionally, various micro-organisms cling to the underwater rock structures, providing a food source for fish.

Changing the gradation of rock revetments, used to stabilize eroding riverbanks, can provide greater bank stability and precluded the need to remove bank vegetation so that, for the first time, trees and rock revetment could coexist providing greater habitat diversity.

The draft legislation authorizes $10 million per year over 5 years to develop and implement a plan including the following activities: Modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat; creation of side channels to protect and enhance fish and wildlife habitat; restoration and creation of island fish and wildlife habitat; creation of riverine fish and wildlife habitat; establishment of criteria to prioritize based on cost-effectiveness and likelihood of success; and physical and biological monitoring for evaluation of the river system habitats and additionally, various micro-organisms cling to the underwater rock structures, providing a food source for fish.

The draft provides that the project be coordinated with other related Federal and State activities and that there be public participation in the development and implementation of the project. It also establishes a 25-percent Federal cost share and limits the Federal cost of any single project to $5 million. Finally, the draft legislation

confers no new regulatory authority and requires compliance with the National Environmental Policy Act.

The legislation is designed to work between the banks of the river and forbids expressly any adverse impacts on navigation and other related Federal and State activities including flood control, navigation, and water supply. Additionally, it is designed to compliment other existing programs such as the Missouri River Mitigation and Impact and the Environmental Management Program on the Mississippi River.

I intend to work with the administration and with other Senators and interested groups to build the broad-based support needed to enact this legislation in an omnibus Water Resources Development Act the Senate is expected to consider in 1998.

Mr. President, the problems experienced in the Midwest and elsewhere with railroad bottlenecks highlight the need for diverse transportation options. As the fall harvest proceeds, there are reports of grain being piled for 10 days in the field due to a lack of Mercado rail connections. The Missouri Department of Conservation has run tests validating an increase in diversity and numbers of microinvertebrates surrounding the notched dikes.

Mr. President, in January I introduced S. 237, the Electric Consumers Protection Act, because I believed that retail electric competition was inevitable and Federal legislation was necessary to ensure that certain consumers were not disadvantaged in the process. Several States were proceeding to introduce competition in their jurisdictions and a number of others were examining the matter. Since that time I have become even more convinced that there is on the horizon. Eleven States have now enacted legislation or issued regulations requiring retail competition by a time certain. Almost every other State currently has the matter under review.

Some argue that there is no need for the Federal Government to intervene; that the States are doing just fine on their own and they should decide when and how to proceed with retail electric competition. Mr. President, I couldn't disagree more.

A State-by-State approach will likely produce a lot of unintended consequences which will not benefit associated with retail competition and could disadvantage certain consumers. Electric generation markets are becoming increasingly regional and even multi-regional. What happens in one State can have direct and indirect impacts on consumers located in another State. Utilities operating in more than one State can be subjected to conflicting regulatory regimes which could impact the way they operate their systems and the electric rates paid by consumers.

This phenomenon is best illustrated by the multistate utility holding companies registered under the Public Utility Holding Company [PUHCA]. I have had a lot of experience with registered holding companies because two of them serve my home State of Arkansas. These companies generally have a plan for and operate generating facilities on a system-wide basis for the benefit of customers in the entire region...
served by the company. If restructuring proceeds on a State-by-State basis, these holding companies would find themselves subjected to different requirements which could negatively impact consumers.

A State-by-State approach to retail competition also present problems where utilities operate entirely within a single State. It would make no sense for a utility in a State that does not require retail competition, to be able to sell to retail in an adjoining State that requires retail competition, while a utility subjected to retail competition is unable to mitigate its losses by competing for customers in the adjoining State. Such a result both increases stranded costs and distorts the generation marketplace.

Moreover, the States can’t adequately address issues associated with the use of transmission lines that provide for the transportation across a number of States or the ability of a utility to generate mark power to dominate electricity generation in an entire region. Clearly these are issues that need to be resolved at the Federal level.

When I introduced S. 237 there weren’t many calling for Federal action. However, interested observers are increasingly coming to the conclusion that Federal electric restructuring legislation is not only helpful, but is necessary. Even some of the States are calling on the Federal Government to act.

The legislation we are introducing today is an updated version of S. 237. The bill includes the following provisions:

- All consumers would have the right to choose their power supplier by January 1, 2002.
- States could choose an earlier date for their residents if they wish.
- Utilities would be able to recover their legitimate, prudent and verifiable costs that they would have been able to recover if retail competition had not been implemented.
- Consumers located in States that currently have low cost electricity would be protected from rate increases by ensuring that utilities can’t use their existing assets to sell power in more lucrative markets to the disadvantage of their existing customers.
- All utilities selling retail power would be required to generate a portion of that power using renewable resources.
- All of the interconnection tractions throughout the country would be managed by independent system operators to ensure that electricity flows in an efficient manner and that markets are competitive.

FERC would be given greater authority to protect against the use of market power by utilities to inhibit competition. Both the Public Utility Holding Company Act [PUHCA] and the Public Utility Regulatory Policies Act [PURPA] would be repealed in conjunction with the implementation of retail electric competition.

In addition, Mr. President, the legislation attempts to address some of the issues that relate to the impact of re-

tail electric competition on two Federal entities—the Bonneville Power Administration [BPA] and the Tennessee Valley Authority [TVA]. Senator Gor- ton is especially knowledgeable about the special problems facing BPA and I expect he will work closely with the other Members of the Senate from the Pacific Northwest in developing a consensus approach.

With regard to TVA, our bill attempts to develop an approach that will enable retail competition to be smoothly introduced in the Tennessee Valley and will help TVA pay off its tremendous debt. The bill also requires the TVA board to prepare a study examining whether TVA should be privatized. I know that some observers may be concerned that this could be a first step toward the privatization of the Federal Power Marketing Administration [PMA’s]. Mr. President, there is no connection whatsoever between TVA and the PMA’s. The PMA’s market power is generated at hydroelectric facilities located at Federal dams. These dams perform a variety of public services and cannot be privatized. TVA, on the other hand, generates the bulk of its power from coal and nuclear plants that serve no public purposes. In addition, the Federal PMA’s pay for themselves through power sales. TVA, on the other hand, has an enormous level of privately held debt which it must find a way to pay off, since the Federal Government is not responsible for it.

Mr. President, I am especially pleased that Senator Gorton has decided to join with me in the effort to enact comprehensive electric restructuring legislation. He has a reputation as a very bright and thoughtful Member of this body and I am a distinguished member of the Energy and Natural Resources Committee, which has jurisdiction over the matter. I know that he shares my desire to move this legislation through Congress quickly next year.

Senator Murkowski, the chairman of the Senate Energy Committee, recently indicated that he expects the committee to mark up electric restructuring legislation next year. Both Sena- tor Gorton and I want to work with him and the other members of the committee in moving forward. I look forward to undertaking this important task.

Mr. President, I want to say how honored I am to have one of our most distin- guished Senators, Senator Gorton of Washington, as my chief cosponsor on this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. President, I ask unanimous consent that a section-by-section analysis of the Transition to Electric Competition Act of 1997 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE. This Act may be cited as the “Transition to Electric Competition Act of 1997.”

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Severability.
Sec. 5. Enforcement.

TITLE I—RETAIL COMPETITION

Sec. 101. Mandatory retail access.
Sec. 102. Aggregation.
Sec. 103. Prior implementation.
Sec. 104. State regulation.
Sec. 105. Retail stranded cost recovery.
Sec. 106. Wholesale stranded cost recovery.
Sec. 107. Lost retail benefits.
Sec. 108. Universal service.
Sec. 109. Public benefits.
Sec. 110. Renewable energy.
Sec. 111. Determination of local distribution facilities.
Sec. 112. Transmission.
Sec. 113. Competitive generation markets.
Sec. 114. Nuclear decommissioning costs.
Sec. 115. Right to know.
Sec. 116. Exemption of Alaska and Hawaii.

TITLE II—PUBLIC UTILITY HOLDING COMPANIES

Sec. 201. Repeal of the Public Utility Holding Company Act of 1935.
Sec. 203. Federal access to books and records.
Sec. 204. State access to books and records.
Sec. 205. Affiliate transactions.
Sec. 206. Clarification of regulatory authority.
Sec. 207. Effect on other regulation.
Sec. 208. Enforcement.
Sec. 209. Savings provision.
Sec. 211. Resources.

TITLE III—PUBLIC UTILITY REGULATORY POLICIES ACT

Sec. 301. Definition.
Sec. 302. Facilities.
Sec. 303. Contracts.
Sec. 304. Savings clause.
Sec. 305. Effective date.

TITLE IV—ENVIRONMENTAL PROTECTION

Sec. 401. Study.

TITLE V—BONNEVILLE POWER ADMINISTRATION

Sec. 501. Findings and purposes.
Sec. 502. Columbia River fish and wildlife co-ordination and governor.
Sec. 503. Pacific Northwest federal transmission access.
Sec. 504. Transition cost mechanism.
Sec. 505. Independent system operator participation.
Sec. 506. Financial obligations.
Sec. 507. Prohibition on retail sales.
Sec. 508. Clarification of Commission authority.
Sec. 509. Repealed statute.

TITLE VI—TENNESSEE VALLEY AUTHORITY

Sec. 601. Competition in service territory.
Sec. 602. Ability to sell electric energy.
Sec. 603. Termination of contracts.
Sec. 604. Rates for electric energy.
Sec. 605. Privatization study.

SEC. 2. FINDINGS.

The Congress finds that:

(a) Congress has the authority to enact laws, under the Commerce Clause of the
United States Constitution, regarding the wholesale and retail generation, transmission, distribution, and sale of electric energy in interstate commerce.

(b) Several States have taken steps to require competition among retail electric suppliers and a large number of other States are expected to act.

(c) It has been the policy of Congress and the Commission to promote competition among wholesale electric suppliers.

(d) It is in the public interest that the transition towards competition in electric service ensures that all consumers receive reliable and competitively-priced electric service.

(e) Electric utility companies that prudently incurred costs pursuant to a regulatory structure that required them to provide electricity to consumers should not be penalized during the transition to competition.

(f) Consumers will not benefit from the introduction of competition among electric energy suppliers if certain suppliers have undue market power.

(g) It is important to encourage conservation and protection of renewable resources to reduce reliance on fossil fuels, promote domestic energy security and protect the environment.

(h) Competition among electric energy suppliers should not degrade reliability nor cause consumers to lose electric service.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(a) The term "affiliate" of a specific company means any company 5 percent or more of whose outstanding voting securities are owned, directly or indirectly, by such specific company.

(b) The term "aggregator" means any person that aggregates retail electric energy on behalf of two or more consumers.

(c) The term "ancillary services" shall have the same meaning assigned to it by the Commission.

(d) The term "associate company" of a company means any company in the same holding company system with such company.

(e) The term "Commission" means the Federal Energy Regulatory Commission.

(f) The term "company" means a corporation, partnership, association, business trust, organized group of persons, whether incorporated or not, or a receiver or receivers, trustee or trustees of any of the foregoing.

(g) The term "corporation" means any corporation, joint-stock company, partnership, association, rural electric cooperative, municipal utility, business trust, organized group of persons, whether incorporated or not, or a receiver or receivers, trustee or trustees of any of the foregoing.

(h) The term "electric utility company" means any company that owns or operates facilities used for the generation, transmission or distribution of electric energy for sale.

(i) The term "gas utility company" means any company that owns or operates facilities used for the distribution at retail (other than the distribution only in enclosed portable containers of natural or manufactured gas for heat, light or power).

(j) The term "holding company system" means a holding company together with its subsidiary companies.

(k) The term "large hydroelectric facility" means a facility having a total generation capacity which, together with any other facilities located at the same site, is greater than 80 megawatts.

(l) The term "local distribution facilities" means facilities used to provide retail electric energy for ultimate consumption.

(m) The term "lost retail benefits" means the increased cost of retail electric energy in a retail electric energy provider's service territory resulting from the sale subsequent to the adoption of retail electric competition, outside such service territory, of electric energy generated at facilities the cost of which were included in the retail rates effective at the time of the adoption of retail electric competition.

(n) The term "municipal utility" means a city, county, municipal district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of a retail electric energy provider and/or a retail electric energy supplier.

(o) The term "person" means an individual or corporation.

(p) The term "public utility company" means an electric utility company or gas utility company but does not mean a qualified investor owned electric utility company or a Public Utility Regulatory Policies Act, or an exempt wholesale generator or a foreign utility company defined in the Energy Policy Act of 1992.

(q) The term "public utility holding company" means any person which directly or indirectly owns, controls, or holds with power to vote 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and (b) any person, other than the Public Utilities and Exchanges Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding among two or more persons) such a controlling influence over the management or policies of any public utility or holding company as to make it necessary or appropriate for the protection of consumers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed in this title upon holding companies.

(r) The term "renewable energy" means electricity generated from solar, wind, biogas, geothermal, hydro, biomass, hydroelectric or geothermal resources.

(s) The term "Renewable Energy Credit" means a tradable certificate of proof that one unit of renewable energy was generated.

(t) The term "retail electric competition" means the ability of any person in a particular State to purchase retail electric energy from any person or entity to sell electric energy to such consumer.

(u) The term "retail electric energy" means electric energy and ancillary services sold for ultimate consumption.

(v) The term "retail electric energy supplier" means any person who distributes retail electric energy to consumers.

(w) The term "retail stranded costs" means any economic or financial loss resulting from the implementation of retail electric competition.

(x) The term "rural electric cooperative" means a rural electric cooperative or a Rural Electrification Administration or the Rural Utilities Service under the Rural Electrification Act of 1936.

(y) The term "State" means any State or the District of Columbia.

(z) The term "State regulatory authority" means any regulatory body of a State or political subdivision of a State having the authority to regulate rates and charges for the distribution of electric energy to consumers within the State or municipality.

(aa) The term "subsidary company" of a holding company means any company 5 percent or more of whose outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(bb) The term "transmission system" means all facilities, including federally-owned facilities, transmitting electricity in interstate commerce including all facilities transmitting electricity in the State of Texas and those providing international interconnections, but does not include local distribution facilities as determined by the Commission.

(cc) The term "wholesale electric energy" means electric energy and ancillary services sold for resale.

(dd) The term "wholesale electric energy supplier" means any person which sells wholesale electric energy.

(ee) The term "wholesale stranded costs" shall have the same meaning as in the Commission's Order No. 888.

(ff) The term "yield security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 4. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of the Act, and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

SEC. 5. ENFORCEMENT.

(a) VIOLATION OF THE ACT.—If any individual, corporation, or any other retail electric energy supplier or provider fails to comply with the requirements of this Act, any aggrieved person may bring an action against such entity to enforce the requirements of such Act in the appropriate Federal district court.

(b) STATE OR COMMISSION ACTION.—Notwithstanding 30 days after the date of a finding by the person seeking redress from an action taken by a State regulatory authority, the Commission or a regulatory board pursuant to the Act in the appropriate circuit of the United States Court of Appeals.
SEC. 101. MANDATORY RETAIL ACCESS.
(a) Customer Choice.—Beginning on January 1, 2002, each consumer shall have the right to purchase retail electric energy from any person offering to sell retail electric energy to such consumer, subject to any limitations imposed pursuant to section 104(a) of this Act.
(b) Local Distribution and Retail Transmission Facilities.—Beginning on January 1, 2002, all persons seeking to sell retail electric energy must apply for a non-discriminatory, unbundled basis, to the local distribution and retail transmission facilities of all retail electric energy providers and all ancillary services.

SEC. 102. AGGREGATION.
Subject to any limitations imposed pursuant to section 104(a) of this Act, a group of consumers or any person acting on behalf of such group may purchase or acquire retail electric energy for the members of the group if they are located in a State or States where there is retail electric competition.

SEC. 103. PRIOR IMPLEMENTATION.
(a) State Action.—Nothing in the Federal Power Act (16 U.S.C. 824 et seq.) shall be deemed to prohibit a State or State regulatory authority from authorizing, under the law, from requiring retail electric energy providers selling retail electric energy to consumers in such State to provide reasonable and non-discriminatory access, on an unbundled basis, to its local distribution facilities and all ancillary services to any retail electric energy supplier prior to January 1, 2002.
(b) Grandfather.—Legislation enacted by a State or a regulation issued by a State regulatory authority which has the effect of providing all consumers in such State the opportunity to purchase retail electric energy from any retail electric energy supplier by January 1, 2002 and providing electric utility companies with the opportunity to recover their retail stranded costs as defined by this Act (unless there is an agreement between a State or State regulatory authority and a retail electric energy provider which provides for a different level of recovery), shall be deemed to be in compliance with the requirements of sections 101 and 105 of this Act.
(c) Reciprocity.—A State or State regulatory authority that provides for retail electric energy competition which has the effect of providing all consumers in such State the opportunity to purchase retail electric energy from any retail electric energy supplier by January 1, 2002 and providing electric utility companies with the opportunity to recover their retail stranded costs as defined by this Act, shall be deemed to be in compliance with the requirements of sections 101 and 105 of this Act.

SEC. 104. STATE REGULATION.
(a) State Requirements.—A State or a State regulatory authority may impose requirements on persons seeking to sell retail electric energy to consumers in that State which are intended to promote the public interest, including requirements which enhance generation reliability and the provision of information to consumers and other retail electric energy suppliers. Any such requirements must be applied on a non-discriminatory basis and may not be used to exclude any class of potential suppliers, such as retail electric energy providers, from the opportunity to sell retail electric competition if the retail electric energy provider does not provide reasonable and nondiscriminatory access, on an unbundled basis, to all local distribution facilities to any retail electric energy supplier.

SEC. 105. RETAIL STRANDED COST RECOVERY.
(a) Application for Determination.—Except as provided in subsection (b), an electric utility company with a generating facility in a State or State regulatory authority or the Commission shall have sole jurisdiction to determine its total stranded costs in that State if:
(1) the State regulatory authority has issued a determination pursuant to this subsection that does not provide for the full recovery of retail stranded costs; or
(2) the electric utility company's retail distribution customers have access to retail competition as a result of the requirements of Section 101 of this Act.
(b) Right of Recovery.—(1) An electric utility company, municipal utility or retail electric cooperative shall be entitled to full recovery of its retail stranded costs, as determined pursuant to subsection (a) or (b), over a reasonable period of time through a non-bypassable Stranded Cost Recovery Charge imposed on its customers.
(2) A rural electric cooperative which sells wholesale electric energy to municipal electric cooperatives or retail electric cooperative wholesale electric energy providers or a joint action agency which sells wholesale electric energy to municipal retail electric energy providers may recover wholesale stranded costs from such rural electric cooperative or municipal retail electric energy providers.
(c) Prohibition on Cost-Shifting.—(1) No electric utility company, municipal utility or retail electric cooperative shall be entitled to full recovery of its retail stranded costs, as determined pursuant to subsection (a) or (b), over a reasonable period of time through a non-bypassable Stranded Cost Recovery Charge imposed on its customers.

SEC. 106. WHOLESALE STRANDED COST RECOVERY.
(a) Commission Regulation.—The Commission shall have sole jurisdiction to determine and provide for the recovery of wholesale stranded costs associated with wholesale electric competition with regard to public utilities subject to the jurisdiction of the Commission pursuant to the Federal Power Act.
(b) Regional Generating Facilities.—(1) The consent of Congress is given for the creation of a regional board if—
(A) each State regulatory authority regulates an affiliate of a public utility holding company with affiliate retail electric energy providers serving customers in more than one state elects to join such a board;
(b) an affiliate of the public utility holding company owns and/or operates a generating facility and sells power from that facility to two or more affiliates of the same holding company, and did not sell retail electric energy prior to January 30, 1997 (hereinafter referred to as the “wholesale generating company”); and
(C) the public utility holding company notifies each State regulatory authority which regulates a retail electric energy provider affiliated with the holding company that it intends to seek recovery of the wholesale stranded costs associated with the generating facility or facilities (described in subsection (b)(1)(C)) from the wholesale generating company affiliated with such holding company.
(2) The regional board shall be formed if each State regulatory authority elects to create the board within six months after receiving the notification described in subsection (b)(1)(C). If such elections are not made within the requisite time period, the Commission shall assume the responsibilities of the board as described in this section.
(3) The regional board shall have 18 months after the date it is formed to determine time, on a unanimous basis, the wholesale stranded costs associated with the generating facility which is the subject of the proceeding and to allocate such costs among the wholesale electric energy provider affiliates of the public utility holding company on a just and reasonable and nondiscriminatory basis.
(4) If the regional board fails to make either or both determinations, as described in subsection (b)(3) in the requisite time period, the Commission shall make the determination or determinations that have yet to be made.
(5) After its level of wholesale stranded costs is determined pursuant to this subsection, the wholesale electric energy provider affiliate of the holding company shall be entitled to fully recover its stranded costs, over a reasonable period of time, from the retail electric energy providers to which it sells electric energy pursuant to the procedures established by this subsection.
(6) A retail electric energy provider's wholesale stranded cost payment obligations pursuant to this subsection shall be deemed retail stranded costs for the purposes of section 105 of this Act.

SEC. 107. COST-BASED REBATES.
A State may require a retail electric energy provider to compensate its retail customers for lost retail benefits if, after retail competition is implemented, the market value of all of the provider's generating assets, the market value of all of the provider's generating assets in the rate base prior to the implementation of retail electric competition is greater than the total costs of generating assets that would have been recoverable in retail rates but for the implementation of retail electric competition. No retail electric energy provider shall be required to compensate its customers in an amount that exceeds the increased market value of its generating assets resulting from the implementation of retail electric competition.

SEC. 108. UNIVERSAL SERVICE.
(a) State Universal Service Programs.—A State may establish a Universal Service
Program that ensures that all consumers have access to purchase retail electric energy from at least one retail electric energy supplier at a just and reasonable rate.

(b)(1) After January 1, 2002, each retail electric energy provider located in a State that has not yet established a Public Benefits Program described in subsection (a) shall be obligated to sell retail electric energy to, or purchase retail electric energy on behalf of, any of its customers for a geographical area in which a State regulatory authority or the Commission, if the State regulatory authority fails to make a determination pursuant to a request by an affected person, determines that there is not effective retail electric competition in such area and the consumer not affirmatively chosen a retail electric energy supplier.

(2) The retail electric energy provider performing the service described in subsection (b)(1) is entitled to a just and reasonable rate from the consumer receiving such service.

(c) Universal Service Fund.—A State or a State regulatory authority, if authorized by the State, may impose a nonbypassable Universal Service Charge on all customers of every retail electric energy provider in such State in part of the cost of providing a Universal Service Program, including the partial or full payment of the charges a provider may recover pursuant to subsection (b)(2).


Nothing in this Act shall prohibit a State or State regulatory authority from assessing charges on retail consumers of energy to fund public benefits programs such as those designed to aid low-income energy consumers, research and development or achieve energy efficiency and conservation.


(a) Minimum Renewable Requirement.—Beginning on January 1, 2004 and each year thereafter, every retail electric energy supplier shall submit to the Commission Renewable Energy Credits in an amount equal to the required annual percentage of the total retail electric energy sold by such supplier in the preceding calendar year.

(b) State Renewable Energy Programs.—Nothing in this section shall be construed to prohibit any State or any State regulatory authority from assessing charges on retail consumers of energy to fund public benefits programs such as those designed to aid low-income energy consumers, research and development or achieve energy efficiency and conservation.

SEC. 111. Determination of Local Distribution Facilities.

(a) Application by State Regulatory Authority.—A State regulatory authority may apply to the Commission for a determination whether a particular facility used for the transportation of electric energy located in that State or a transmission facility subject to the jurisdiction of that State regulatory authority or is a transmission facility subject to the jurisdiction of the Commission.

(b) Commission Findings.—If an application is submitted pursuant to subsection (a) the Commission shall make a determination giving the maximum practicable deference to the position taken by the State regulatory authority, in accordance with the following factors associating with the facility:

(1) function and purpose;

(2) size;

(3) location;

(4) voltage level and other technical characteristics;

(5) historic, current and planned usage patterns;

(6) interconnection and coordination with other facilities; and

(7) any other factor the Commission deems relevant.

SEC. 112. Transmission.

(a) Transmission Regions.—Within two years after the date of enactment of this Act, the Commission shall establish the boundaries of electric energy in interstate commerce by the Independent System Operator to manage and operate the transmission system in each region beginning on January 1, 2003, and designating Independent System Operators in each region.

(b) Independent System Operators.—A person described in subsection (a) the Independent System Operator shall not be subject to the control of—

(1) any person owning any transmission facility located in the region in which the Independent System Operator will operate;

(2) any retail electric energy supplier selling retail electric energy to consumers in the region in which the Independent System Operator will operate.

(c) Transmission Regulation.—

(1) The Commission shall continue to have authority over the transmission of electric energy in interstate commerce by the Independent System Operator within the transmission region designated by the Commission.

(2) The Commission shall have authority over the transmission of electric energy in interstate commerce between two or more transmission regions designated by the Commission.

(3) Sections 212(2) and 212(j) of the Federal Power Act (16 U.S.C. 824k(2) and 824k(j)) are repealed effective January 1, 2002.

(4) Section 212(g) of the Federal Power Act (16 U.S.C. 824k(g)) is amended by adding “prior to January 1, 2002” immediately following “utilized.”

(d) Section 212(h) of the Federal Power Act (16 U.S.C. 824k(h))—

(A) shall not apply after the date of enactment of this Act where a retail electric energy supplier is seeking access to a transmission facility for the purpose of selling retail electric energy to a consumer located in a State that has authorized retail electric competition prior to January 1, 2002;

(B) is repealed effective January 1, 2002.

(f) Rules.—On or before January 1, 2001, the Commission shall issue binding rules governing oversight of the Independent System Operators and designed to promote transmission reliability and efficiency and competition among retail and wholesale electric energy suppliers, including rules related to transmission rates that inhibit competition and efficiency.
SEC. 113. COMPETITIVE GENERATION MARKETS.

(a) Mergers.—

(1) Section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) is amended by adding “includ- ing that of competitive wholesale and retail electric generation markets,” immediately following “public interest.”

(2) Section 283 of the Federal Power Act (16 U.S.C. 792) is amended by adding at the end the following:

“(c) ACQUISITION OF NATURAL GAS UTILITY COMPANY.—No public utility shall acquire the end the following:”

(b) Market Power.—The Commission may take such actions as it determines are necessary, including the following:

(1) ordering the physical connection of generating units with transmission facilities;

(2) ordering a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) to provide transmission service by providing any available capacity of transmission necessary or appropriate for the protection of consumers.

(3) requiring the divestiture of generating or transmission facilities, in order to prohibit any retail or wholesale electric energy supplier or retail electric energy provider from using its ownership or control of resources to maintain a situation inconsistent with effective competition among retail and wholesale electric energy providers.

SEC. 114. NUCLEAR DECOMMISSIONING COSTS.

To ensure safety with regard to the public health and safety decommissioning of nuclear generating units, any retail and wholesale electric energy supplier or retail electric energy provider may acquire facilities used for the transportation at wholesale, or the distribution at retail (other than the distribution only in enclosed portable containers) of natural or manufactured gas for heat, light, or power.”.

(b) Market Power.—The Commission may take such actions as it determines are necessary, including the following:

(1) Section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) is amended by adding “includ-

SEC. 201. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935, as amended, 15 U.S.C. 79 et seq., is hereby repealed, effective one year from the date of enactment of this Act.

SEC. 202. EXEMPTIONS.

(a) Federal and State Agencies.—No provi-

SEC. 203. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) Provision of Books and Records.—Every holding company and associate company thereof shall maintain, and make available to the Commission, books, records, and other documents as the Commission deems relevant to costs incurred by a public utility company that is an associate company of such holding company, for the protection of consumers with respect to rates.

(b) Examination of Books and Records.—The Commission, and each State regulatory authority shall have the authority to examine the books and records of any company in a holding company system, or any affiliate thereof, from the date of enactment.

(c) Privilege.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his knowledge during the course of examination of books, accounts, or other information as hereinbefore provided, except as hereinbefore provided, except insofar as he may be directed by the State regulatory authority or the Commission.
TITLE III—PUBLIC UTILITY REGULATORY POLICIES ACT

SEC. 301. DEFINITION.

For purposes of this title, the term "facility" means a facility for the generation of electric energy or an addition to or expansion of the generating capacity of such a facility.

SEC. 302. FACILITIES.

Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3) shall not apply to any facility which begins commercial operation after the effective date of this title, except a facility for which a power purchase contract entered into under such section was in effect on such effective date.

SEC. 303. CONTRACTS.

After the effective date of this title or after the date on which retail electric competition, as defined in title I of this Act, is implemented in all of its service territories, whichever is earlier, no public utility company shall be required to enter into a new contract or obligation to purchase or sell electric energy pursuant to section 210 of the Public Utility Regulatory Policies Act of 1978.

SEC. 304. SAVINGS CLAUSE.

Notwithstanding sections 302 and 303, nothing in this title shall be construed:

(a) as granting authority to the Commission or any regulatory authority, electric utility company, or electric consumer, to open, close, force, the renegotiation of, or interfere with the terms of, power purchase contracts or arrangements in effect on the effective date of this Act between a qualifying small power producer and any electric utility or electric consumer, or any qualifying cogenerator and any electric utility or electric consumer;

(b) to affect the rights and remedies of any party with respect to such a power purchase contract or arrangement, or any requirement in effect on the effective date of this Act to purchase or to sell electric energy from or to a qualifying small power production facility or qualifying cogeneration facility.

SEC. 305. EFFECTIVE DATE.

This title shall take effect on January 1, 2002.

TITLE IV—ENVIRONMENTAL PROTECTION

SEC. 401. STUDY.

The Environmental Protection Agency, in consultation with other relevant Federal agencies, shall study and submit a report to Congress by January 1, 2000, which examines the implications of differences in applicable air pollution emission standards for wholesale and retail electric generation and for public health and the environment. The report shall recommend changes to Federal law, if any are necessary, to protect public health and the environment.

TITLE V—BONNEVILLE POWER ADMINISTRATION

SEC. 501. FINDINGS.

(a) FINDINGS.—The Congress finds that:

(1) The multi-purpose Federal Columbia River Power System's Federal and non-Federal dams have provided immeasurable benefits to the Pacific Northwest by providing flood control, renewable hydroelectric power, irrigation, navigation, and recreation;

(2) The dams provide the Northwest with a continuing source of clean and renewable power but, along with over-fishing and other natural impacts on the ecosystem, have adversely affected the Columbia Basin's fish and wildlife;

(3) Enactment of the Energy Policy Act of 1992 established competition for the wholesale sale of electricity, and market forces have driven the cost of power down nationally, the Bonneville Power Administration has allowed utilities and large users to buy power at rates below those offered by the Bonneville Power Administration;

(4) Realizing the economic forces impacting electricity, the four Northwest State Governors undertook a year-long review in 1996 of the regional electricity system and made recommendations for the future of the system;

(5) Among these recommendations is the separation of the transmission and power marketing functions of the Bonneville Power Administration, with Commission oversight of access to Bonneville's transmission system, and undertaking this separation in a way that does not impair Bonneville's ability to meet its obligations to the U.S. Treasury, fish and wildlife programs, and bondholders of the Washington Public Power Supply System;

(6) There are ongoing efforts by Bonneville to reduce its costs and require accountability of its funds, including those of its funds used for wholesale and retail sales. And, in order to achieve cost savings, Bonneville has identified opportunities to eliminate continuing costs associated with its wholesale rate of $121 per MWh over the past several years; and

(7) There is a need to provide a regional process involving the Federal Government, state governments, tribal governments, utilities and others to manage the water in the Columbia and Snake River systems, to balance the multiple objectives of the river system.

(b) PURPOSES.—The purposes of this title are:

(1) To establish authority in a consolidated regional governing body that will balance the multiple uses of the Columbia and Snake river systems, for hydroelectric production, navigation, flood control, recreation, for the protection and enhancement of fish and wildlife populations, and for flood control, with that body to be responsible and accountable for spending funds prudently;

(2) To facilitate the maintenance of an open transmission system in the Northwest based on Commission rules and to ensure its reliability; and

(3) To assure that the Bonneville Power Administration retains the ability to meet its unique financial obligations to the U.S. Treasury, to bondholders, to the Tennessee Valley Authority, to persons purchasing electric energy from the Tennessee Valley Authority, and to persons purchasing electric energy from any other electric utility, and make fair and reasonable allocations of Bonneville's transmission rates to the Federal Government.

(4) Realizing the new economic forces impacting electricity, the four Northwest State Governors, the Bonneville Power Administration, with Commission oversight of access to Bonneville's transmission system, and undertaking this separation in a way that does not impair Bonneville's ability to meet its obligations to the U.S. Treasury, fish and wildlife programs, and bondholders of the Washington Public Power Supply System, and to remain a competitive wholesale supplier of electricity.

SEC. 502. COORDINATION AND GOVERNANCE.

This section is reserved.

SEC. 503. PACIFIC NORTHWEST FEDERAL TRANSMISSION ACCESS.

The Commission's rules on nondiscriminatory open access to transmission services provided by public utilities, including its rules on standards of conduct, shall also apply to transmission services provided by the Bonneville Power Administration, except as otherwise provided by the Commission by rule if it is in the public interest, or except as necessary to meet the requirements of sections 504 or 506 of this Act. Except as provided in sections 504 and 506 of this Act, rates for transmission imposed by the Administrator shall continue to be established and reviewed and approved in accordance with the provisions of otherwise applicable Federal laws.

SEC. 504. TRANSITION COST MECHANISM.

If the Bonneville Power Administration proposes a charge to recover its transition costs resulting from this Act, the Energy Policy Act, or the Commission's Order No. 888, a transition cost recovery mechanism shall be adopted by the Commission within 180 days of the filing of the proposal with the Commission.

SEC. 505. INDEPENDENT SYSTEM OPERATOR PARTICIPATION.

Notwithstanding any other provision of law, the Administrator of the Bonneville Power Administration may participate in a regulated Independent System Operator subject to the jurisdiction of the Commission pursuant to section 112(c) of the Public Utility Regulatory Policies Act of 1978.

SEC. 506. FINANCIAL OBLIGATIONS.

Sections 503, 504 and 505 of this Act shall be interpreted and implemented in a manner that does not adversely affect the security of the Bonneville Power Administration's Washington Public Power Supply System net-billing and other third-party financing arrangements.

SEC. 507. RETAIL SALES.

Except as provided in section 5(d) of the Northwest Power Act (16 U.S.C. 839c(d)), the Administrator shall not market, sell or dispose of electric energy to any end use or retail customers that did not have a contract for the purchase of electric power with the Administrator for services to specific facilities as of October 1, 1997.

SEC. 508. CLARIFICATION OF COMMISSION AUTHORITY.

Section 7(a)(2) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 838(f)(2)) is amended—

(1) by deleting the word "costs," in paragraph (B);

(2) by striking the period at the end of paragraph (C) and inserting in lieu thereof ",&; and"

(3) by adding at the end thereof the following new paragraph:

"(D) insofar as transmission rates are concerned, the rates do not discriminate between transmission users or classes of users in a manner that has the effect of unreasonably denying transmission access under section 503 of this Act.

SEC. 509. REPEALED STATUTE.

Section 6 of the Federal Columbia River Transmission System Act (16 U.S.C. 838d) is hereby repealed.

TITLE VI—TENNESSEE VALLEY AUTHORITY

SEC. 601. COMPETITION IN SERVICE TERRITORY.

Notwithstanding any other provision of law, beginning on January 1, 2002, all retail and wholesale electric energy suppliers shall have the right to sell retail and wholesale electric energy to any eligible electric utility that does not adversely affect the security of the Tennessee Valley Authority.

SEC. 602. ABILITY TO SELL ELECTRIC ENERGY.

(a) TVA.—Notwithstanding any other provision of law, the Tennessee Valley Authority may sell wholesale electric energy to any person, subject to any restrictions imposed pursuant to Section 104(a) of this Act, beginning on January 1, 2002.

(b) Power Customers.—Notwithstanding any other provision of law, persons that currently purchase wholesale electric energy from the Tennessee Valley Authority may sell wholesale and retail electric energy to any person subject to any restrictions imposed pursuant to section 104(a) of this Act, beginning on January 1, 2002.

SEC. 603. TERMINATION OF CONTRACTS.

Notwithstanding the termination of the Tennessee Valley Authority's contracts with other persons, the Tennessee Valley Authority shall allow any person that has executed a contract to terminate such contract upon one year's notice.

(b) STRANDED COSTS.—Each person holding a contract that is terminated pursuant to subparagraphs (A) and (B) shall be responsible for retail or wholesale stranded costs as determined by the Commission.
SEC. 604. RATES FOR ELECTRIC ENERGY.

(a) Establishment.—Notwithstanding any other provision of law, the Board of Directors of the Tennessee Valley Authority shall establish, review and revise, rates for the sale and disposition of wholesale and retail electric energy and for the transmission of electric energy by the Tennessee Valley Authority. Such rates shall be established and, as appropriate, revised to recover, in accordance with sound business principles, the costs associated with the generation, acquisition, conservation, transmission, and distribution of electric energy, including the payment of principal and interest on the Authority's bonds over a reasonable period.

(b) Commission Review.—Rates established under this section shall become effective only upon confirmation and approval by the Commission, upon a finding by the Commission that such rates are sufficient to ensure repayment of the Authority's bonds over a reasonable number of years after first meeting the Authority's legitimate, prudent, and verifiable costs.

SEC. 605. PRIVATIZATION STUDY.

(a) Requirement for Preparation of Study.—The Board of Directors of the Tennessee Valley Authority shall prepare a study for selling its electric power program (excluding dams and appurtenant works and structures) to private investors and, not later than two years after the date of enactment of this Act, shall submit such plan to the Congress.

(b) Issues of Study.—The study shall consider the following:

(1) Both the sale of the Authority's electric power program as a whole and the sale of some or all of its component parts;

(2) Alternative means of selling the Authority's electric power program or its component parts, including a public stock offering, the sale of facilities, or the sale of assets; and

(3) The effect of any sale on—

(A) Electric rates and competition in the regional electricity market;

(B) The operation of the Authority's nonpower programs; and

(C) The repayment of the Authority's debt.

(c) Additional Elements.—The study shall also include—

(1) An estimate of the amount of revenue that the United States Treasury would receive under each of the alternatives considered;

(2) The Board's analysis of the feasibility of each of the alternatives considered and its recommendation either for retaining the Authority's power program under federal ownership or the preferred alternative for selling it to private investors; and

(3) The Board's recommendation of whether the Authority's dams should—

(A) Be transferred to the Department of the Army Corps of Engineers and responsibility for marketing electric energy produced by such dams assigned to the Southeastern Power Administration;

(B) Continue to be controlled by, and the electric energy they produce continue to be marketed by the Tennessee Valley Authority;

(d) Further Action.—The Board of Directors shall take no action to implement the sale of the Authority's power program without further legislation authorizing such action.

TRANSITION TO ELECTRIC COMPETITION ACT OF 1992—SECTION-BY-SECTION ANALYSIS

TITLE I—ELECTRIC COMPETITION

Section 101—Mandatory Retail Access

All consumers (including current customers of owner-owned municipal and rural cooperative electric utilities) have the right to purchase retail electric energy beginning on January 1, 2002.

All retail electric energy suppliers (entities owning or controlling the electric energy) have access to local distribution facilities and all ancillary services beginning on January 1, 2002.

Section 102—Aggregation

A group of consumers or any entity acting on behalf of such group is authorized to aggregate to purchase retail electric energy for the members of the group if they live in a state where retail electric competition exists.

Section 103—Prior Implementation

Nothing in the Federal Power Act shall prohibit States from requiring retail electric competition prior to January 1, 2002.

A State requiring retail electric competition prior to January 1, 2002 and providing utilities with the opportunity to recover stranded costs is exempt from the Act's requirements related to retail competition and stranded costs.

A State may impose reciprocity requirements if it has provided for retail competition and the requirements do not prevent a utility from recovering stranded costs from its customers.

Sections 104—State Regulation

States may impose requirements on retail electric energy suppliers to protect the public interest.

No class of potential retail electric energy suppliers can be excluded from selling retail electric energy.

States may continue to regulate local distribution and retail transmission service provided by retail electric energy providers.

Section 105—Retail Stranded Cost Recovery

An investor-owned providing retail electric service prior to the date of enactment is entitled to recover its stranded costs from its customers.

If a State regulatory authority determines that the amount of stranded costs associated with the implementation of retail electric competition is not recovered, that State is entitled to recover such costs from its customers.

Section 106—Wholesale Stranded Cost Recovery

If a State has not established a Universal Service Program prior to January 1, 2002, each retail electric energy supplier located in that State is entitled to recover stranded costs if it has provided for retail electric competition prior to January 1, 2002.

States may impose nonbypassable Universal Service Charges on retail electric energy providers.

Section 107—Lost Retail Benefits

A State may require a retail electric energy provider to compensate its customers for any increase in power costs resulting from the implementation of retail electric competition if the market value of the provider's generating assets increases and the provider supplies power elsewhere due to the implementation of retail electric competition.

Section 108—Universal Service

A State may establish a Universal Service Program to ensure that all consumers have access to electric service at a just and reasonable rate.

A State may establish a Universal Service Charge to provide for the costs of universal service.

Section 109—Public Benefits

A State may impose charges on retail electric energy consumers to fund public benefit programs (i.e. low-income and energy efficiency).

Section 110—Renewable Energy

Beginning of 2003, all retail electric energy suppliers are required to either (1) sell at least minimum amount of renewable energy as part of the total amount of energy it sells or (2) purchase credits from retail electric energy suppliers selling renewable energy in excess of the minimum requirements. 1⁄2 of one Renewable Energy Credit will be provided to each retail electric energy supplier for each renewable power generated at all other renewable electric facilities built prior to the date of enactment.

Two Renewable Energy Credits will be provided to each retail electric energy supplier for each renewable power generated at all other renewable electric facilities built subsequent to the date of enactment.

Retail electric energy suppliers are required to have CREDITS within 30% of its generation beginning in 2003, 8% of its generation beginning in 2008 and 12% of its generation beginning in 2013.

The Bonneville Power Administration may provide incentives to encourage the conversion of existing facilities to renewable energy use, and the Federal Energy Regulatory Commission, the Bonneville Power Administration, and the Bonneville Power Administration may guarantee or reinsure the sale of energy generated by renewable energy projects.
Section 112—Transmission

Within two years of the date of enactment, FERC must establish transmission regions and designate an Independent System Operator (ISO) to manage and operate all of the transmission facilities in each region beginning on January 1, 2002. The ISO can't be affiliated with any person owning, controlling, or having a facility in the region or any retail electric energy supplier selling retail electric energy in the region.

FERC is required to issue rules by January 1, 2003, with respect to such regions and the oversight of the ISO's to promote transmission reliability and efficiency and competition among retail and wholesale electric energy suppliers.

The Federal Power Act prohibition on FERC requiring transmission access for the purposes of retail wheeling is repealed on January 1, 2002 or at an earlier date for a particular retail wheeling request in a State that retail electric competition prior to January 1, 2002.

Section 113—Competitive Generation Markets

FERC's authority over utility mergers pursuant to the Federal Power Act is extended to electric utility mergers with natural gas utility companies.

FERC review of mergers must take into account the impact of a merger on competitive wholesale and retail electric generation markets.

FERC has authority to take actions necessary to prohibit retail electric energy suppliers and providers from using their control of resources to inhibit retail and wholesale electric competition.

Section 114—Nuclear Decommissioning Costs

Utilities owning nuclear power plants prior to the date of enactment are entitled to recover costs to fund decommissioning of the plants from their customers pursuant to a non-bypassable charge.

Section 115—Right to Know

Each retail electric energy supplier must publicly disclose information on the types of fuel used to generate the electricity sold by the supplier.

Section 116—Exemption of Alaska and Hawaii

Title I does not apply to any transaction occurring in Alaska or Hawaii.

TITLE II—PUBLIC UTILITY HOLDING COMPANIES

Section 201—Repeal of PUHCA

PUHCA is repealed one year from the date of enactment of the Act.

Section 202—Exemption

Title II does not apply to federal or state agencies or foreign governmental authorities not operating in the U.S.

FERC may exempt anyone from any of the requirements of the Title if the Commission finds the particular regulation not relevant to public utility company rates and the affected States consent.

The provisions of the Title don't apply to a particular holding company when retail electric competition exists in the service territory of such holding company.

Section 203—Federal Access to Books and Records

Each holding company and associate company of the holding company must make its books and records available to each State regulatory authority regulating a utility subsidiary of the holding company.

Section 204—Affiliate Transactions

FERC, with regard to wholesale rates and States, with regard to retail rates, have the authority to determine whether a public utility affiliate of a holding company may recover its costs associated with a non-power transaction with an affiliated company if such costs arose after the date of enactment.

State regulatory authorities have the authority to review the prudence of a utility's wholesale power purchases form non-affiliated sellers.

Section 206—Clarification of Regulatory Authority

FERC, with regard to wholesale rates, and State regulatory authorities, with regard to retail rates, must explicitly consent, before a utility affiliate of a utility holding company can recover costs in rates that are not directly related to the provision of electric service to its customers.

Section 207—Effect on Other Regulation

State regulatory authorities can exercise their jurisdiction under otherwise applicable law to protect utility consumers.

Section 208—Enforcement

FERC has the same enforcement authority under this Title as it does under the Federal Power Act.

Section 209—Savings Provision

A person engaging in an activity it was legally entitled to engage in on the date of enactment may continue to be entitled to engage in the activity.

Section 210—Implementation

FERC must promulgate regulations to implement the Title within 6 months of the date of enactment.

Section 211—Resources

The SEC must transfer its books and records related to holding company regulation to the FERC.

TITLE III—PUBLIC UTILITY REGULATORY POLICIES ACT

Section 301—Definition

Section 302—Facilities

Section 303—Contracts

The SEC no longer requires the power purchase contracts under PURPA doesn't apply to facilities beginning commercial operation after the effective date of this Title until the power purchase contract related to the facility was in effect on the effective date.

Title II applies to any transaction occurring in Alaska or Hawaii.

Section 305—Effective Date

The effective date of this Title is January 1, 2002.

TITLE IV—ENVIRONMENTAL PROTECTION

Section 401—Study

FERC must conduct a study by January 1, 2002, which examines the implications of wholesale and retail electric competition on the emission of pollutants and recommends, if necessary, ways to ensure the public health and the environment.

Section 402—Findings and Purposes

FERC must conduct a study by January 1, 2002, which examines the implications of wholesale and retail electric competition on the emission of pollutants and recommends, if necessary, ways to ensure the public health and the environment.

Section 403—Transition Cost Mechanism

FERC may require a transition cost recovery mechanism for BPA if BPA makes a proposal.

Section 404—Responsible Party

The Title does not apply to transactions occurring in Alaska or Hawaii.

Section 405—Public Lands

Utilities owning nuclear power plants prior to the date of enactment are entitled to recover costs to fund decommissioning of the plants from their customers pursuant to a non-bypassable charge.

Section 406—Compliance with Federal Regulations

Utilities entering into commercial operation after the effective date of this Title until the power purchase contract related to the facility was in effect on the effective date.

Title II applies to any transaction occurring in Alaska or Hawaii.

Section 407—Prohibition on Retail Sales

FERC has authority to review the prudence of a utility's wholesale power purchases form non-affiliated sellers.

Section 408—Clarification of Commission Authority

Pacific Northwest transmission rates can't be used to reasonably deny transmission access.

Section 409—Finding

Section 410—Repealed Statute

Section 6 of the Federal Columbia River Transmission System is repealed.

TITLE VI—TENNESSEE VALLEY AUTHORITY

Section 501—Competition in Service Territory

Beginning on January 1, 2002, TVA's retail and wholesale electric power customers are permitted to purchase power from other sellers.

Section 502—Ability to Sell Electric Energy

Beginning on January 1, 2002, TVA may sell wholesale electric energy outside of its current service territory.

Section 503—Termination of Contracts

Any person that currently holds a wholesale or retail contract with TVA may cancel the contract with one year notice beginning on January 1, 2001.

Section 504—Programs to Promote Electric Competition

TVA's Board of Directors will establish the rates for the sale and transmission of electric energy by TVA.

The rates must be sufficient to recover TVA's costs, including the payment of principal and interest on its bonds over a reasonable period.

FERC must review and approve the Board's rates if they are sufficient to ensure the recovery of TVA's legitimate, prudent, and verifiable costs over a reasonable period of time and ensure the recovery of TVA's stranded retail and wholesale costs.

Section 605—Privatization Plan

TVA's Board of Directors must prepare a plan within two years of the date of enactment for selling its electric power program to private investors.

No action on the sale of TVA may occur without subsequent congressional action.

Mr. GORTON. Mr. President, the Senator from Arkansas has eloquently and adequately described the bill which we are introducing jointly today. He is leader in this field, and introduced the bill on this subject early this year. He and I, and the occupant of the Chair, have had the opportunity to go.
through seven workshops on electric power marketing restructuring. During the course of this time, the Senator from Arkansas and I found that we thought very similarly in this field, and we are here together on the floor today to introduce a bill that is somewhat, but not in its general philosophy, the proposal that he introduced almost a year ago.

The goal that we set in this bill is to provide for choice, allowing ultimately for lower prices for electric power consumers from the largest industry to the individual homeowner across the 50 States of the United States. We set a deadline for that competition to exist on the 1st of January of the year 2002. We encourage States, several of which have already acted, to provide for their own free and open competition by allowing States that have met the general requirements of this other form of electricity in their own way—in the way in which their legislatures have decided or may have decided.

We cover, as the Senator from Arkansas pointed out, the legitimate straights that utilities that have been required to build facilities, some of which may not be completely competitive in an entirely free and open market. We set up a system of independent system operators so that the entire transmission system of the United States will be free and open on equal terms to all potential competitors.

We have been required to build facilities, one of which may not be completely competitive in an entirely free and open market. We set up a system of independent system operators so that the entire transmission system of the United States will be free and open on equal terms to all potential competitors.

We encourage the increased use of renewable energy sources by requiring certain minimums increasing in three steps throughout the course of the next 15 years or so but providing credit for which exist at the present time and may exist in the future, and allow the sale of credit from those who already meet or exceed the renewable requirements of the bill—credits that they can sell to others.

Senator BUMPERs has been a true leader in this field, and I am honored and delighted to now join him in what I believe is the first bipartisan approach to this subject, a bipartisan approach which is going to be absolutely essential to any success.

At the same time that he has been working with his constituents across the country, I have been listening to my own constituents and the utility districts, those that produce electricity and those that do not, and the wide range of other existing utilities or potential competitors in the Northwest.

I recognize and celebrate that already has very low power charges. We want to be a part of this process, not so that we can slow down the benefits to others—the entire American economy must and will benefit from this bill—but so that my constituents and consumers will benefit as well from the advent of competition. I am convinced that the outset of this bill does just exactly that.

We must deal with the peculiar challenges of the largest power marketing authority, the Bonneville Power Administration. We do so in a way that reflects the regional review sponsored by the four Governors of the four Pacific Northwest States during the course of last year in general terms for a more effective and broad-based management of the Columbia River System, reflecting all of the multitude of uses of water in that system, and calling for a far more effective use of dollars that we are spending on salmon recovery.

So I believe for my own region that we can provide lower power costs, greater competition, better salmon recovery, and a more rational management of the Columbia-Snake River System.

I believe for the people of the United States as a whole that we can provide for lower power costs, a greater use of renewable energy, more competition, and a better America.

For those reasons, I am delighted to have been a part of a joint operation with my friend from Arkansas.

MR. BUMPERs addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

MR. BUMPERs. Mr. President, I thank my distinguished colleague from Washington State for his eloquent remarks. I just wanted to say how honored I am to have him join me on this bill, and reiterate one other thing because Senator GORTON and I want to be totally honest to the people of this country as we go forward with this bill. I think one thing that I must say is that, in my opinion, this $220 billion industry can cope with this bill—not only cope with it, but that industry, business, and the consumers of this country will all benefit from this, and the Nation because it is a global economy where we are competing so strenuously with the other nations of the world.

Electricity is such a big part of our producing industry, and the less they pay the more competitive we become. That ought to be a real incentive for the people of this body to look very seriously at this bill.

By Mr. MURKOWsKI.

S. 1402. A bill to amend the Social Security Act to establish a community health aide program for Alaskan communities that do not qualify for the Community Health Aide Program for Alaska operated through the Indian Health Service; to authorize expansion of the Community Health Aid Program Expansion Act of 1997.

Mr. MURKOWski. Mr. President, I am pleased to rise to introduce legislation relative to the benefits of community health aides. This particular legislation would be titled the Alaskan Community Health Aide Program Expansion Act of 1997. The purpose of the act would be to provide a link to health care for rural communities, primarily in my State.

The Alaskan Community Health Aide Program Expansion Act would enable the health aides to have access to rural communities throughout Alaska. The act will authorize training and continuing education of Alaskans as community health aides to small communities that do not currently qualify for the Indian Health Services Community Health Aide Program.

Mr. President, some 50 years ago, this unique system of community health aids was formed in my State. In the early 1960's, due to an extreme outbreak of tuberculosis across Alaska, volunteers were selected by local communities and trained as community health aides. These communities, of course, suffered from distance, extreme isolation. They were often located hundreds or miles from the nearest physician. And the community health aides, through radio contact to a distant hospital in the region, became the eyes, the ears and hands of a physician and administered life-saving medications to remote patients throughout the State.

Today, through the Indian Health Services, the aides reside in 176 Alaskan-Native communities, small isolated communities throughout our State—which if you spread Alaska across the United States, in a proportional map it would run from Canada to Mexico, from California to Florida. So we are talking about a big piece of real estate, Mr. President.

These aides, today, through telecommunications capability with physicians in Anchorage, Fairbanks, and other urban areas, provide health care, provide disease prevention throughout our State. The health aides are broadly acknowledged as the backbone of rural health delivery for Alaska's Native people.

However, Mr. President, there is a large void in Alaska's Community Health Aide Program. Approximately 50 of our local Alaskan communities do not have community health aides because the people who live there are non-Native, and thus they do not qualify for the service under current law.

In these 50, 51 communities, there is no doctor, there is no other health care provider of any kind. Instead, Mr. President, there is a medical care nurse who comes and goes on a remote basis. In the old days, they were isolated communities throughout our State. In the old days, they were isolated.

The Alaskan Community Health Aide Program Expansion Act would enable the health aides to have access to rural communities throughout Alaska. The act will authorize training and continuing education of Alaskans as community health aides to small communities that do not currently qualify for the Indian Health Services Community Health Aide Program.
The Community Health Aide Program Expansion Act would remedy this dilemma. For the first time in the history of our State, all communities and villages will have the opportunity to have health care available within a village. This legislation will enable the training of health aides to live within a community, teach basic disease prevention and health promotion, in other words, the basic skills for good health.

Mr. President, this legislation will enable affordable and consistent access to health care to all Alaskan communities.

I ask my colleagues to join in support of this legislation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and for the purpose of providing health care, health promotion, and disease prevention services to the Alaskan communities served by the Program, provide a high standard of training for health practitioners;

(2) use such aides or practitioners in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities;

(3) provide for the establishment of telehealth services, and such equipment, and facilities;

(4) develop and maintain a system which provides close supervision of community health aides and community health practitioners for continuing education in the provision of health care, including practical experience in the provision of health care; and

(5) develop and maintain a system which provides for continuing education in the provision of health care, health promotion, and disease prevention services in accordance with this section.

By Mr. MURKOWSKI:

S. 1403. A bill to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program; to the Committee on Energy and Natural Resources.

THE NATIONAL HISTORIC LIGHTHOUSE PRESERVATION ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation that will ensure the protection and maintenance of these historic lighthouses so that future generations of Americans will be able to appreciate these treasured landmarks.

The legislation authorizes the Secretary of the Depar- tment of the Interior, through the National Park Service, to establish a historic lighthouse preservation program. The Secretary is charged with collecting and sharing information on historic lighthouses; con- tinuing the lighthouse preservation program to in- form the public about the contribution to society of historic lighthouses; and maintaining an inventory of historic lighthouses.

A historic light station is defined as a lighthouse, and surrounding property, at least 50 years old, which has been evaluated for inclusion on the Na- tional Register of Historic Places, and included in the Secretary’s listing of historic light stations.

Most important, the Secretary, in conjunction with the Administrator of General Services, is to establish a process for conveying historic light- houses which are around our coastal areas and Great Lakes when these light-owners deemed excess to Federal needs of the agency owning and operating the lighthouse. For entities eligible to receive a historic lighthouse, it would be for the use of educational, park, recreation, cultural, and historic preservation. And the agencies that would be in- cluded would be Federal or State agen- cies, local governments, nonprofit corpora- tions, educational agencies, and community development organiza- tions, and for- profit entities.

There is no question that the historic lighthouses were conveyed in a nonfee structure to selected entities which would have the obligation to maintain these historic structures and maintain their integrity.

The historic lighthouses would revert back to the United States if a property ceases to be used for education, park, recreation, cultural or historic preservation purposes, or if the lighthouse was maintained in compliance with the National Historic Preservation Act.

Mr. President, as I said, I rise today to introduce legislation that will establish a national historic light station program.

Lighthouses are among the most romantic reminders of our country’s maritime heritage. Marking dangerous headlands, shoals, bars, and reefs, these structures played a vital role in indicating navigable waters and supporting our Nation’s maritime transportation and commerce. These lighthouses served the needs of the early mariners who navigated by visual sightings on lighthouses as guides to the heavens. Hundreds of lighthouses have been built along our seacoast and on the Great Lakes, creating the world’s most complex aids to navigation system. No other national lighthouse system compares with that of the United States in size and diversity of architectural and engineering types.

My legislation pays tribute to this legacy and establishes a process which will ensure the protection and main-
My legislation also recognizes the value of lighthouse friends groups. Often, these groups have spent significant time and resources on preserving the character of historic lighthouses only to have this work go to waste when their lighthouse is transferred out of Federal ownership. Under current General Services Administration regulations, these friends groups are last on the priority list to receive a surplus light station in spite of their efforts to prove it. My bill gives priority consideration to entities that have the legal title, the means, and the historical knowledge to maintain the historic character of a lighthouse. Under current General Services Administration regulations, these friends groups are last on the priority list to receive a surplus light station in spite of their efforts to prove it. My bill gives priority consideration to entities that have the legal title, the means, and the historical knowledge to maintain the historic character of a lighthouse.

Everyone agrees that the historic character of these lighthouses needs to be maintained. But the cost of maintaining these historic structures is becoming increasingly high for Federal agencies in these times of tight budgetary constraints. These lighthouses were built in an age when they had to be manned continuously. Today’s advanced technology makes it possible to build automated aids to navigation that do not require around-the-clock manning. This technology has made many of these historic lighthouses expensive to maintain. Federal agencies must maintain them even if they no longer use them as navigational aids.

My legislation ensures that the historic character of these lighthouses is maintained when the lighthouse is no longer needed by the Federal Government. When the historic lighthouse is conveyed out of Federal ownership, the entity which receives the lighthouse must maintain it in accordance with historic preservation laws and standards. A lighthouse would revert to the United States, at the option of the General Services Administration, if the lighthouse is not being used or maintained as required by the law.

In the event no government agency or nonprofit organization is approved to receive a historic lighthouse, it would be offered for sale by the General Services Administration. The proceeds from these sales would be transferred to the National Maritime Heritage Grant Program within the National Park Service. Congress established the National Maritime Heritage Grant Program in 1994 to provide grants for maritime heritage preservation and education projects. Unfortunately, funding for this program has been nonexistent so that the proceeds from any historic lighthouse sales would help ensure the program’s viability.

It is my intent to ensure that coastal towns, where a historic lighthouse is an integral part of the community, would receive a historic lighthouse when it is no longer needed by the Federal Government. These historic lighthouses could be used by the community as a local park, a community center, or a tourist attraction. It also would ensure that history lighthouse friends groups or lighthouse preservation societies, which have voluntarily helped to maintain the historic character of the light-house, could receive an excess lighthouse.

Mr. President, I know firsthand the importance and allure of these historic lighthouses. When I was in the Coast Guard, I helped maintain lighthouses and other navigational aids. These lighthouses were vital to the safety of our maritime traffic and I took my responsibilities seriously knowing that lives were dependent on it.

By preserving historic lighthouses, we preserve a symbol of that era in our history when our maritime traffic was the lifeblood of the Nation, lying isolated coastal towns through trade to distant ports around the world. Hundreds of historic lighthouses are owned by the Federal Government and many of these are difficult and expensive to maintain. This legislation provides a process to ensure that these historic lighthouses are maintained and publicly accessible.

I urge all my colleagues to support this legislation, and I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1403

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'National Historic Lighthouse Preservation Act of 1997'.

SEC. 2. PRESERVATION OF HISTORIC LIGHT STATIONS.

Title III of the National Historic Preservation Act (16 U.S.C. 470w–470w–6) is amended by adding at the end the following new section:

§308. Historic Lighthouse Preservation

(a) In GENERAL.—In order to provide a national historic light station program, the Secretary shall—

(1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;

(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

(3) sponsor or conduct research and study into the history of light stations;

(4) maintain a listing of historic light stations; and

(5) assess the effectiveness regarding the conveyance of historic light stations.

(b) CONVEYANCE OF HISTORIC LIGHT STATIONS.—

(1) Within one year of enactment, the Secretary and the Administrator of General Services (hereinafter Administrator) shall establish a process for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, and historic preservation purposes.

(2) The Secretary shall review all applicants for the conveyance of a historic light station, when the historic light station has been identified as excess to the needs of the Federal Government and the appropriate administrative jurisdiction over the historic light station, and forward to the Administrator a single approved application for the conveyance of the historic light station.

(3) The eligible entity, the Secretary may consult with the State Historic Preservation Officer of the state in which the historic light station is located. A priority of consideration shall be afforded public entities that submit applications in which the public entity enters into a partnership or a nonprofit organization whose primary mission is historic light station preservation.

The Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the historic light station, together with related real property, subject to the conditions set forth in subsection (c) upon the Secretary's selection of an eligible entity.

The conveyance of a historic light station shall be made subject to any conditions as the Administrator considers necessary to ensure that—

(A) the lights, antennas, sound signal, electronic navigation equipment, and associated light station equipment located on the property conveyed, which are active aids to navigation and ensure compliance with paragraph (C), to the extent that it is not possible to provide advance notice;

(B) the eligible entity to which the historic light station is conveyed under this section shall not exercise a public entity's option to renew the conveyance of the property conveyed under this section as may be necessary for navigation purposes;

(C) the eligible entity to which the historic light station is conveyed under this section shall not be required to maintain any active aids to navigation associated with a historic light station.

(3) In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the property in its existing condition, at the option of the Administrator, revert to the United States if—

(A) the property or any part of the property ceases to be available for public education, park, recreation, cultural, and historic preservation purposes for the general public at reasonable times and under conditions which shall be set forth in the eligible entity’s application;

(B) the property or any part of the property remains owned by the owner that the property is needed for national security purposes.

(d) DESCRIPTION OF PROPERTY.—The legal description of any property conveyed, and any real property and improvements associated therewith, conveyed under this section...
shall be determined by the Administrator. The Administrator may retain all right, title, and interest of the United States in and to any historical artifact, including any lens of the same, that is associated with the historical light station whether located at the light station or elsewhere.

(e) Responsibilities of Conveyee. Each eligible entity to which a historic light station is conveyed under this section shall use and maintain the light station in accordance with this section, and have such terms and conditions recorded with the deed of title to the light station and any real property conveyed therewith.

(f) Definitions.—For purposes of this section:

(1) Historic Light Station.—The term ‘historic light station’ includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, support structures, piers, walkways, and underlying land; provided that the light tower or lighthouse shall be—

(A) at least 50 years old;

(B) evaluated for inclusion in the National Register of Historic Places; and

(C) included on the Secretary’s listing of historic light stations.

(2) Eligible Entity.—The term ‘eligible entity’ shall mean any department or agency of the Federal government, any department or agency of a State, or any unit of local government in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that—

(A) has agreed to comply with the conditions set forth in subsection (c); and

(B) is financially able to maintain the light station (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (c); and

(C) can indemnify the Federal government to cover any loss in connection with the light station and any real property and improvements that may be conveyed therewith.

(3) Eligible entity may convey the light station and any real property and improvements conveyed therewith.

(g) Title Transfer. Each eligible entity to which a historic light station is conveyed by the Administrator shall be entitled to title to the light station and any real property and improvements conveyed therewith.

(h) Conveyance Documents. Conveyance documents shall include all necessary conveyances to protect the historical integrity of the site. Notwithstanding this section, the Administrator may convey the light station and any real property and improvements conveyed therewith.

(i) Definitions. For purposes of this section:

(1) Eligible Light Station.—The term ‘eligible light station’ includes the light station, lighthouse, keepers dwelling, garages, support structures, piers, walkways, and underlying land; provided that the light station or lighthouse shall be—

(A) at least 50 years old;

(B) evaluated for inclusion in the National Register of Historic Places; and

(C) included on the Secretary’s listing of historic light stations.

(2) Eligible Entity.—The term ‘eligible entity’ shall mean any department or agency of the Federal government, any department or agency of a State, or any unit of local government in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that—

(A) has agreed to comply with the conditions set forth in subsection (c); and

(B) is financially able to maintain the light station (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (c); and

(C) can indemnify the Federal government to cover any loss in connection with the light station and any real property and improvements that may be conveyed therewith.

(3) Conveyance Documents. Conveyance documents shall include all necessary conveyances to protect the historical integrity of the site. Notwithstanding this section, the Administrator may convey the light station and any real property and improvements conveyed therewith.

SEC. 5. FUNDING.

There are hereby authorized to be appropriated to the Secretary of the Interior sums as may be necessary to carry out this Act.

By Mr. BROWNBACK (for himself, Mr. MOYNIHAN, Mr. THOMPSON, and Mr. KERREY):

S. 1404. A bill to establish a Federal Commission on Statistical Policy to study the recognition of this Federal statistical system, to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency of Federal statistical programs and the quality of Federal statistics by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards; to the Committee on Governmental Affairs.

The Federal Statistical System Act of 1976

Mr. MOYNIHAN, Mr. President, I join my distinguished colleagues, Senator SAM BROWNBACK of Kansas, Senator FRED THOMPSON of Tennessee, and Senator BOB KERREY of Nebraska, in introducing legislation to establish a commission to study the Federal statistical system. Congressman STEPHEN HORN of California and Congresswoman CAROLYN MALONEY of New York plan on introducing identical legislation in the House of Representatives. This legislation is similar to bills I introduced in September 1996, and again at the beginning of this Congress.

The commission to study the Federal statistical system would consist of 15 Presidential and congressional appointees with expertise in fields such as actuarial science, finance, and economics. Its members would conduct a thorough review of the U.S. statistical system, and issue a report including recommendations on whether statistical agencies should be consolidated.

Of course, we have an example of a consolidated statistical agency just across the northern border. Statistics Canada, the most centralized statistical agency among OECD countries, was established in November 1918 as a reaction to a familiar problem. At that time, the Canadian Minister of Industry was trying to obtain an estimate of manpower resources that Canada could commit to the war effort. And he got different estimates from statistical agencies scattered through out the government. Consolidation seemed the way to solve this problem, and so it happened—as it can in a parliamentary government—rather quickly, just as World War I ended.

Last spring, a member of my staff met in Ottawa with the Assistant Chief Statistician of Statistics Canada. He reported that Statistics Canada is doing quite well. Decisions about the allocation of resources among statistical functions are made at the highest levels of government because the Chief Statistician of Statistics Canada holds a position equivalent to Deputy Cabi
It happens that this Senator’s association with the statistical system in the executive branch began over three decades ago. I was Assistant Secretary of Labor for Policy and Planning in the administration of President John F. Kennedy. This was a new position in which I was responsible for the Bureau of Labor Statistics. I say nominally out of respect for the independence of that venerable institution, which as I noted earlier long predated the Department of Labor itself. The former chairman, B. Ewan Clague, could not have been more friendly and supportive. And so were the statisticians, who undertook to teach me to the extent I was teachable. They even shared professional confidences. And so it was that I came to have some familiarity with the field.

For example, we had just received a report on price indexes from a committee led by a Nobel laureate, George Stigler. The committee stressed the importance of accurate and timely statistics making commitments and sacrifices for the general interest, and also it requires knowledge.

That knowledge often comes from accurate statistics. You cannot begin to solve a problem until you can measure it.

This legislation would require the Commission to conduct a comprehensive examination of the current statistical system and focus particularly on whether three agencies that produce data as their primary product—the Bureau of Economic Analysis (BEA) and the Bureau of the Census in the Commerce Department, and the Bureau of Labor Statistics (BLS) in the Labor Department—should be consolidated into a Federal statistical service.

In September 1996, prior to when I first introduced a bill establishing a commission to study the U.S. statistical system, I received a letter from nine former chairmen of the Council of Economic Advisers (CEA) endorsing this legislation. Excluding two recent chairs, who at that time were still serving in the Clinton administration, the signatories include virtually every serving in the Clinton administration, and the statute of its principal predecessor—needs a top to bottom review of the Federal statistical system, and would also make recommendations with respect to ways to consolidate the Federal Statistical Service; serve to improve accuracy and timeliness of economic statistics and to reduce the resources consumed in their development and production.

And last week, we were again reminded of the importance of accurate and timely government statistics.

The legislation establishes a commission to study the Federal statistical system. The commission would consist of 15 members. Two—the Chief Statistician of the Office of Management and Budget and a high-level government officer—serve ex officio on the commission. The high-level official, selected by the President, would be the Assistant Secretary of Commerce for Economic Analysis or the Chairman of the Federal Reserve. The other 13 members would be appointed by the President and confirmed by the Senate from among Cabinet officers, the Chairman of the Board of Governors of the Federal Reserve, the Comptroller General, or the Chairman of the Council of Economic Advisers—will serve as chairman.

The other 13 members of the commission will be appointed as follows: Five by the President, no more than three of whom are to be from the same political party, four by the President pro tempore of the Senate, no more than two of whom are to be from the same political party, and four by the Speaker of the House, no more than two of whom are to be from the same political party.

In an initial 18-month period, the commission would determine whether and how to consolidate the Federal statistical system, and would also make recommendations with respect to ways to achieve greater efficiency in carrying out Federal statistical programs. If the commission recommends consolidation of the Bureau of Labor Statistics, the Bureau of the Census, and the Bureau of Economic Analysis into a newly established independent Federal agency, designated as the Federal Statistical Service, the commission’s report would contain draft legislation incorporating such recommendations. The legislation would then be considered by the Congress under fast-track procedures.

If legislation establishing a Federal statistical service is enacted by the Congress, the commission would become a permanent body that would: Make recommendations for nominations for the appointment of an Administrator and Deputy Administrator of the Federal Statistical Service; serve...
as an advisory body to the Federal Statistical Service on confidentiality issues; and conduct comprehensive studies, and submit reports to Congress on all matters relating to the Federal statistical infrastructure, including:

An examination of the methodological issues involved in producing official data; a review of information technology and recommendations of appropriate methods for disseminating statistical data; and a comparison of our statistical system with the systems of other nations. This legislation is only a first step, but an essential one. The commission will provide Congress with the blueprint for reform. It will be up to us to finally take action after nearly a century of inattention to this very important issue.

By Mr. SHELBY (for himself, Mr. MACK, Mr. FAIRCLOTH, Mr. D'AMATO, Mr. BRYAN, Mr. GREGG, Mr. KERRY, Mr. BURNTETT, Mr. GRAMM, Mr. HAGEL, Mr. ALLARD, Mr. ENZI, and Ms. MOSLEY-BRAUN):

S. 1405. A bill to amend titles 17 and 18, United States Code, to provide greater protection in the production and dissemination of copyright infringement provisions, and for other purposes; to the Committee on the Judiciary.

THE FINANCIAL REGULATORY RELIEF AND ECONOMIC EFFICIENCY ACT OF 1997

Mr. SHELBY. Mr. President, I rise today to introduce a bipartisam bill with my colleague from Florida, Senator CONNIE MACK, and 11 other original cosponsors from the Banking Committee. Entitled the “Financial Regulatory Relief and Economic Efficiency Act of 1997,” the bill is designed to promote greater access to capital and credit for businesses and consumers, while ensuring the safety and soundness of our financial system.

The acronym for the bill, FRREE, is actually a variant of the bill itself. If enacted, the bill would free valuable resources at financial institutions now being used to comply with the bureaucratic maze of current rules and regulations, and instead allow institutions to commit more of those resources to the business of lending. This is especially important, now that we are entering the 80th month of the current economic expansion. The 9 completed expansions since the end of World War II have lasted 50 months. Thus, many professional economists, businessmen, and academics worry how much longer the expansion of the current business cycle can go. Because this bill frees up resources that are inefficiently being used in the private sector, I believe this bill could have a substantial positive impact on extending the current business cycle as well as minimize any future economic downturn.

One key provision would repeal an antiquated law that disallows banks to pay interest on business checking accounts. Due to sophisticated and expensive technology, big corporations can get around this problem by employing sweep accounts. However, smaller, family owned businesses cannot take advantage of this expensive technology and are forced to keep their money in noninterest bearing checking accounts. The Board of Governors of the Federal Reserve, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision, concluded in their 1996 Joint Report, “Streamlining of Regulatory Requirements,” that the statutory prohibition against paying interest on demand deposits no longer serves a public purpose. Today, the repeal also has the support of the Chamber of Commerce, the National Federation of Independent Business, and the American Farm Bureau Federation.

The bill also allows the Federal Reserve to pay interest on reserve balances, thus reducing potential volatility in short-term lending rates. Given the historic importance of price stability, it imperative we give the Federal Reserve this tool in order to better conduct monetary policy.

In short, Mr. President, the bill repeals outdated laws that hinder the management practices of institutions; eliminates bureaucratic red tape; increases funds available for residential mortgage lending; and eliminates unnecessary restrictions on the discounting, and bundling of financial services to consumers.

The bill enjoys the overwhelming support of the Senate Banking Committee and the chairman of the committee, Chairman D’AMATO, is committed to having hearings on this bill when we return early next year.

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. 1405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE, TITLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Financial Regulatory Relief and Economic Efficiency Act of 1997”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

TITLE I—IMPROVING MONETARY POLICY AND FINANCIAL INSTITUTION MANAGEMENT PRACTICES

SEC. 101. Payment of interest on reserves at Federal Reserve banks.

SEC. 102. Amendments relating to savings and demand deposit accounts at depository institutions.

SEC. 103. Repeal of savings association liquidation process.

SEC. 104. Repeal of dividend notice requirement.

SEC. 105. Thrift service companies.

SEC. 106. Elimination of thrift multistate holding company restrictions.

SEC. 107. Nonmember holding investments by savings association holding companies.

SEC. 108. Repeal of deposit broker notification and recordkeeping requirement.

SEC. 109. Uniform regulation of extensions of credit to state and local governments.

SEC. 110. Expedited procedures for certain reorganizations.

SEC. 111. National mortgage lenders.

SEC. 112. Amendment to Bank Consolidation and Merger Act.

SEC. 113. Loans on or purchases by institutions of their own stock; affiliations.

SEC. 114. Depository institution management interlocks.

SEC. 115. Purchased mortgage servicing rights.

SEC. 116. Cross marketing restriction; limited purpose bank relief.

SEC. 117. Divestiture requirement.

SEC. 118. Daylight overdrafts incurred by Federal home loan banks.

SEC. 119. Federal home loan bank governance amendments.

SEC. 120. Collaboration of advances to members.

TITLE II—STREAMLINING ACTIVITIES OF INSTITUTIONS

SEC. 201. Updating of authority for community development investments.

SEC. 202. Acceptance of online brokered deposits.


SEC. 204. Eliminate unnecessary restrictions on production operations.

SEC. 205. Business purpose credit extensions.

SEC. 206. Affinity groups.

SEC. 207. Pre-transaction practices.

SEC. 208. Restriction on acquisitions of other insured depository institutions.

SEC. 209. Mutual holding companies.

SEC. 210. Call report simplification.

TITLE III—STREAMLINING AGENCY ACTIONS

SEC. 301. Scheduled meetings of Affordable Housing Advisory Board.

SEC. 302. Elimination of duplicative disclosure of fair market value of assets and liabilities.

SEC. 303. Payment of interest in receiverships with surplus funds.

SEC. 304. Repeal of reporting requirement on differences in accounting standards.

SEC. 305. Agency review of competitive factors in Bank Merger Act filings.

SEC. 306. Termination of the Federal Deposit Insurance Corporation Protection Oversight Board.

TITLE IV—DISCLOSURE SIMPLIFICATION


SEC. 402. Alternative compliance methods for advertising credit terms.

TITLE V—MISCELLANEOUS

SEC. 501. Positions of Board of Governors of Federal Reserve System on the Executive Schedule.

SEC. 502. Consistent coverage for individuals enrolled in a health plan administered by the Federal banking agencies.

SEC. 503. Federal Housing Finance Board.

TITLE VI—TECHNICAL CORRECTIONS

SEC. 601. Technical correction relating to depository bank directors.

SEC. 602. Rules for continuation of deposit insurance for member banks converting charters.

SEC. 603. Amendments to the Revised Statutes.

SEC. 604. Conforming change to the International Banking Act.

TITLE I—IMPROVING MONETARY POLICY AND FINANCIAL INSTITUTION MANAGEMENT PRACTICES

SEC. 101. PAYMENT OF INTEREST ON RESERVES AT FEDERAL RESERVE BANKS.

(a) IN GENERAL.—Section 19(b)(1) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended
by adding at the end the following new paragraph: 
"(12) EARNINGS ON RESERVES.—
(a) In General.—Balances maintained at a Federal depositary bank on behalf of a depository institution to meet the reserve requirements of this subsection applicable with respect to such depository institution may be paid by the Federal Reserve bank at least once each calendar quarter at a rate or rates not to exceed the general level of short-term interest rates.
(b) Repayment.—In any case where a Federal depositary bank makes such payments to a depository institution, the Director of the Federal Deposit Insurance Corporation may issue regulations relating to payments and distribution.—The Board may prescribe regulations concerning—
(i) the payment of earnings in accordance with this paragraph;
(ii) the distribution of such earnings to the depository institutions which maintain balances at such banks or on whose behalf such balances are maintained; and
(iii) the responsibilities of depository institutions, Federal home loan banks, and the National Credit Union Administration Central Liquidity Facility with respect to the National Credit Union Administration.
(c) Premiums.—The Director may issue regulations concerning—
(i) the general level of short-term interest rates.
(ii) the distribution of such earnings to Federal reserve banks by or on behalf of a Federal reserve bank at least once each calendar quarter at a rate or rates not to exceed the general level of short-term interest rates.
(iii) the responsibilities of depository institutions, Federal home loan banks, and the National Credit Union Administration Central Liquidity Facility with respect to the National Credit Union Administration.
(iii) the responsibilities of depository institutions, Federal home loan banks, and the National Credit Union Administration Central Liquidity Facility with respect to the National Credit Union Administration.

SEC. 103. REPEAL OF SAVINGS ASSOCIATION LIQUIDATION PROVISION.
(a) Repeal of provision.—Section 6 of the Home Owners’ Loan Act (12 U.S.C. 1466a) is amended by striking paragraph (1) and inserting the following:

"(1) Liabilities.—The term ‘liabilities’ includes any reorganization associations, any reorganization corporations, any savings and loan associations, and any savings and loan holding companies engaged in activities reasonably related to the activities of savings and loan associations or savings and loan holding companies engaged in such activities.

SEC. 104. REPEAL OF DIVIDEND NOTICE REQUIREMENT.
Section 18(f) of the Home Owners’ Loan Act (12 U.S.C. 1467a(f)) is amended to read as follows:
"(f) [Reserved]."

SEC. 105. THRIFT SERVICE COMPANIES.
(a) STREAMLINING THRIFT SERVICE COMPANY INVESTMENT REQUIREMENTS.—Section 5(c)(4)(B) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(4)(B)) is amended—
(1) in the subparagraph heading, by striking "corporations" and inserting "companies"; and
(2) in the first sentence, by striking "corporation organized and all that follows through "and inserting "company, if such company engages or will engage only in activities reasonably related to the activities of financial institutions, as the Director may determine and approve. For purposes of this subparagraph, the term 'company' includes any corporation and any limited liability company (as defined in section 8(b)(9) of the Federal Deposit Insurance Act), that is regulated and examined by the Director, causes to be performed for itself, by contract or otherwise, any services authorized under this Act or other applicable Federal law, with its premises or the principal place of business of the thrift service company within the United States, including any reorganization associations, any reorganization corporations, any savings and loan associations, and any savings and loan holding companies engaged in activities reasonably related to the activities of savings and loan associations or savings and loan holding companies engaged in such activities.
"(B) ADMINISTRATION BY THE DIRECTOR.—
The Director may make regulations and take such other action as the Director may determine and approve. For purposes of this subparagraph, the term 'company' includes any corporation and any limited liability company (as defined in section 8(b)(9) of the Federal Deposit Insurance Act), that is regulated and examined by the Director, causes to be performed for itself, by contract or otherwise, any services authorized under this Act or other applicable Federal law, with its premises or the principal place of business of the thrift service company within the United States, including any reorganization associations, any reorganization corporations, any savings and loan associations, and any savings and loan holding companies engaged in activities reasonably related to the activities of savings and loan associations or savings and loan holding companies engaged in such activities.
"(C) CONFORMING AMENDMENTS.—
Section 5 of the Federal Deposit Insurance Act (12 U.S.C. 1464) is amended—
(1) in subsection (b)(9), by striking "any service association, subsidiary, or any savings and loan affiliate or entity, as identified by section 8(b)(9) of the Federal Deposit Insurance Act, that is regulated and examined by the Director, causes to be performed for itself, by contract or otherwise, any services authorized under this Act or other applicable Federal law, with its premises or the principal place of business of the thrift service company within the United States, including any reorganization associations, any reorganization corporations, any savings and loan associations, and any savings and loan holding companies engaged in activities reasonably related to the activities of savings and loan associations or savings and loan holding companies engaged in such activities.
(2) in subsection (b)(10), by striking "any service association, subsidiary, or any savings and loan affiliate or entity, as identified by section 8(b)(9) of the Federal Deposit Insurance Act, that is regulated and examined by the Director, causes to be performed for itself, by contract or otherwise, any services authorized under this Act or other applicable Federal law, with its premises or the principal place of business of the thrift service company within the United States, including any reorganization associations, any reorganization corporations, any savings and loan associations, and any savings and loan holding companies engaged in activities reasonably related to the activities of savings and loan associations or savings and loan holding companies engaged in such activities.
(3) in subsection (b)(11), by striking "any service association, subsidiary, or any savings and loan affiliate or entity, as identified by section 8(b)(9) of the Federal Deposit Insurance Act, that is regulated and examined by the Director, causes to be performed for itself, by contract or otherwise, any services authorized under this Act or other applicable Federal law, with its premises or the principal place of business of the thrift service company within the United States, including any reorganization associations, any reorganization corporations, any savings and loan associations, and any savings and loan holding companies engaged in activities reasonably related to the activities of savings and loan associations or savings and loan holding companies engaged in such activities.
(4) in subsection (b)(12), by striking "any service association, subsidiary, or any savings and loan affiliate or entity, as identified by section 8(b)(9) of the Federal Deposit Insurance Act, that is regulated and examined by the Director, causes to be performed for itself, by contract or otherwise, any services authorized under this Act or other applicable Federal law, with its premises or the principal place of business of the thrift service company within the United States, including any reorganization associations, any reorganization corporations, any savings and loan associations, and any savings and loan holding companies engaged in activities reasonably related to the activities of savings and loan associations or savings and loan holding companies engaged in such activities.
(5) in subsection (b)(13), by striking "any service association, subsidiary, or any savings and loan affiliate or entity, as identified by section 8(b)(9) of the Federal Deposit Insurance Act, that is regulated and examined by the Director, causes to be performed for itself, by contract or otherwise, any services authorized under this Act or other applicable Federal law, with its premises or the principal place of business of the thrift service company within the United States, including any reorganization associations, any reorganization corporations, any savings and loan associations, and any savings and loan holding companies engaged in activities reasonably related to the activities of savings and loan associations or savings and loan holding companies engaged in such activities.
(6) in subsection (b)(14), by striking "any service association, subsidiary, or any savings and loan affiliate or entity, as identified by section 8(b)(9) of the Federal Deposit Insurance Act, that is regulated and examined by the Director, causes to be performed for itself, by contract or otherwise, any services authorized under this Act or other applicable Federal law, with its premises or the principal place of business of the thrift service company within the United States, including any reorganization associations, any reorganization corporations, any savings and loan associations, and any savings and loan holding companies engaged in activities reasonably related to the activities of savings and loan associations or savings and loan holding companies engaged in such activities.
"SEC. 106. ELIMINATION OF THRIFT MULTISERVICE MULTIPLE HOLDING COMPANY RESTRICTIONS.
(1) by striking paragraph (3); and
(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

SEC. 107. NONCONTROLLING INVESTMENTS BY SAVINGS ASSOCIATION HOLDING COMPANIES.
Section 10(e)(1)(A)(iii) of the Home Owners’ Loan Act (12 U.S.C. 1467a(e)(1)(A)(iii)) is amended—
(1) by inserting "except with the prior approval of the Director," after "or to retain"; and
(2) by striking "to so acquire or retain" and inserting "to acquire, by purchase or otherwise, or to retain".

SEC. 108. REPEAL OF DEPOSIT BROKER NOTIFICATION AND RECORDKEEPING REQUIREMENT.
Section 23A of the Federal Deposit Insurance Act (12 U.S.C. 1831f-1) is repealed.

SEC. 109. UNIFORM FORMS OF EXHIBIT CREDIT TO EXECUTIVE OFFICERS.
Section 23(g)(4) of the Federal Reserve Act (12 U.S.C. 375a(4)) is amended by striking "member bank’s appropriate Federal banking agency" and inserting "Board".

SEC. 110. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.
(a) IN GENERAL.—A national banking association may, with the approval of the Comptroller, pursuant to rules and regulations promulgated by the Comptroller, and upon the affirmative vote of the shareholders of such association owning at least two-thirds of its capital stock outstanding, reorganize so as to become a subsidiary of a bank holding company or a company that will, upon consummation of such reorganization, become a bank holding company.
(b) REORGANIZATION PLAN.—A reorganization authorized under subsection (a) shall be carried out in accordance with a reorganization plan that—
(1) specifies the manner in which the reorganization shall be carried out;
(2) is approved by a majority of the entire board of directors of the association; and
(3) specifies—
(A) the amount of cash or securities of the bank holding company, or both, or other consideration, to be paid to the shareholders of the reorganizing association in exchange for their shares of stock of the association;
(B) the date at which the rights of each shareholder to participate in such exchange will be determined; and
(C) the manner in which the exchange will be carried out.
against the reorganization at the meeting referred to in subsection (b)(4), or has given notice in writing at or prior to that meeting to the presiding officer that the shareholder disagrees with the reorganization plan, shall be entitled to receive the value of his or her shares, as provided by section 3 for the merger of a national bank.

SEC. 111. NATIONAL BANK DIRECTORS.

(a) AMENDMENTS TO THE REVISED STATUTES.—Section 545 of the Revised Statutes (12 U.S.C. 175) is amended—

(1) by striking “for one year” and inserting “for a period of not more than 3 years”; and

(2) by adding at the end the following: “In accordance with regulations issued by the Comptroller of the Currency, an association may adopt bylaws that provide for staggering the terms of its directors.”.

(b) AMENDMENT TO THE BANKING ACT OF 1933.—Section 31 of the Banking Act of 1933 (12 U.S.C. 7a) is amended in the first sentence, by inserting before the period “, except the Comptroller of the Currency may, by regulation or order, exempt a national banking association from the 25-member limit established by this section.”.

SEC. 112. AMENDMENT TO BANK CONSOLIDATION AND MERGER ACT.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended by inserting after section 5, as added by section 110 of this Act, the following new section:

“SEC. 6. Mergers and consolidations with subsidiaries and nonbank affiliates.

“(a) In General.—Upon the approval of the Comptroller, a national banking association may merge with 1 or more of its subsidiaries or nonbank affiliates.

“(b) Comptroller.—Nothing in this section shall be construed—

“(1) to affect the applicability of section 18(c)(1) of the Federal Deposit Insurance Act; or

“(2) to grant a national banking association any power or authority that is not permissible for a national banking association under the provisions of law.”.

“(c) Regulations.—The Comptroller shall promulgate regulations to implement this section.”.

SEC. 113. LOANS ON OR PURCHASES BY INSTITUTIONS OF THEIR OWN STOCK; AFFILIATES.

(a) AMENDMENTS TO THE REVISED STATUTES.—Section 5201 of the Revised Statutes of the United States (12 U.S.C. 83) is amended to read as follows:

“SEC. 5201. LOANS BY BANK ON ITS OWN STOCK, AFFILIATES.

“(a) General prohibition.—No national banking association shall make any loan or discount on the security of the shares of its own capital stock.

“(b) Exclusions.—For purposes of this section, an association shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt contracted for in good faith before the date of the loan or discount transaction.”.

(b) AMENDMENT TO FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1823) is amended by adding at the end the following new subsection:

“(t) Loans by insured institutions on their own stock.—

“(1) General prohibition.—No insured depository institution shall make any loan or discount on the security of the shares of its own capital stock.

“(2) Exclusion.—For purposes of this subsection, an insured depository institution shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt contracted for in good faith before the date of the loan or discount transaction.”.

(c) CONFORMING AMENDMENT.—Section 4(f)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)(2)) is amended by striking “director” each place it appears and inserting “management official”.

SEC. 114. DEPOSITORY INSTITUTION MANAGEMENT INTERLOCKS.

Section 256(b) of the Depository Institution Management Interlocks Act (12 U.S.C. 3204(b)) is amended by striking “director” each place it appears and inserting “management official”.

SEC. 115. PURCHASED MORTGAGE SERVICING RIGHTS.

Section 757(a) of the Federal Deposit Insurance Act (12 U.S.C. 1828 note) is amended—

(1) by striking “purchased”;

(2) by striking “rights” each place it appears and inserting “management official”;

(3) by striking “90” and inserting “100”.

SEC. 116. CROSS MARKETING RESTRICTION, LIMITED PURPOSE BANK RELIEF.

(a) Cross Marketing Restriction.—Section 4(f) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)) is amended by striking paragraph (3).

(b) Daylight Overdrafts.—Section 4(f) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)) is amended by inserting after paragraph (2) the following:

“(3) Permissible overdrafts described.—For purposes of paragraph (2)(C), an overdraft is described in this paragraph if—

“(A) such overdraft results from an inadvertent computer or accounting error that is beyond the control of both the bank and the affiliate;

“(B) such overdraft—

“(i) is permitted or incurred on behalf of an affiliate that is monitored by, reports to, or is under the control of the Federal Reserve Bank of New York; and

“(ii) is fully secured, as required by the Board, by bonds, notes, or other obligations that are direct obligations of the United States or on which the principal and interest are fully guaranteed by the United States or by securities and obligations eligible for settlement on the Federal Reserve book entry system; or

“(C) such overdraft—

“(i) is permitted or incurred by, or on behalf of, an affiliate that is engaged in activities that are so closely related to banking, or a Federal Reserve System, that the affiliate is treated as a bank subsidiary of such company; and

“(ii) is fully secured, as required by the Board, by bonds, notes, or other obligations that are direct obligations of the United States or on which the principal and interest are fully guaranteed by the United States or by securities and obligations eligible for settlement on the Federal Reserve book entry system; or

“(D) after the date of enactment of the Competitive Equality Bank Act of 1987, any bank subsidiary of such company permits any overdraft (including any intraday overdraft), or incurs any such overdraft in the name of the Federal Reserve Bank, on behalf of an affiliate, other than an overdraft described in paragraph (3).”.

SEC. 117. DIVESTITURE REQUIREMENT.

(a) In General.—Section 4(f)(4) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)(4)) is amended to read as follows:

“(4) Divestiture in case of loss of exemption.—If any company described in paragraph (1) fails to qualify for the exemption provided under such paragraph by operation of paragraph (2), such exemption shall cease to apply to such company if—

“(A) such company shall fail to adopt and implement procedures that are reasonably adapted to avoid the reoccurrence of such condition or activity.”.

(b) Technical and Conforming Amendment.—Section 4(f)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)(2)) is amended by striking “rights” each place it appears and inserting “managing official”.

SEC. 118. DAYLIGHT OVERDRAFTS INCURRED BY FEDERAL HOME LOAN BANKS.

The Federal Home Loan Act (12 U.S.C. 221 et seq.) is amended by inserting after section 11A the following new section:

“SEC. 11B. DAYLIGHT OVERDRAFTS INCURRED BY FEDERAL HOME LOAN BANKS.

“(a) In General.—Any policy or regulation adopted by the Board to provide for payment system risk or intraday credit shall—

“(1) include—

“(A) the establishment of net debit caps appropriate to the credit quality of each Federal Home Loan Bank; and

“(B) the imposition of normal fees for daylight overdrafts, calculated in the same manner as fees for other users; or

“(2) exempt Federal Home Loan Banks from such policy or regulation.

“(b) Definition.—For purposes of this section, the term ‘Federal Home Loan Bank’ has the same meaning as in section 2 of the Federal Home Loan Bank Act.”.

SEC. 119. FEDERAL HOME LOAN BANK GOVERNANCE AMENDMENTS.

The Federal Home Loan Act (12 U.S.C. 1431 et seq.) is amended—

(1) in section 7(i) (12 U.S.C. 1427(i)), by striking “subject to the approval of the board”;

(2) in section 12(a) (12 U.S.C. 1342(a))—
November 7, 1997

CONGRESSIONAL RECORD — SENATE

A by striking "but, except" and all that follows through "ten years";

B by striking "and by its board of directors and all that follows through "enjoyed subject to the approval of the Board" and inserting "and, by its board of directors, to prescribe, amend, and repeal bylaws governing the manner in which its affairs may be administered, consistent with this Act"; and

C by adding at the end the following: "A Federal home loan bank shall not be required to submit the board of directors of the bank for its approval, budget or business plans, including annual operating and capital budgets, strategic plans, or business plans;"

D in section 9 (12 U.S.C. 1429) —

A in the second sentence, by striking "with the approval of the Board"; and

B in the third sentence, by striking "subject to the approval of the Board";

(2) in paragraph (3), by striking paragraph (3) and redesignating subparagraphs (A) through (I) as paragraphs (1) through (9), respectively;

(3) by striking paragraph (6), as redesignated—

(A) by redesignating clauses (i) through (ix) as subparagraphs (A) through (I), respectively;

(B) by striking "clause (I)" each place it appears and inserting "subparagraph (A)";

(C) in subparagraph (B), as redesignated—

(i) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively;

(ii) by striking "(aa)" each place it appears and inserting "(I)";

(iii) by striking "(bb)" each place it appears and inserting "(II)";

(iv) by striking "(cc)" each place it appears and inserting "(III)";

(D) in subparagraph (C), as redesignated—

(i) by striking "clauses (i) and (ii)" and inserting "subparagraphs (A) and (B)";

(ii) by redesignating subparagraphs (I) and (II) as clauses (i) and (ii), respectively;

(iii) in clause (i), as redesignated, by redesignating items (aa) through (cc) as subparagraphs (A) through (III), respectively; and

(iv) by striking "subclause (iv)" and inserting "subparagraph (D)";

(E) in subparagraph (D), as redesignated—

(i) by striking "(aa)" and inserting "(I)";

(ii) by striking "(bb)" and inserting "(II)";

(F) in subparagraph (E), as redesignated—

(i) by striking "(ii) or (iii)" and inserting "(B), or (C)";

(ii) by redesignating subparagraphs (I) and (II) as clauses (i) and (ii), respectively; and

(iii) by redesignating paragraphs (1) through (4) as clauses (i) through (IV), respectively;

(iv) by striking "clause (I)" each place it appears and inserting "subparagraph (C)";

(v) by redesignating subparagraphs (I) and (II) as clauses (i) and (ii), respectively;

(B) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3); and

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

"(g) DEFINITION.—For purposes of this Act or any other provision of law, it shall not be unlawful to make a payment or otherwise transfer any thing of value to an affinity group for or in connection with an endorsement (written or oral), either through an advertisement or through a communication addressed to a consumer by name or by mailing address, of the products or services of a settlement service provider, if disclosure is clearly made at the time of the first written communication with the consumer of the fact that a payment has been made or may be made in connection with any other value that may accrue to the affinity group for the endorsement.

SEC. 207. FAIR DEBT COLLECTION PRactices.

(a) EXEMPTION FOR COMMUNICATIONS INVOLVING LEGAL PROCEEDINGS.—Section 803 of the Fair Debt Collection Practices Act (15 U.S.C. 1692a) is amended—

(1) in paragraph (2)—

(A) by striking "communication" means the and inserting the following: "communication—"

(2) does not include communications made pursuant to the Federal Rules of Civil Procedure, in the case of a proceeding in a State court, the rules of civil procedure available under the laws of that State, or a nonjudicial foreclosure proceeding;"; and

(2) in paragraph (6)—

(A) by striking "debt" means any and inserting the following: "debt—"

(2) means the; and

(B) by striking the period at the end and inserting the following: ;"; and

"(B) does not include communications made pursuant to the Federal Rules of Civil Procedure, in the case of a proceeding in a State court, the rules of civil procedure available under the laws of that State, or a nonjudicial foreclosure proceeding;"; and

(B) does not include a draft drawn on a bank for a sum certain, payable on demand and signed by the maker.

SEC. 208. PROVISIONS APPLICABLE FOLLOWING INITIAL NOTICE.—Section 809 of the Fair Debt Collection Practices Act (15 U.S.C. 1692(g)) is amended by adding at the end the following new subsection:

"(d) continuation during period.—Collection activities and communications may continue during the 30-day period described in subsection (a) unless the consumer requests the cessation of such activities;".

(c) DEFINITION OF COMMUNICATION.—Section 803 of the Fair Debt Collection Practices Act (15 U.S.C. 1692a) is amended—
(1) by striking “title—” and inserting “title, the following definitions shall apply:”; and
(2) in paragraph (2)—
(A) by striking “term ‘communication’” and inserting “term ‘communication—’”;
(B) by striking at the end and inserting “; and
“(B) does not include any communication made or action taken to collect on loans made or guaranteed, or foreclosed, or guaranteed under the Higher Education Act of 1965.”;

SEC. 208. RESTRICTION ON ACQUISITIONS OF OTHER INSURED DEPOSITORY INSTI-
TUTIONS.
Section 4(c)(12) of the Bank Holding Company Act of 1956 (12 U.S.C. 1846(c)(12)) is amended—
(1) in subparagraph (A), by striking “or” at the end;
(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and
(3) by adding at the end the following new subparagraph:
“(C) in an acquisition in which the insured institution has been found to be undercapitalized by an appropriate Federal or State authority.”;

SEC. 209. MUTUAL HOLDING COMPANIES.
Section 16(b)(o) of the Home Owners’ Loan Act (12 U.S.C. 146a(o)) is amended—
(1) by striking paragraph (1) and inserting the following:
“(1) REORGANIZATION.—A savings associa-
tion or other public purposes.
(2) in paragraph (3)—
(A) by striking “a capital and” and inserting “the capital and”; (B) by striking “mailing and” and inserting “mailing”; (C) by striking “the address of” and inserting “the address of”; (D) by striking “the name of” and inserting “the name of”; (E) by striking “the date of” and inserting “the date of”; (F) by striking “the telephone number of” and inserting “the telephone number of”; (G) by striking “the mailing address of” and inserting “the mailing address of”; (H) by striking “the telephone number of” and inserting “the telephone number of”; (I) by striking “the name of” and inserting “the name of”;
(3) in paragraph (4)—
(A) by striking “or any other public purposes.”;
(B) by striking “the date of” and inserting “the date of”;
(C) by striking “the telephone number of” and inserting “the telephone number of”;
(D) by striking “the mailing address of” and inserting “the mailing address of”;
(E) by striking “the city of” and inserting “the city of”;
(F) by striking “the state of” and inserting “the state of”;
(G) by striking “the zip code of” and inserting “the zip code of”;
(H) by striking “the name of” and inserting “the name of”;
(I) by striking “the date of” and inserting “the date of”;
(J) by striking “the telephone number of” and inserting “the telephone number of”;
(K) by striking “the mailing address of” and inserting “the mailing address of”;
(L) by striking “the city of” and inserting “the city of”;
(M) by striking “the state of” and inserting “the state of”;
(N) by striking “the zip code of” and inserting “the zip code of”;
(O) by striking “the name of” and inserting “the name of”;
(P) by striking “the date of” and inserting “the date of”;
(Q) by striking “the telephone number of” and inserting “the telephone number of”;
(R) by striking “the mailing address of” and inserting “the mailing address of”;
(S) by striking “the city of” and inserting “the city of”;
(T) by striking “the state of” and inserting “the state of”;
(U) by striking “the zip code of” and inserting “the zip code of”;
(V) by striking “the name of” and inserting “the name of”;
(W) by striking “the date of” and inserting “the date of”;
(X) by striking “the telephone number of” and inserting “the telephone number of”;
(Y) by striking “the mailing address of” and inserting “the mailing address of”;
(Z) by striking “the city of” and inserting “the city of”;
(AA) by striking “the state of” and inserting “the state of”;
(BB) by striking “the zip code of” and inserting “the zip code of”;
(CC) by striking “the name of” and inserting “the name of”;
-DD) by striking “the date of” and inserting “the date of”;
(EE) by striking “the telephone number of” and inserting “the telephone number of”;
(FF) by striking “the mailing address of” and inserting “the mailing address of”;
(GG) by striking “the city of” and inserting “the city of”;
(HH) by striking “the state of” and inserting “the state of”;
(II) by striking “the zip code of” and inserting “the zip code of”;
(JJ) by striking “the name of” and inserting “the name of”;
(KK) by striking “the date of” and inserting “the date of”;
(LL) by striking “the telephone number of” and inserting “the telephone number of”;
(MM) by striking “the mailing address of” and inserting “the mailing address of”;
(NN) by striking “the city of” and inserting “the city of”;
(OO) by striking “the state of” and inserting “the state of”;
(PP) by striking “the zip code of” and inserting “the zip code of”;
QQ) by striking “the name of” and inserting “the name of”;
(RR) by striking “the date of” and inserting “the date of”;
(SS) by striking “the telephone number of” and inserting “the telephone number of”;
(TT) by striking “the mailing address of” and inserting “the mailing address of”;
(UU) by striking “the city of” and inserting “the city of”;
(VV) by striking “the state of” and inserting “the state of”;
(WW) by striking “the zip code of” and inserting “the zip code of”;
XX) by striking “the name of” and inserting “the name of”;
YY) by striking “the date of” and inserting “the date of”;
 ZZ) by striking “the telephone number of” and inserting “the telephone number of”;
(AA) by striking “the mailing address of” and inserting “the mailing address of”;
(BB) by striking “the city of” and inserting “the city of”;
(CC) by striking “the state of” and inserting “the state of”;
(DD) by striking “the zip code of” and inserting “the zip code of”;
(EE) by striking “the name of” and inserting “the name of”;
(FF) by striking “the date of” and inserting “the date of”;
(GG) by striking “the telephone number of” and inserting “the telephone number of”;
(HH) by striking “the mailing address of” and inserting “the mailing address of”;
(II) by striking “the city of” and inserting “the city of”;
(JJ) by striking “the state of” and inserting “the state of”;
(KK) by striking “the zip code of” and inserting “the zip code of”;
(LL) by striking “the name of” and inserting “the name of”;
(MM) by striking “the date of” and inserting “the date of”;
(DD) by striking “the telephone number of” and inserting “the telephone number of”;
(E) by striking paragraph (3) and inserting the following:
“(3) by adding to the end the following new subparagraph:
“(9) in paragraph (9) of section 37 of the Federal Deposit Insurance Act of 1954 (12 U.S.C. 1817m-4), the term ‘subsidiary stock holding company’ means a stock holding company organized under applicable State law, that is wholly-owned, except as otherwise provided in this section, by the mutual holding company.”;

SEC. 210. CALL REPORT SIMPLIFICATION.
(a) MODERNIZATION OF CALL REPORT FIL-
LING AND DISCLOSURE SYSTEM.—In order to reduce the administrative requirements pertaining to bank reports of condition, savings associa-
tion financial reports, and bank holding companies—
(1) work jointly to develop a system under which—
(A) insured depository institutions and
their affiliates may file such reports and
statement electronically; and
(B) the Federal banking agencies may
make such reports and statements available to the public electronically; and
(2) to simplify instructions accompanying such reports and statements and to provide an index to the instructions that is adequate to meet the needs of both filers and users.
(b) UNIFORM REPORTS AND SIMPLIFICATION
OF INSTRUCTIONS.—The Federal banking
agencies shall, consistent with the principles of safety and soundness, work jointly—
(1) to adopt a single form for the filing of
information required to be submitted under Federal law to all such agencies in the
reports and statements referred to in sub-
section (a); and
(2) to simplify instructions accompanying such reports and statements and to provide an index to the instructions that is adequate to meet the needs of both filers and users.

TITLE III—STREAMLINING AGENCY
ACTS

SEC. 301. SCHEDULED MEETINGS OF AFFORD-
ABLE HOUSING ADVISORY BOARD.
Section 16(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended by striking “4 times a year, or more fre-
quently sold by the subsidiary savings asso-
ciation or subsidiary stock holding company” and inserting “6 times a year, or as requested”.

SEC. 302. ELIMINATION OF DUPLICATIVE DISCLO-
SURE OF FAIR MARKET VALUE OF ASSETS AND LIABILITIES.
Section 37(a)(3) of the Federal Deposit In-
surance Act (12 U.S.C. 1819(a)(3)) is amended by striking “4 times a year, or as requested”.

SEC. 303. PAYMENT OF INTEREST IN RECEIVER-
SHIPS WITH SURPLUS FUNDS.
Section 1828(c)(10) of the Federal Deposit In-
surance Act (12 U.S.C. 1828(c)(10)) is amended by adding at the end the following new sub-
paragraph:
“(6) in paragraph (9)(a)(1)(I), by inserting “, directly or indirectly,” after “owed”; and
(7) in paragraph (10)—
(A) by striking “subsection” and inserting “subsection, the following definitions shall apply:”; and
(B) by adding at the end the following:
“(D) SUBSIDARY HOLDING COMPANY.—The term ‘subsidiary stock holding company’ means a stock holding company organized under applicable State law, that is wholly-
owned, except as otherwise provided in this section, by the mutual holding company.”;

SEC. 210. CALL REPORT SIMPLIFICATION.
(a) MODERNIZATION OF CALL REPORT FIL-
LING AND DISCLOSURE SYSTEM.—In order to reduce the administrative requirements pertaining to bank reports of condition, savings associa-
tion financial reports, and bank holding companies consolidated and parent-only finan-
cial reports to meet the needs of both filers and users, the Federal banking agencies shall—
after such date if the requesting agency advises the Attorney General that an emergency exists requiring expeditious action.

(b) TIMING OF TRANSACTION.—Section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended by striking the third sentence and inserting the following:

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Nothing in this Act affects the validity of any right, duty, or obligation of the United States, the Resolution Trust Corporation, or any other person, that—

(A) arises under or pursuant to the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Board; and

(B) existed on the day before the effective date of the termination of the Board under this Act.

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board with respect to any function of the Board shall abate by reason of the enactment of this Act.

(3) LIABILITIES.—All liabilities arising out of the operation of the Board during the period beginning on August 9, 1989, and ending on the date that is 3 months after the date of enactment of this Act shall remain the liabilities of the Board.

(4) CONTINUATIONS OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS PERTAINING TO THE RESOLUTION FUNDING CORPORATION.—(A) IN GENERAL.—Each order, resolution, determination, and regulation regarding the Resolution Funding Corporation shall continue in effect according to its terms until superseded in accordance with applicable law, if such order, resolution, determination, or regulation was issued, made, and prescribed, or allowed to become effective by the Board or by a court of competent jurisdiction, in the performance of functions transferred by this Act; and

(ii) in effect on the date that is 3 months after the date of enactment of this Act.

(B) ENFORCEABILITY.—All orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation are enforceable by and against—

(1) the United States prior to the effective date of the transfer of responsibilities to the Secretary of the Treasury under this Act; and

(ii) the Secretary of the Treasury on and after the effective date of the transfer of responsibilities to the Secretary of the Treasury under this Act.

(c) SAVINGS PROVISION.—Application of the operation of the Board during the period beginning on August 9, 1989, and ending on the date that is 3 months after the date of enactment of this Act; and

(d) TRANSFER OF CERTAIN RESOLUTION FUNDING CORPORATION RESPONSIBILITIES TO SECRETARY OF TREASURY.—Effective 3 months after the date of enactment of this Act, the officials and duties of the Board under sections 31A(a)(6)(A) and 21B of the Federal Home Loan Bank Act are transferred to the Secretary of the Treasury (or the designee of the Secretary).

(e) MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY BOARD.—Effective on the date of enactment of this Act, section 14b(b)(2) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended by striking paragraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

TITLE IV—DISCLOSURE SIMPLIFICATION

SEC. 401. ALTERNATIVE COMPLIANCE METHOD FOR APR DISCLOSURE.

Section 127A(a)(3)(G) of the Truth in Lending Act (as in effect on the date of the final broadcast of the advertisement in that area) is amended by inserting before the semicolon “or, at the option of the creditor, a statement that the periodic payments may increase or decrease substantially”. 

SEC. 402. ALTERNATIVE COMPLIANCE METHODS FOR ADVERTISING CREDIT TERMS.

(a) DOWNPAYMENT AMOUNTS.—Section 14d(c)(4) of the Truth in Lending Act (15 U.S.C. 1604(d)) is amended—

(1) by striking “or the number of installments or the period of repayment,”; and

(2) by inserting “or” before “the dollar.”

(b) ALTERNATIVE DISCLOSURES.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by adding at the end the following new section:

SECTION 148. ALTERNATIVE DISCLOSURES.

(a) IN GENERAL.—A radio or television advertisement referred to in subsection (a) of section 148 of such Act may, in the case of a variable-rate plan, contain rate information by telephone or, if requested by the consumer, sections (a) and (e) of section 147 orally by the creditor, a statement that the consumer may satisfy the disclosure requirements in sections 143, 144(d), 144(a)(1), or 145, by communicating with the creditor.

(b) INFORMATION TO BE DISCLOSED.—A radio or television advertisement referred to in subsection (a) of this section if it contains any of the requirements in subsections (b) and (c) of this section.

(c) REQUIREMENTS FOR TELEPHONE NUMBERS.—In the case of an advertisement described in subsection (b) of this section if it contains any of the requirements.

(1) the creditor shall establish the telephone number for a broadcast area not later than the date on which the advertisement is first broadcast in that area.

(2) the required information shall be available by telephone for a broadcast area for a period of not less than 10 days following the date of the final broadcast of the advertisement in that area.

(3) the creditor shall provide all of the information that is otherwise required pursuant to sections 143, 144(d), and subsections (a) and (e) of section 147; and

(4) a statement that the consumer may use the telephone number established in accordance with subsection (a) to obtain further details about additional terms and costs associated with the offer of credit.

(5) REQUIREMENTS OF THE TRUSTEES.—In the case of an advertisement described in subsection (b) of this section if it contains any of the requirements.

(1) the creditor shall establish the telephone number for a broadcast area not later than the date on which the advertisement is first broadcast in that area.

(2) the required information shall be available by telephone for a broadcast area for a period of not less than 10 days following the date of the final broadcast of the advertisement in that area.

(3) the creditor shall provide all of the information that is otherwise required pursuant to sections 143, 144(d), and subsections (a) and (e) of section 147; and

(4) a statement that the consumer may use the telephone number established in accordance with subsection (a) to obtain further details about additional terms and costs associated with the offer of credit.
SEC. 501. POSITIONS OF BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM ON THE EXECUTIVE SCHEDULE.

(a) IN GENERAL.—
(1) POSITIONS AT LEVEL I OF THE EXECUTIVE SCHEDULE.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Chairman, Board of Governors of the Federal Reserve System."

(2) POSITIONS AT LEVEL II OF THE EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended—

(A) by striking "Chairman, Board of Governors of the Federal Reserve System."; and

(B) by adding at the end the following:

"Members, Board of Governors of the Federal Reserve System."

(3) POSITIONS AT LEVEL III OF THE EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by striking "Members, Board of Governors of the Federal Reserve System."

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 3, 1998.

SEC. 502. CONSISTENT COVERAGE FOR INDIVIDUALS ENROLLED IN A HEALTH PLAN ADMINISTERED BY THE FEDERAL BANKING AGENCIES.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of chapter 89 of title 5, United States Code, any period of enrollment shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title, if such enrollment is—

(1) in a health benefits plan administered by the Federal Deposit Insurance Corporation before the termination of such plan on January 3, 1998; and

(2) subject to subsection (c), in a health benefits plan (not under chapter 89 of such title) with respect to which the eligibility of any employee or retired employee of the Board of Governors of the Federal Reserve System terminates on January 3, 1998.

(b) ENROLLMENT; CONTINUED COVERAGE.—

(1) ENROLLMENT.—Subject to subsection (c), any individual who, on January 3, 1998, is enrolled in a health benefits plan described in paragraph (2) of subsection (a) may enroll in an approved health benefits plan under chapter 89 of title 5, United States Code, either as an individual or for self and family, in accordance with the provisions of subsection (a), such individual—

(A) meets the requirements of that chapter 89 for eligibility to become so enrolled as an employee, annuitant, or former spouse (within the meaning of that chapter); or

(B) would meet the requirements of that chapter 89 if, to the extent such requirements involve either retirement system under such title 5, such individual satisfies similar requirements or provisions of the Retirement Plan for Employees of the Federal Reserve System.

(2) DETERMINATIONS.—Any determination under paragraph (1)(B) shall be made under guidelines to be prescribed in consultation with the Office of Personnel Management in consultation with the Board of Governors of the Federal Reserve System.

(c) CONTINUED COVERAGE.—Subject to subsection (a), any individual who, on January 3, 1998, is entitled to continued coverage under a health benefits plan described in paragraph (2) of subsection (a) may be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, but only for the same remaining period as would have been allowable under the health benefits plan in which such individual was enrolled on January 3, 1998, if—

(A) the individual had remained enrolled in that plan; and

(B) that plan did not terminate, or the eligibility of such individual with respect to that plan did not terminate, as described in subsection (a).

(d) COMPARABLE TREATMENT.—Subject to subsection (c), any individual (other than an individual enrolled under section 8905a of title 5, United States Code, as a family member (within the meaning of that chapter)) shall be deemed to be entitled to continued coverage under section 8905a of that title, to the same extent and in the same manner as if such individual had, on January 3, 1998, ceased to meet the requirements for being considered an unmar- ried dependent child of an enrollee under such chapter.

(e) EFFECTIVE DATE.—Coverage under chapter 89 of title 5, United States Code, pursuant to an enrollment under this section shall become effective on January 4, 1998.

(f) ELIGIBILITY FOR FEHBP LIMITED TO INDIVIDUALS LOSING ELIGIBILITY UNDER FORMER HEALTH PLAN.—Nothing in subsection (a)(2) or any paragraph of subsection (b) (to the extent that paragraph (a)(2) refers to the section described in subsection (a)(2)) shall be considered to apply with respect to any individual whose eligibility for coverage under the plan did not involuntarily terminate on January 3, 1998.

(g) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—The Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System shall transfer to the Employees Health Benefits Fund, under section 8909 of title 5, United States Code, any amounts determined by the Director of the Office of Personnel Management, after consultation with the Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section. The amounts so transferred shall be held in the Fund and used by the Office of Personnel Management in addition to amounts available under section 8906(g)(1) of title 5, United States Code.

(h) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer the provisions of this section to provide—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

SEC. 503. FEDERAL HOUSING FINANCE BOARD.

Section 2A(b)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1422a(b)(2)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraphs (C) and (D) as paragraphs (B) and (C), respectively.

SEC. 504. CONFORMING CHANGE TO THE INTEREST RATES ON NATIONAL BANKS.


Mr. MOSELEY-BRAUN. Mr. President, today, Senator SHELBY and several of my other colleagues on the Banking Committee introducing the Financial Regulatory Relief and Economic Efficiency Act of 1997. I am cosponsoring this legislation because I have long been committed to the process of reducing unnecessary regulatory burdens on financial institutions. Many of the provisions were drafted in consultation with the banking regulatory agencies and will remove duplicative, unnecessary restrictions that no longer make sense and are no longer appropriate, giving our domestic financial system a great change in the financial services industry. This bill will allow the banks to be more efficient and cost-effective in their activities. It will also allow them to better meet the needs of the users of the system, the individuals, the community, the businesses, the exporters, the farmers, and all those who depend on our financial system. We live in capital-scarce times and that means that it is imperative that our financial system provides capital to those who need it in the most cost-effective manner possible. We can be longer tolerate inefficiencies due to outmoded regulation.

However, it is important to note that (a) I do not support every provision of this bill, and in fact I have serious concerns about portions of it. I believe that certain sections of the bill will need to be changed significantly as it works its way through the Banking Committee and the Senate floor. That said, I want to be a part of this process because I believe in the objectives of the bill: reducing unnecessary regulatory burden. Furthermore, I think the issue should be addressed in a bipartisan manner.
This type of effort needs to be a priority for Banking Committee and the Senate as a whole, and that is why I am an original cosponsor of the Financial Regulatory Relief and Economic Efficiency Act of 1997.

By Mr. SMITH of Oregon:
S. 1406. A bill to amend section 2301 of title 38, United States Code, to provide for the furnishing of burial flags on behalf of certain deceased members and former members of the Selected Reserve; to the Committee on Veterans Affairs.

BURIAL FLAGS FOR MEMBERS OF THE GUARD AND SELECTED RESERVES LEGISLATION

Mr. SMITH of Oregon. Mr. President, several months ago, one of my constituents, Gilbert Miller, a retired Air Force senior master sergeant, walked into my Medford, OR office to share an idea with me. After doing some research, he discovered that some military reserve component members who had honorably served their country as Selected Reservists were not eligible for funeral burial flags. In response to this inequity, and in recognition of Veterans' Day, I rise to introduce a bill authorizing the Department of Veterans' Affairs to issue burial flags to deceased members of the reserve component.

Mr. President, National Guard and Reserve units and individual members increasingly share the day-to-day burden of our national defense. Their service is routinely performed in a drill or short active duty tour status alongside an active component service member. Their status, however, does not make their contribution to our national defense any less important or less critical. Simply put, many requirements could not be met without the direct involvement of reserve members who either hold a drill status or on short active duty tours.

In view of this reality, I believe it is time to expand the current law regarding burial flags to include those members of the total force. Therefore, my bill permits the issuance of a burial flag to those National Guard and Reserve members who honorably served in the reserve component.

Mr. President, I would like to thank the Non Commissioned Officers Association and all the veterans' groups for their support of this bill.

Finally, Mr. President, I would like to pay our veterans and service personnel the respect they deserve, and today we are all called upon to do what we can to assist in maintaining the parks and assisting management in working on a means for caring for the parks.

An announcement was made by the management of Yellowstone, just a few miles south of Yellowstone, worked with and notified the communities affected by the fee changes. Providing these communities an opportunity to prepare for the effects these changes would have on their business and economic vitality.

Another facet of this dissolution of relations between local communities and the park management, is the inability of the communities to address the upcoming changes without very much, if any, interaction with the surrounding communities. This then affects their ability to provide the information necessary to people who use the park. This was the case in Yellowstone.

Had a consultation occurred in this instance, it is possible that the Government should require of taxpayers, who are subjecting their businesses to a loss, due to the fact that they either accept the additional cost for operating their park tours, or charging the difference to those consumers who were there on the spur of the moment. This is not what any of us would like to do to our customers. This is not what we would like to do to our customers. This is not what we would like to do to our customers.
what occurred just last winter. Due to what the park management called reduced funding, they changed the winter opening dates for the entrances to Yellowstone. This had a dramatic effect on the economic stability of the communities which are located at the entrances to the park.

The basis for business in those communities at the entrances to Yellowstone, is not just the traffic they see during the summer, but rests in large part on winter tourism in and around Yellowstone. As beautiful and magnificent, as Yellowstone can be during the summer, the visual experiences a person can enjoy during the winter are multiplied. Many of the businesses in these local communities look upon winter tourism as a means of keeping them in business for the next year.

When any change is announced, without suitable notification or adequate consultation, these communities suffer greatly. Last winter visitors arrived at Yellowstone during the understanding that the park would be open, to allow them to experience the beauty of the Nation’s “Crown Jewel” as it lay under a winter coating of snow. However, when they arrived at the entrance to the park, they were greeted not with a welcome, but with a barrier which kept them from enjoying their park.

This delayed opening had a devastating effect on the communities at the gateways to Yellowstone. Many tour groups and businesses which had planned future winter events in the area, have since canceled those plans. Although it was not true, many of these tour and business groups were of the understanding that Yellowstone was closed to winter travel and activity.

The language in this bill would assure stability for the future of those communities located at the gateways to Yellowstone National Park. The legislation is needed for an opening and closing date, which the people of the community of West Yellowstone, MT, could count on in planning for tour groups and the hiring of personnel to make the visitors’ stays a memorable experience.

I have attempted to work with the Park Service and the local communities to see if some means of consultation could be worked out among all the parties involved. Last January a series of meetings were held between members of the local community the Park Service and my staff, to discuss the problems which the local communities were facing due to the actions taken last winter. As a result of these meetings, it was hoped that the management of the park would be more responsive to the working with the local communities in the development of changes affecting their lives. So far this has not been the case.

I am offering this legislation today, in an attempt to open dialog to find suitable arrangements for consultation between the park and the gateway communities of Yellowstone National Park. I will request a hearing on this matter to open that dialog and to seek a means by which all parties are comfortable in a process of exchange and consultation on the future of the business related to Yellowstone. I look forward to working with the Park Service and the local communities to find a means of keeping Yellowstone a treasure for all America and the world to enjoy, during all seasons of the year.

Thank you, Madam President.

By Mr. D’AMATO (for himself and Mr. MOYNIHAN):
S. 1408. A bill to establish the Lower East Side Tenement National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

THE LOWER EAST SIDE TENEMENT MUSEUM NATIONAL HISTORIC SITE ACT OF 1997

Mr. D’AMATO. Mr. President, I rise today to join with my friend and colleague, Senator MOYNIHAN, to introduce legislation that will declare the Lower East Side Tenement Museum a national historic site. Most of us have heard the stories of how the great wave of immigrants of generations ago entered our nation and knew little about what happened to them from when they landed at Ellis Island. At the Lower East Side Tenement Museum at 97 Orchard Street in New York City, one is able to follow the lives of the immigrants beyond the first hours on our shores. The museum tells their story, displays their courage and showcases their values in an interpretive setting that brings the visitor back to an era from which many of us came. The museum presents to many of us an awareness of our ancestral roots that we may never have known existed. Through the legislation being introduced by Senator MOYNIHAN and me, the museum will be able to affiliate itself with the National Park Service, bestowing national significance on the museum not in a log cabin or farmhouse or mansion, but in a city tenement.

The Lower East Side Tenement National Historic Site Act of 1997 makes these otherwise ordinary individuals special. The Tenement Museum is their monument, and as their descendents, it is ours as well. Congress has an opportunity to recognize the pioneer spirit of our ancestors and deliver it to future generations of Americans. The museum reminds us all of an important and often forgotten chapter in our immigrant heritage, mainly, that millions of families made their first stand in our nation not in a log cabin or farmhouse or mansion, but in a city tenement.

Granting the Lower East Side Tenement Museum affiliated status within the National Park Service will shed light on that chapter while linking it to the chain of the Status of Liberty, Ellis Island, and Castle Clinton in the story of our urban immigrant heritage. I urge my colleagues to join Senator MOYNIHAN and me in cosponsoring this bill, and I urge its speedy consideration by the Senate.

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. 1408

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 “Lower East Side Tenement National Historic Site Act of 1997”.

SEC. 2. FINDINGS AND PURPOSES.
(a) FINDINGS.—Congress finds that—

(1) immigration, and the resulting diversity of cultural influences, is a key factor in defining the identity of the United States; and

(2) the latter part of the 19th century and the early part of the 20th century marked a period in which the volume of immigrants coming to the United States far exceeded that of any time prior to or since that period.

(3) no single identifiable neighborhood in the United States absorbed a comparable
number of immigrants than the Lower East Side neighborhood of Manhattan in New York City;
(4) the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration to the United States in the 19th century. I know of no better place than 97 Orchard Street to show visitors the process of urban archaeology. Others are being restored to show how real families lived at different periods in the building's history. Across the street there are interpretive programs to better explain the larger experience of gaining a foothold on America in the Lower East Side of New York. There are also plans for programmatic ties with Ellis Island and its precursor, Castle Clinton. And the museum plans to play an active role in the immigrant community around it, further integrating the past and present immigrant experience on the Lower East Side.

SEC. 3. DEFINITIONS.
As used in this Act:
(1) HISTORIC SITE.—The term “historic site” means the Lower East Side Tenement found at 97 Orchard Street on Manhattan Island in New York, State of New York, and designated as a national historic site by section 4.
(2) MUSEUM.—The term “Museum” means the Lower East Side Tenement Museum, a nonprofit organization established in City of New York, New York, which acquires and operates the tenement building at 97 Orchard Street and manages other properties in the vicinity of 97 Orchard Street as administrative and program support facilities for 97 Orchard Street.
(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF HISTORIC SITE.
(a) IN GENERAL.—To further the purposes of this Act and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.), the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated a national historic site.
(b) COORDINATION WITH NATIONAL PARK SYSTEM.—
(1) AFFILIATED SITE.—The historic site shall be an affiliated site of the National Park System.
(2) COORDINATION.—The Secretary, in consultation with the Museum, shall coordinate the operation and interpretation of the historic site with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument. The historic site’s story and interpretation with the Statue of Liberty, Ellis Island National Monument, and Castle Clinton National Monument is directly related to the themes and purposes of these National Monuments.

SEC. 5. MANAGEMENT OF THE SITE.
(a) COORDINATION AGREEMENT.—The Secretary may enter into a cooperative agreement with the Museum to ensure the marking, interpretation, and preservation of the historic site, including making preservation-related capital improvements and repairs.
(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance to the Museum to mark, interpret, and preserve the historic site, including making preservation-related capital improvements and repairs.
(c) GENERAL MANAGEMENT PLAN.—
(1) IN GENERAL.—The Secretary, in consultation with the Museum, shall develop a general management plan for the historic site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the historic site.
(2) INTEGRATION WITH NATIONAL MONUMENTS.—The plan shall outline how interpretation and programming for the historic site shall be integrated with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument to enhance the story of the historic site and these National Monuments.
(3) COMPLETION.—The plan shall be completed not more than two years after the date of enactment of this Act.
(d) LIMITED ROLE OF SECRETARY.—Nothing in this Act authorizes the Secretary to acquire the property at 97 Orchard Street or to assume overall financial responsibility for the operation, maintenance, or management of the historic site.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. MOYNIHAN. Mr. President, I rise to join my friend and colleague Senator D’AMATO in introducing a bill that will authorize a small but most significant addition to the National Park system by designating the Lower East Side Tenement Museum a national historic site. For 150 years New York City’s Lower East Side has been the most vibrant, populous, and famous immigrant neighborhood in the Nation. From the first waves of Irish and German immigrants to Italians and Eastern European Jews to the Asian, Latin, and Caribbean immigrants arriving today, the Lower East Side has provided millions their first American home.

For many of them that home was a brick tenement; six or so stories, no elevator, maybe no plumbing, maybe no windows, a business on the ground floor, and millions of our forbearers upstairs. The Nation has with great pride preserved log cabins, farm houses, and other symbols of our agrarian roots. We have had a difficult time reinterpreting the immigrant experience. It will be a productive partnership.

Mr. President, I believe the tenement museum provides an outstanding opportunity to preserve and present an important stage of the immigrant experience and the move toward social change in our cities at the turn of the century. I know of no better place than 97 Orchard Street to do so, and no
other place in the National Park system doing so already. I look forward to the realization of this grand idea, and I ask my colleagues for their support.

By Ms. COLLINS (for herself, Mr. THOMPSON, and Mr. BENNETT): S. 1409. A bill for the relief of Sheila Heslin of Bethesda, MD; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Ms. COLLINS, Mr. President, today I am introducing a bill, along with my colleagues Senators THOMPSON and BENNETT, that will require the Department of Justice to pay the legal fees of a former Federal employee, Sheila Heslin, who incurred these expenses as a direct result of the campaign finance investigations conducted by the Congress, the Department of Justice, and the Central Intelligence Agency.

Earlier this fall, Ms. Heslin testified before the Senate Governmental Affairs Committee about the campaign finance investigations because representation by Government counsel would have precluded her from reimbursing Ms. Heslin for the White House and on the Vice President's staff were reimbursed thousands of dollars in attorneys' fees. To deny the payment of legal fees to Ms. Heslin, who is not suspected of any wrongdoing, while at the same time paying the legal fees of government employees, some of whom were being investigated for possible illegal activities, is simply unfair.

Earlier this month, I asked the Attorney General to personally address this matter and the decision of denying reimbursement to Ms. Heslin. I am still waiting for Attorney General Reno's response to my letter.

In the absence of action by the Department of Justice, I am introducing this bill which directs the Attorney General to pay reasonable attorney's fees incurred by Ms. Heslin as a result of the campaign finance investigations. To ensure that such payments are not excessive, it is intended that the amounts be determined in accordance with applicable Justice Department regulations.

Mr. President, this bill is not only for Sheila Heslin. It is also to send a clear message to every career Government employee who in the future has to choose between succumbing to inappropriate political pressure or doing the right thing. It is also for the American people who demand beneficiaries when public servants put the interests of the country ahead of the interests of those seeking to buy access to the White House and on the Vice President's staff.

Mr. President, it is regrettable that we cannot do more to reward people who follow the high standards of conduct we all espouse. At the very least, we should ensure that the actions of their Government do not penalize them. For that reason I hope my colleagues will support this measure.

By Mr. REED - S. 1410. A bill to amend section 258 of the Communications Act of 1934 to enhance to protections against unauthorized changes in subscriber selections of telephone service providers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE ANTI-SLAMMING ACT OF 1997

Mr. REED. Mr. President, I rise today to make a few comments concerning legislation which I am introducing to deal with the problem of slamming. Earlier this year, I outlined the remedies necessary to deal with this serious consumer problem in a Sense of the Senate Resolution which I added to the State Justice Appropriations legislation. The legislation I introduce today embodies those remedies. I would like to take a moment to thank Ranking Member HOLLINGS and Chairman MCCAIN and others for the assistance they have lent to me on this issue.

Telephone "slamming" is the illegal practice of switching a consumer's long distance service without the individual's consent. This problem has increased dramatically over the last several years, as competition between long distance carriers has risen. Slamming is the top consumer complaint lodged at the Federal Communications Commission (FCC), with 11,278 reported complaints in 1995, and 15,800 in 1996. In the first nine months of 1997 alone, 15,000 complaints have been filed. Unfortunately, this represents only the tip of the iceberg because most consumers never report violations to the Federal Trade Commission. One regional Bell company estimates that 1 in every 20 illegal transfers is fraudulent. Media reports indicate that as many as 1 million illegal transfers occur annually. Thus, slamming threatens to rob consumers of the benefits of a competitive market, which is intended to improve service, lower rates, and increase competition.

The goal of deregulating the telecommunications industry was to allow consumers to easily avail themselves of lower prices and better service. Hopefully, this option will soon be presented to consumers for in-state calls and local phone service. Indeed, better service at lower cost is a main objective of those who seek to regulate the utility industry. Unfortunately, fraud threatens to rob many consumers of the benefits of a competitive industry.

Telemarketing is one of the least expensive and most effective forms of marketing, and it has exponentially expanded in recent years. By statute, the Federal Trade Commission (FTC) regulates most telemarketing, prohibiting deceptive or abusive sales calls, requiring that homes not be called at certain times, and that companies honor a consumer's request not to be called again.

The law mandates that records concerning calls be maintained for two years. While the FTC is charged with primary enforcement, the law allows consumers, or state Attorneys General on their behalf, to bring legal action
against violators. Yet, phone companies are exempt from these regulations, since they are subject to FCC regulation.

While the FCC has brought action against twenty-two of the industry's largest firms for engaging in slamming violations with penalties totaling over $1.8 million, this represents a minute fraction of the violations. FCC prosecution does not effectively address or deter this serious fraud. To date, there have been a large number of companies that have engaged in slamming, and they have continued to do so with impunity. The FCC's failure to effectively address this issue is due, in large part, to the fact that private citizens lack the means to do so. Private citizens lack the means to bring suit to address fraud and other unlawful practices.

Mr. President, let me take a few minutes to highlight some of the provisions of my bill. My legislation requires that a consumer's consent to change service is verified quickly and efficiently. Like the 1996 Act, my bill requires a legal switch to include verification. However, my legislation enumerates the necessary elements of a valid verification. First, the bill requires verification to be maintained by the provider, in the form of a letter from the consumer or by recording verification of the consumer's consent via the phone. The length that the verification must be maintained is to be determined by the FCC. Second, the bill stipulates the form that verification must take. Written verification remains the same as current regulations. Oral verification must include the voice of the subscriber affirmatively demonstrating that she wants her long distance provider to be changed, is authorized to make this change, and to intervenes in an action. The bill makes express the fact that it has no impact on state authority to investigate consumer fraud or bring legal action under any state law.

Finally, Mr. President, my legislation recognizes that no one, including legislators or regulators can solve tomorrow's problems with today's technology. Therefore my bill mandates that the FCC provide Congress with a report on other, less burdensome but more secure means of obtaining and recording consumer consent. Such methods might include the use of Internet technology or issuing PIN numbers or customer codes to be used before carrier changes are authorized. The bill requires that the FCC report to Congress on such methodology by December 31, 1999.

Mr. President, I appreciate the opportunity to discuss my initiative to stop slamming. I hope that this issue can be addressed quickly. As a result, I would urge all my colleagues to cosponsor this legislation.

By Mr. MACK (for himself, Mr. HARKIN, Mr. DEWINE, Mr. SANTORUM, Ms. COLLINS, Ms. SNOWE, Mr. D'AMATO, Mr. SMITH of Oregon, Mrs. BOXER, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. LUTENBERG, Mr. GRAHAM, Mr. DODD, Mr. DURBIN, and Mr. WELSTON).

S. 1411. A bill to amend the Internal Revenue Code of 1986 to disallow a Federal income tax deduction for payments to the Federal Government or any State or local government in connection with any tobacco litigation or settlement and to use any increased Federal revenues to promote public health; to the Committee on Finance.

THE NATIONAL INSTITUTES OF HEALTH TRUST FUND ACT OF 1997

Mr. MACK. Mr. President, today I am joined by Senator HARKIN, DEWINE, SANTORUM, COLLINS, SNOWE, D'AMATO, SMITH of Oregon, BOXER, KENNEDY, FEINSTEIN, LUTENBERG, GRAHAM,
DODD, DURBIN, and WELLSTONE introduced legislation that begins to realize the paramount goal of doubling funding for the National Institutes of Health (NIH) over the next 5 years. The bill ensures that any tobacco settlements or judgments are not tax deductible.

As currently drafted, the global settlement specifically allows the tobacco companies to deduct the entire amount of their payments. That is a possible $128 billion off their tax bill. I believe it is fundamentally wrong to allow them such a free ride at taxpayers’ expense. More importantly, any settlement should provide funds for biomedical research, including funding to find better treatment and cures for the diseases caused by tobacco.

Although the Tax Code often allows settlement amounts to be deductible, the current law provides that fines or penalties paid to a Government entity are not. The unprecedented situation we face today with the tobacco industry demands that the Congress define these payments as more akin to such a fine or penalty. If a businessman cannot deduct a speeding ticket he received on his way to a meeting, tobacco should not be able to deduct it as a payments for guaranteed immunity and certainty of liability. Which is worse, a speeding ticket or knowingly addicting and killing millions of Americans?

I want my colleagues to understand that the benefits of our efforts on this front does not hinge on the enactment of a final Federal settlement. The bill applies to any settlement or judgment at the State or Federal level. As such, if the tobacco companies are found liable in any forum, or see fit to settle any of their cases with governmental entities, those payments will not be deductible. However, the bill leaves in place the deductibility of compensatory sums paid to individuals for harm done to them. Now is the time for Congress to step forward and place that we will not be a party to any tobacco settlement that comes at taxpayers’ expense.

Allowing the companies to state that they are willing to pay $368.5 billion to the Government, when in reality they are only paying two-thirds of that amount, is false advertising. The bill corrects this misleading situation to the benefit of thousands, perhaps millions, of Americans whose tobacco-related illnesses might be cured now and in the future.

The benefit of knowing this is that giving blood is an effective way to manage blood is an effective way to manage p53—damaged. If cancer cells growing in a dish are given healthy p53 genes, they immediately stop proliferating and die.

We know that if one inherits a mutated gene for hemochromatosis, more commonly known as iron overload disease, a disease which affects approximately 1 million Americans, then one will actually develop the disease. The benefit of knowing this is that giving blood is an effective way to manage the disease.

Because of the advances made in biomedical research, people with Parkinson’s disease, AIDS, Alzheimer’s disease, and other ailments are living longer and healthier lives. We are on the verge of cures and new treatments for diseases which have plagued our society for many years. Research is the key which will unlock the knowledge needed to find these cures.

Doubling our commitment to NIH will improve the grant success rate from 25 to 40 percent. More patients would have access to clinical trials. Approximately 2 percent of all cancer patients are now enrolled in clinical trials. We could increase that to 20 percent. The result is that more families would have access to the most effective state-of-the-art treatment.

We know that patients will benefit by advances in new methods of treatment including gene therapy, immunotherapy, spinal cord rejuvenation; helping diabetics naturally produce insulin; relief for Parkinson’s disease patients, and reduction in heart disease, which is the leading cause of death in the United States.

We have entered a new era of medical research in this country, but we must provide the necessary funding in order to translate discoveries into new methods of diagnosis and treatment.

There can be little argument that scientific advances will also have a significant positive impact upon our Nation’s economy. They will result in reduced health expenditures for Medicare, Medicaid, DOD, VA, and other public and private health programs. A recent study by the National Science Foundation concluded that every dollar spent on basic research permanently adds 50 cents or more each year to national output.

In addition, the medical technology industry provides high-wage jobs to millions of Americans. Investment in biomedical research helps the United States compete in the global marketplace in such industries as pharmacology, biotechnology, and medical technology. Combined with the actions taken earlier this year to reform the FDA, public and private investment in biomedical research will ensure our ability to compete in this important industry and create new jobs.

Mr. President, there are millions of Americans who are fighting a daily battle against lung cancer, Lou Gehrig’s disease and other illnesses. Scientists now know that, in at least 50 percent, and as many as 80 percent, of all cancers, one gene—p53—is damaged. If cancer cells growing in a dish are given healthy p53 genes, they immediately stop proliferating and die.

We know that if one inherits a mutated gene for hemochromatosis, more commonly known as iron overload disease, a disease which affects approximately 1 million Americans, then one will actually develop the disease. The benefit of knowing this is that giving blood is an effective way to manage the disease.

Because of the advances made in biomedical research, people with Parkinson’s disease, AIDS, Alzheimer’s disease, and other ailments are living longer and healthier lives. We are on the verge of cures and new treatments for diseases which have plagued our society for many years. Research is the key which will unlock the knowledge needed to find these cures.

Doubling our commitment to NIH could improve the grant success rate from 25 to 40 percent. More patients would have access to clinical trials. Approximately 2 percent of all cancer patients are now enrolled in clinical trials. We could increase that to 20 percent. The result is that more families would have access to the most effective state-of-the-art treatment.

We know that patients will benefit by advances in new methods of treatment including gene therapy, immunotherapy, spinal cord rejuvenation; helping diabetics naturally produce insulin; relief for Parkinson’s disease patients, and reduction in heart disease, which is the leading cause of death in the United States.

We have entered a new era of medical research in this country, but we must provide the necessary funding in order to translate discoveries into new methods of diagnosis and treatment.

There can be little argument that scientific advances will also have a significant positive impact upon our Nation’s economy. They will result in reduced health expenditures for Medicare, Medicaid, DOD, VA, and other public and private health programs. A recent study by the National Science Foundation concluded that every dollar spent on basic research permanently adds 50 cents or more each year to national output.

In addition, the medical technology industry provides high-wage jobs to millions of Americans. Investment in biomedical research helps the United States compete in the global marketplace in such industries as pharmacology, biotechnology, and medical technology. Combined with the actions taken earlier this year to reform the FDA, public and private investment in biomedical research will ensure our ability to compete in this important industry and create new jobs.

Mr. President, there are millions of Americans who are fighting a daily battle against lung cancer, Lou Gehrig’s disease and other illnesses. Scientists now know that, in at least 50 percent, and as many as 80 percent, of all cancers, one gene—p53—is damaged. If cancer cells growing in a dish are given healthy p53 genes, they immediately stop proliferating and die.

We know that if one inherits a mutated gene for hemochromatosis, more commonly known as iron overload disease, a disease which affects approximately 1 million Americans, then one will actually develop the disease. The benefit of knowing this is that giving blood is an effective way to manage the disease.

Because of the advances made in biomedical research, people with Parkinson’s disease, AIDS, Alzheimer’s disease, and other ailments are living longer and healthier lives. We are on the verge of cures and new treatments for diseases which have plagued our society for many years. Research is the key which will unlock the knowledge needed to find these cures.

Doubling our commitment to NIH could improve the grant success rate from 25 to 40 percent. More patients would have access to clinical trials. Approximately 2 percent of all cancer patients are now enrolled in clinical trials. We could increase that to 20 percent. The result is that more families would have access to the most effective state-of-the-art treatment.

We know that patients will benefit by advances in new methods of treatment including gene therapy, immunotherapy, spinal cord rejuvenation; helping diabetics naturally produce insulin; relief for Parkinson’s disease patients, and reduction in heart disease, which is the leading cause of death in the United States.
During the negotiations that led to the proposed national tobacco settlement, lawyers for the big tobacco companies insisted on a provision stating
that “all payments pursuant to this agreement shall be deemed ordinary and necessary business expenses.” This means that all payments under this proposal, an estimated $368.5 billion over 25 years, would be tax deductible. Thus the industry could write off about 35 percent of the $100 billion settlement payment of $368.5 billion, as well as any future payments or fines. So, if this were allowed to happen, the American people—not Big Tobacco—would be forced to pay approximately $130 billion of the tobacco settlement.

But the American people have paid enough. They’ve paid by having their kids deliberately targeted in slick advertising campaigns. They’ve paid by having the industry lie to them about the health effects of tobacco. And they’ve paid with disease and death.

Tobacco products kill more than 400,000 Americans every year—that’s more deaths than from AIDS, alcohol, car accidents, murders, suicides, drugs, and fires combined. Last year, close to 5,000 Iowans died from smoking related illnesses.

Mr. President, our bipartisan bill would close this outrageous loophole in the proposed national tobacco settlement by establishing new sources of funding for investing in health research.

And that’s what we really need. The proposed settlement provides funding for smoking cessation programs, anti-smoking education programs, and FDA enforcement—but only a tiny amount is set aside for vital scientific research on lung cancer, emphysema, and heart disease.

The Senate is already on record, in a vote of 90-0, to double the budget of NIH within 5 years. If we create a trust fund for medical research as I have proposed, our nation’s commitment in the search for medical breakthroughs will be grounded in the principle that tobacco companies take full responsibility for their actions. That objective is what the negotiators of the settlement intended, nor is it what the public expects. This bill would disallow the deductibility of the proposed settlement or any other tobacco-related civil action. The tax revenues from the disallowance of the deduction, estimated at $100 billion, would go toward a trust fund for the National Institutes of Health.

My primary interest in the tobacco settlement is not the dramatical high incidence of teen smoking in our country. The statistics are startling—3,000 young children begin smoking each day and over 90 percent of adults that smoke started before the age of 18. Our hope and expectation is that with resources generated by a tobacco settlement, we can fund effective programs to help addicted teens quit smoking and prevent most children from ever starting.

In essence, we want to encourage young people to take responsibility for their health. Tobacco companies must set a precedent for our youth by taking full financial responsibility for the damage they have inflicted on the public health of the Nation. Tobacco companies must have already acknowledged the points that tobacco is harmful and addictive and information that would have been useful to our understanding of tobacco addition was withheld. Avoiding full payment of penalties for their violations through the tax deduction loophole is ethically wrong, even if legal. The tobacco industry needs to serve as an example for the children of the Nation by accepting the full financial consequences of the settlement.

Just a few months ago, the public loudly voiced its disgust with the covert attempt to give the tobacco industry a $50 billion credit toward payment of a future settlement. While we were successful in eliminating that loophole, an unfortunate repercussion has been the exacerbation of the public’s doubts about the settlement. Even if they didn’t before, many now believe that the industry will exploit any loophole to escape its responsibility. We must restore the public’s faith in this process. We must send a clear message that any tobacco settlement reached will be grounded in the principle that tobacco companies take full responsibility for their actions. That objective can best be achieved by swift passage of this bill.

By Mr. SMITH of Oregon (for himself, Mrs. FEINSTEIN, Mr. WYDEN, Mr. BAUCCUS and Mr. GORTON):

S. 1412. A bill to amend the Internal Revenue Code of 1986 to permit certain tax free corporate liquidations into a 501(c)(3) organization and to revise the unrelated business income tax rules regarding receipt of debt-financed property in such a liquidation; to the Committee on Finance.

The Charitable Giving Incentive Act

Mr. SMITH of Oregon. Mr. President, I rise to introduce with Senator FEINSTEIN legislation that will provide incentives for the public to increase their wealth for charitable causes. In this era of ever-tightening fiscal constraints placed on congressional ability.
to authorize discretionary funding, we have asked our communities to do more and more for those less fortunate. Charitable organizations in our communities have become an integral part of the safety net for the poor and homeless and significant sources of assistance for education in every community.

To help charities take advantage of those donors who wish to contribute significant wealth for charitable purposes, we are introducing the Charitable Giving Incentive Act. This legislation will change current tax law to encourage prospective donors to contribute a controlling interest in a closely-held corporation to charity.

When a donor is willing to make a gift of a controlling interest in a company, a tax is imposed on the corporation upon its liquidation, reducing the gift that the charity receives by 35 percent. The Smith/Feinstein bill would eliminate this egregious tax that is levied upon the value of these qualifying corporations. We sincerely hope that this will directly encourage meaningful contributions to charitable organizations that help a variety of causes.

I ask that my colleagues support this legislation and look forward to its being considered by the Finance Committee in the near future.

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. 142

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 “Charitable Giving Incentive Act”.

SEC. 2. ELIMINATION OF CORPORATE LEVEL TAX IMPOSED ON LIQUIDATION OF CLOSELY HELD CORPORATIONS UNDER CERTAIN CONDITIONS.

(a) In General.—Paragraph (2) of section 337(b) of the Internal Revenue Code of 1986 (relating to treatment of indebtedness of sub-sidiary, etc.) is amended—

(1) by striking as provided in subparagraph (B) and inserting “Except as provided in subparagraph (B) or (C),” and

(2) by striking at the end the following new subparagraph:

“(C) Exception in the case of closely-held stock acquired without consideration.—Paragraph (2) of closely-held corporations under certain conditions.

(b) Revisions of Unrelated Business Income Tax Return Custodian Assets.—Subparagraph (B) of section 514(c)(2) of the Internal Revenue Code of 1986 (relating to property acquired subject to mortgage, etc.) is amended by inserting “or pursuant to a liquidation described in section 337(b)(29C),” after “bequest or devise,”.

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Mrs. FEINSTEIN. Mr. President, I rise today with my colleagues Senator GORDON SMITH and RON WYDEN of Oregon, as well Senator MAX BAUCUS and Senator SLADE GORTON to introduce legislation to provide tax incentives and encourage more charitable giving in America. The legislation, based on S. 1121 which I introduced last year, represents an important step to encourage greater private sector support for important educational, medical, and other goals in local communities across the country.

Americans are among the most caring in the world, contributing generously to charities in their communities: American families contribute, on average, nearly $650 for each household, or about $130 billion annually, to charities. Approximately, three out of every four households give to nonprofit charitable organizations.

However, there are very concerned about their ability to maintain their current level of services or grow to address unmet needs. Nonprofit charities cannot replace government programs, but they can play a critical role and provide vital social services. The Federal Government must ensure we are doing everything we can to encourage support for charities, which supplement Federal programs.

EXPANDING TAX INCENTIVES FOR CHARITABLE GIVING

The Federal Government must provide the leadership and the tools to encourage more charitable giving through the Tax Code. One source of untapped resources for charitable purposes is closely held corporate stock.

A closely held business is a corporation, in which stock is issued to a small number shareholders, such as family members, but is not publicly traded on an exchange. This type of business is very popular for family businesses involving different generations.

However, the tax on contributing closely held stock to a charity or foundation can be prohibitively high. The tax burden discourages families and owners from winding down a business and contributing the proceeds to charity. This legislation would permit certain non-corporate liquidations of closely held corporations into one or more tax exempt 501(c)(3) organizations.

Under current law, a corporation may have to be liquidated to effectively complete the transfer of assets to a charity, incurring a corporate tax at the 35 percent tax rate. In 1986, Congress repealed the “General Utilities” doctrine, imposing a corporate level tax on all corporate transfers, including those to tax exempt charitable organizations. A charity may be subject to taxation on its unrelated business income from certain types of donated property.

These tax costs make contributions of closely held stock a costly and inefficient means of giving funds to a charity. If we are going to find new ways to strengthen charities, we need to review the tax costs which undercut the incentive to give and the value of a charitable gift.

Volunteers are already hard at work in their communities and charitable funding is already stretched dangerously thin. Charities need added tools to unlock the public’s desire to give generously. We need to create appropriate incentives for the private sector to do more.

In California, volunteer and charitable organizations, together, perform vital roles in the community and deserve our support. I would like to offer two examples, some of which are also found throughout the country.

Summer Search: In San Francisco, the Summer Search Foundation is hard at work preventing students from dropping out of high school. Summer Search helps students successfully complete school and, for 93 percent of the participants, go on to college. With increased charitable contributions, Summer Search could help keep kids in school and on track toward graduation and a more productive contribution to the Nation.

Drew Center for Child Development: I am deeply concerned with increases in the number of child abuse and neglect cases, which now total nearly 3 million children in the United States. Social services block grants cuts will impose new burdens on local communities. The Drew Child Development Center, located in the Watts area of Los Angeles, works directly with children and families involved in child abuse environment. There are thousands of other families that could benefit from the Drew Center program if only more resources were available. Stronger tax
incentives to boost charitable giving could provide the Drew Center with some of the resources needed to combat this enormous problem.

The Chrysalis Center: In 1993 I visited the Chrysalis Center, a Los Angeles organization devoted to helping homeless individuals find and keep jobs. Chrysalis provides employment assistance, from training in jobsearching skills to supervised searches for permanent employment. The Center has helped place the homeless in permanent, full-time jobs in the last decade.

Jobs for the Homeless: Jobs for the Homeless assists with job placement services for the homeless in Berkeley and Oakland, supporting over 1,400 men and women. However, thousands more need their help. The former homeless individuals have landed successful positions in manufacturer, retailers, and small and large businesses. Without more contributions, Jobs for the Homeless will be unable to provide the necessary increase in their literacy or drug rehabilitation programs, critical ingredients in moving people back to work.

Today, Senators SMITH, WYDEN, BAUCUS, Gorton, and I introduce tax incentive legislation to encourage support for the Nation's vital charities.

The proposal: Eliminates the corporate tax upon liquidation of a qualifying closely held corporation under certain circumstances. The legislation would require that at least 80 percent of the stock to be dedicated to a charity; and clarifies that a charity can receive mortgaged property in a qualified liquidation, without triggering unrelated business income tax for 10 years. By eliminating the corporate tax upon liquidation, Congress would encourage additional, and much needed, charitable gifts. Across America, countless thousands have built successful careers and have generated substantial wealth in closely held corporations. As the individuals age and plan their estates, we should help them channel their wealth to philanthropic goals. Individuals who are willing to make generous bequests of companies, producers, farmers, and workers subject to or threatened by U.S. unilateral economic sanctions may be a loss of confidence in American suppliers and in the United States as a reliable partner to do business. Frequent resort to economic sanctions, however serious they may be, runs the risk of weakening the export sector which has contributed so greatly to our economic prosperity. This weakening effect can, in turn, have an adverse effect on our political influence and on the foreign policy goals they are intended to achieve. Sanctions frequently give the illusion of action by substituting for more decisive action or by serving as a palliative for those who demand that some action be taken—any action—by the United States against another country with whom we have a dispute.

Sanctions can also make it more difficult diplomatically to engage foreign governments in dialogue to help bring about a political opening or a change in behavior. Serious trade sanctions can, in fact, inhibit, rather than facilitate, constructive dialogue with others.

As a nation, we often seek instant gratification or quick results from our actions. Sanctions, however, take a long time to work. The behavior we seek in other countries will most often take place incrementally over time. In some cases, our sanctions have the unintended consequences of provoking authoritarian leaders a basis for increasing their political support and rally opposition to the United States because our sanctions can be used to divert popular anger and resentment away from their own mis-deeds and mis-rule.

Unilateral sanctions almost never help those we want to assist, they frequently harm the United States more than the sanctioned country and undermine our international economic
competitiveness and economic security. Most regretfully, unilateral sanctions have become a policy of first choice when other policy alternatives exist.

Nonetheless, some economic sanctions employed thereby their unintended, unintended, and inevitable consequences of our actions be avoided. Guides and guidelines to help us understand better the relationship between economic sanctions and the guidelines and informational requirements are also in the bill for sanctions mandated by the executive branch.

Once sanctions are implemented, the bill also requires an annual report from the President detailing the degree to which sanctions have accomplished U.S. goals, as well as their impact on our economic, political, and humanitarian activities. The bill also provides for more active and timely consultations between Congress and the President. It provides Presidential waiver authority in emergencies or if he determines it is in the national interest.

It includes a sunset provision that would terminate unilateral economic sanctions after 2 years duration unless the Congress or the President acts to reauthorize them.

It includes language on contract sanctity to help ensure the United States is a reliable supplier.

It identifies U.S. agriculture as an especially vulnerable sector of our economy that should be protected from the burden stemming from U.S. economic sanctions. Because of this, there is discretionary authority for agricultural assistance in the bill. In addition, the bill opposes agricultural embargoes as foreign policy tools and uses that economic sanctions be targeted as narrowly as possible in order to minimize harm to innocent people and humanitarian activities.

Mr. President, my sanctions reform bill represents an attempt to develop an improved and comprehensive approach to an important foreign policy issue. We, in the Congress, are often called upon to make difficult choices between conflicting interests or among our core values as a nation and our international interests.

These are frequently hard choices that should be given careful attention and preceded by careful analysis. We should never turn our back on our fundamental values of supporting democracy, human rights, and basic freedoms abroad but we should ask whether we can alter the behavior of other countries by imposing sanctions on them. Many times we cannot do so and many times our actions merely make the problem worse that we hope to reverse. There is no magic formula for influencing the behavior of other countries, but unilateral economic sanctions are rarely the answer.

Nothing in this bill prevents the imposition of U.S. unilateral economic sanctions or dictates a particular trade-off between American core values and our commercial and other interests. The steps detailed in this bill provide for better policy procedures so that consideration of economic sanctions is part of a deliberate process by which the President and the Congress can make reasoned and balanced choices affecting the totality of American values and interests.

Mr. President, I feel strongly about this issue. I hope my colleagues will join the other original cosponsors by taking a close look at this legislation. I do not want to make this a perfect bill, and I believe that if we deal with the sanctions issues in a careful and systematic manner, we can make a significant positive contribution to our national interest.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1413
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 "Enhancement of Trade, Security, and Human Rights through Sanctions Reform Act".

SEC. 2. PURPOSE. It is the purpose of this Act to establish an effective framework for consideration by the legislative and executive branches of unilateral economic sanctions.

SEC. 3. STATEMENT OF POLICY. It is the policy of the United States—

(1) to pursue United States interests through vigorous and effective diplomatic, political, commercial, charitable, educational, cultural, and strategic engagement with other countries, while recognizing that the national security interests of the United States may sometimes require the imposition of economic sanctions on other countries;

(2) to foster multilateral cooperation on vital matters of United States foreign policy, including promoting human rights and democracy, combating international terrorism, proliferation of weapons of mass destruction, and international narcotics trafficking, and ensuring adequate environmental protection;

(3) to promote United States economic growth and job creation by expanding exports of goods, services, educational commodities, and by encouraging investment that supports the sale abroad of products and services of the United States;

(4) to maintain the reputation of United States businesses and farmers as reliable suppliers to international customers of quality products and services, including United States manufactures, products, financial services, and agricultural commodities;

(5) to avoid the use of restrictions on exports of agricultural commodities as a foreign policy weapon;

(6) to oppose policies of other countries designed to discourage economic interaction with countries friendly to the United States or with any United States national, and to avoid use of such measures as instruments of United States foreign policy; and

(7) when economic sanctions are necessary—

(A) to target them as narrowly as possible on those foreign governments, entities, and officials that are responsible for the conduct being targeted, thereby minimizing unnecessary or disproportionate harm to individuals who are not responsible for such conduct; and

(B) to the extent feasible, to avoid any adverse impact of economic sanctions on the humanitarian activities of United States and foreign nongovernmental organizations in a country against which sanctions are imposed.
SEC. 4. DEFINITIONS. As used in this Act:

(1) UNILATERAL ECONOMIC SANCTION.—

(A) IN GENERAL.—The term "unilateral economic sanction" means any restriction or condition on economic activity with respect to a foreign country or foreign entity that is imposed, enacted, pursued, or threatened by the United States for reasons of foreign policy or national security, including any of the measures described in subparagraph (B), except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other members of that regime have agreed to impose substantially equivalent measures.

(B) MEASURES.—The measures referred to in subparagraph (A) are the following:

(i) The suspension, restriction, or prohibition of exports or imports of any product, technology, or service or to or from a foreign country or entity.

(ii) The suspension of, or any restriction or prohibition on, financial transactions with a foreign country or entity.

(iii) The suspension of, or any restriction or prohibition on, direct or indirect investment in or with a foreign country or entity.

(iv) The imposition of increased tariffs on, or other restrictions on imports of, products of a foreign country or entity, including the denial, revocation, or conditioning of non-discriminatory (most-favored-nation) treatment.

(v) The denial or revocation of any loan, or the purchase of a share of ownership, or the participation in royalties, earnings, or profits; and

(vi) The furnishing of commodities or services pursuant to a loan or other contract.

(C) MULTILATERAL REGIME.—As used in this paragraph, the term "multilateral regime" means—

(i) the United Nations, including the United Nations Security Council; and

(ii) any international financial institution or international organization that the United States represents has agreed to impose substantially equivalent measures.

SEC. 5. GUIDELINES FOR UNILATERAL ECONOMIC SANCTIONS LEGISLATION. Any bill or joint resolution that imposes any unilateral economic sanction, or authorizes the imposition of any unilateral economic sanction by the executive branch, and is considered by the House of Representatives or the Senate, shall—

(1) state the foreign policy or national security objective or objectives of the United States that the economic sanction is intended to achieve;

(2) provide that the economic sanction terminate 2 years after it is imposed, unless specifically reauthorized by Congress;

(3) provide for contract sanctity;

(4) provide authority for the President both to adjust the timing and scope of the sanction and to waive the sanction, if the President determines it is in the national interest to do so;

(5) (A) target the sanction as narrowly as possible on foreign governments, entities, and officials that are responsible for the conduct for which the sanction is targeted; and

(B) seek to minimize any adverse impact on the humanitarian activities of United States and foreign nongovernmental organizations in any country against which the sanction may be imposed; and

(6) provide, to the extent that the Secretary of Agriculture or the Congressional Budget Office finds that—

(A) the proposed sanction is likely to restrict exports of any agricultural commodity by the United States and is likely to result in retaliation against exports of any agricultural commodity from the United States, and

(B) the sanction is proposed to be imposed, or is likely to be imposed, on a country or countries that constituted, in the preceding calendar year, the market for more than 3 percent of all export sales from the United States, and

it may be in the national interest to apply the sanction, the Secretary of Agriculture or the Congressional Budget Office finds that the Secretary of Agriculture expand agricultural export assistance under United States market development, food assistance, or export promotion programs to offset the losses to U.S. farmers and producers of the affected agricultural commodity or commodities, to the maximum extent permitted by the obligations of the United States under the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).
SEC. 6. REQUIREMENTS FOR BILL OR JOINT RESOLUTION.

(a) PUBLIC COMMENT.—Before considering a bill or joint resolution that imposes any unilateral economic sanction, or authorizes the imposition of any unilateral economic sanction by the executive branch, the committee of primary jurisdiction shall publish a notice which provides an opportunity for interested members of the public to submit comments to the committee on the proposed sanction.

(b) REPORT OF COMMITTEE.—The committee of primary jurisdiction that orders a report shall timely request from the President and the Secretary of Agriculture the reports identified in subsection (c). Each such report that has been timely submitted prior to the filing of the committee report accompanying the bill or joint resolution shall be included in the committee report.

(c) REPORTS.—

(1) REPORT BY THE PRESIDENT.—The President’s report to Congress under subsection (b) shall contain—

(A) an assessment of—

(i) the likelihood that the proposed unilateral economic sanction will achieve its stated objective within a reasonable period of time; and

(ii) the impact of the proposed unilateral economic sanction on—

(I) humanitarian conditions, including the impact on conditions in any specific countries on which the sanction is proposed to be or may be imposed;

(II) humanitarian activities of United States and foreign nongovernmental organizations;

(III) relations with United States allies; and

(IV) other United States national security and foreign policy interests; and

(B) the likelihood of multilateral adoption of comparable measures;

(C) alternative measures to promote the same objectives, and an assessment of their potential effectiveness; and

(D) any obligations of the United States under international treaties or trade agreements with which the proposed sanction may conflict.

(2) An assessment of—

(A) the likelihood that the proposed sanction will lead to retaliation against United States interests, including agricultural interests; and

(B) the likelihood of multilateral adoption of comparable measures.

(h) An assessment of—

(A) the extent to which any country or countries proposed to be sanctioned or likely to be sanctioned are markets that accounted for, in the preceding calendar year, more than 3 percent of all export sales from the United States of any agricultural commodity;

(B) the likelihood that exports of agricultural commodities from the United States will be affected by the proposed sanction or by retaliation by countries proposed to be sanctioned or likely to be sanctioned, and specific commodities which are most likely to be affected;

(C) the likely effect on incomes of producers of the specific commodities identified by the Secretary;

(D) the extent to which the proposed sanction would permit foreign suppliers to replace United States suppliers; and

(E) the likely effect of the proposed sanction on the reputation of United States farmers as reliable suppliers of agricultural commodities in general, and of the specific commodities identified by the Secretary.

(b) FEDERAL PRIVATE SECTOR MANDATE.—

(A) IN GENERAL.—Any bill or joint resolution that imposes any unilateral economic sanction described in section 5 shall be considered by the President in the sector of the economy, including the potential impact on United States trade performance, employment, and growth, the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology, and services, and the economic well-being and international competitive position of United States industries, firms, workers, farmers, and communities.

(b) REQUIREMENTS FOR EXECUTIVE ACTION.

(a) IN GENERAL.—The President may implement a unilateral economic sanction under any provision of law not less than 60 days after announcing his intention to do so.

(1) An assessment of—

(A) the potential impact on United States trade performance, employment, and growth, the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology, and services, and the economic well-being and international competitive position of United States industries, firms, workers, farmers, and communities.

(B) the likelihood of multilateral adoption of comparable measures.

(C) alternative measures to promote the same objectives, and an assessment of their potential effectiveness; and

(D) any obligations of the United States under international treaties or trade agreements with which the proposed sanction may conflict.

(h) AN ASSESSMENT OF—

(A) the extent to which any country or countries proposed to be sanctioned or likely to be sanctioned are markets that accounted for, in the preceding calendar year, more than 3 percent of all export sales from the United States of any agricultural commodity;
(f) Report by the Secretary of Agriculture.—Prior to the imposition of a unilateral economic sanction by the President, the Secretary of Agriculture shall submit to the appropriate committees a report which shall contain an assessment of—

(1) the extent to which any country or country group is sanctioned and the specific commodities identified by the Secretary; and

(2) the likely effect on incomes of producers of the specific commodities identified by the Secretary; and

(3) the extent to which the proposed sanction would permit foreign suppliers to replace United States suppliers; and

(4) the likely effect of the proposed sanction on the reputation of United States farmers as reliable suppliers of agricultural commodities in general, and of the specific commodities identified by the Secretary, in certain countries.

(g) Report by the United States International Trade Commission.—Before imposing a unilateral economic sanction, the President shall make a timely request to the United States International Trade Commission to study and report any short-term and long-term costs of the proposed sanction to the United States economy, including the potential impact on United States trade performance, employment, and growth, the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology and services, and the economic well-being and international competitive position of United States industries, firms, workers, farmers, and consumers.

(h) Waiver in Case of National Emergency.—The President may waive any of the requirements of subsections (a), (b), (c), (e), (f), and (g), in the event that the President determines that there exists a national emergency that requires the exercise of the waiver. In the event of such a waiver, the requirements waived shall be met during the 60-day period immediately following the imposition of the unilateral economic sanction, and shall be met entirely thereafter before being imposed unless such requirements are met. The President may waive any of the requirements of paragraph (1)(B), (1)(D), and (1)(E); and subsections (d), (e), and (g) of this section, in the event that the President determines that the unilateral economic sanction is related to actual or imminent armed conflict involving the United States.

(i) Sanctions Review Committee.—The President shall establish a Sanctions Review Committee to coordinate United States policy regarding unilateral economic sanctions and to provide appropriate recommendations to the President to decisions regarding such sanctions. The Committee shall be comprised of—

(1) the Secretary of State;

(2) the Secretary of the Treasury;

(3) the Secretary of Defense;

(4) the Secretary of Agriculture;

(5) the Secretary of Commerce;

(6) the Administrator of the Export Administration;

(7) the United States Trade Representative;

(8) the Director of the Office of Management and Budget;

(9) the Chairman of the Council of Economic Advisers;

(10) the Assistant to the President for National Security Affairs; and

(11) the Assistant to the President for Economic Policy.

(j) Inapplicability of Other Provisions.—This section applies notwithstanding any other provision of law.

SEC. 8. ANNUAL REPORTS.

(a) Annual Reports.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate committees a report detailing with respect to each country or entity that unilateral economic sanctions have been imposed—

(1) the extent to which the sanction has achieved foreign policy or national security objectives of the United States in respect to that country or entity;

(2) the extent to which the sanction has harmed humanitarian interests in that country, the country in which that entity is located, or in other countries; and

(3) the impact of the sanction on other national security and foreign policy interests of the United States, including relations with countries friendly to the United States, and on the United States economy.

(b) Report by the United States International Trade Commission.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the United States International Trade Commission shall report to the appropriate committees on the costs, individually and in the aggregate, of all unilateral economic sanctions in effect under United States legislation, or Executive order. The calculation of such costs shall include an assessment of the impact of such measures on the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology, and services.

Enhancement of Trade, Security and Human Rights through Sanctions Reform Act—Section-by-Section Analysis

Section 1: Short Title. The act may be cited as the “Enhancement of Trade, Security and Human Rights through Sanctions Reform Act.”

Section 2: Purpose. The purpose of the Act is to establish an effective framework for consideration of unilateral economic sanctions.

Section 3: Statement of Policy. This section sets forth the purpose of American security, trade, and humanitarian interests through broad-ranging engagement with other countries, while recognizing the need to shape a new approach to unilateral economic sanctions. It supports multilateral cooperation as an alternative to unilateral U.S. sanctions. It seeks to promote U.S. economic growth through trade, and America’s reputation as a reliable supplier. It opposes boycotts and use of agricultural embargoes as a foreign policy weapon. It urges that economic sanctions be targeted as narrowly as possible, to minimize harm to innocent people or to humanitarian activities.

Section 4: Definitions. This section defines “unilateral economic sanctions” as any restriction or condition on economic activity with respect to a foreign country or entity imposed for reasons of foreign policy or national security. This definition excludes multilateral sanctions, where other countries have agreed to adopt “substantially equivalent” measures. The definition also excludes U.S. trade laws, Jackson-Vanik, and munitions list controls. This section also defines the terms “national emergency,” “agricultural commodity,” “appropriate committees,” and “contract sanctity.”

Section 5: Guidelines for Unilateral Economic Sanctions Legislation. This section provides a framework for imposing or authorizing a unilateral economic sanction should state the U.S. foreign policy or national security objective, sunset after two years unless specifically reauthorized, protect contract sanctity, provide Presidential authority to adjust or waive the sanction,Intermediate sanctions, and sunset after two years unless specifically reauthorized, protect contract sanctity, provide Presidential authority to adjust or waive the sanction, and provide expanded export promotion if sanctions target a major export market for American farmers.

Section 6: Requirements for Report Accompanying Bill. The fasting sanctions legislation shall request reports from the President and Secretary of Agriculture. These reports shall be included in the Committee Report. If the Act does not meet any Section 5 guideline, the Committee Report shall explain why not.

The President’s report shall contain an assessment of the likelihood that the proposed sanction will achieve its stated objective within a reasonable time. It must weigh the likely foreign policy, national security, economic, and humanitarian benefits against the costs of acting unilaterally. The report will also assess alternatives, such as prior notice, alternative options, and comparable multilateral measures.

The Secretary of Agriculture’s report shall assess the likelihood of the proposed legislation in terms of the related multilateral instruments. It shall consider the likelihood that U.S. agricultural exports will be affected on the reputations of U.S. farmers as reliable suppliers.

Section 7: Requirements for Executive Action. The President may impose a unilateral sanction no less than 60 days after announcing his intention to do so, during which time he shall consult with Congressional committees and publish a notice in the Register seeking public comment. Any Executive sanction must meet the same guidelines that Section 5 applies to the Congress and must, in addition, include a clear finding that the sanction is likely to achieve a specific U.S. foreign policy or national security objective within a reasonable period of time.

Section 7 also requires—prior to the imposition of a unilateral sanction—the President to provide a report to the appropriate Congressional committees and publish a notice in the Federal Register detailing with respect to each country or entity that unilateral economic sanctions have been imposed—

(4) sanctions targeted as narrowly as possible, and on the United States economy.

In case of national emergency, the bill allows the President temporarily to waive most Section 7 requirements in order to act immediately. If the President acts on an emergency basis, the waived requirements must be met within 12 months, and the President shall establish an Interagency Sanctions Review Committee to review the U.S. economy.

Section 8: Annual Report. The President must submit to the appropriate committees a report detailing with respect to each country or entity that unilateral economic sanctions have been imposed or adjusted in the aggregate, and in the aggregate, all unilateral economic sanctions affecting the United States economy, including the potential impact on U.S. competitiveness.

In case of national emergency, the bill allows the President temporarily to waive most Section 7 requirements in order to act immediately. If the President acts on an emergency basis, the waived requirements must be met within 12 months, and the President shall establish an Interagency Sanctions Review Committee to review the U.S. economy.
By Mr. Mccain (for himself, Mr. Hollings, Mr. Breaux, and Mr. Gorton):

S. 1415. A bill to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE UNIFORM TOBACCO SETTLEMENT ACT

Mr. Mccain. Mr. President, I am pleased today to introduce the Uniform Tobacco Settlement Act. This bill is cosponsored by the Commerce Committee Ranking Member Senator Hollings, Senator Gorton, and Senator Breaux.

Mr. President, the bill we are introducing today is the legislative version of the Uniform Tobacco Settlement agreed upon by the attorneys general and the tobacco companies. We hope it will serve praise for developing this language to the bill, we can begin the comprehensive debate necessary on this subject.

Mr. President, let there be no mistake, the Senate takes its role in this matter very seriously. Millions of lives have been lost and millions more will follow. Every day 3,000 young adults and children begin smoking. We cannot and should not allow this to continue. With the introduction of this bill we will begin this debate and I am hopeful that by early next year we can move forward on the floor on this matter.

By Mr. Mcconnell:

S. 1416. A bill to amend Federal election laws to repeal the public financing of national political party conventions and Presidential elections and spending limits on Presidential election campaign expenditures, to repeal the restrictions on coordinated expenditures by political parties, and for other purposes; to the Committee on Finance.

THE PRESIDENTIAL CAMPAIGN REFORM ACT OF 1997

Mr. Mcconnell. Mr. President, the Governmental Affairs hearings investigating the 1996 Presidential election affirmed what knowledgeable observers have contended for years—that the Presidential campaign finance system of spending limits and taxpayer funding is a fraud.

Not soon forgotten will be the seamy videos of the White House coffee fundraisers in which the President was caught on tape extolling the virtues of circumventing the Presidential system's contribution and spending limits, via soft money contributions to the DNC—that once proud institution hijacked by the Clinton-Gore campaign—bent on reelection in 1996. The 1996 Clinton-Gore reelection campaign took campaign finance chicanery to new heights, or lows, depending on your perspective.

Mr. President, I am no fan of spending limits. I am not without sympathy for those who must campaign under the constraints of the Presidential system. I do not wish to move the legislative process forward and begin debating substantive language. I had hoped that the administration would send the Congress legislation in this area. I would have liked for the Congress to begin considering the proposals developed and advocated by the White House. Unfortunately, the White House chose not to take such action. As a result, I have chosen to begin this discussion with attorneys general agreement.

There has been one addition to the settlement developed by the attorneys general. The universal tobacco settlement did not address the issue of tobacco farmers and the communities whose existence and economy depends on the growing of tobacco. To address this concern, a new title IX has been added to the bill. The text of title IX is the language of S. 1310, legislation introduced by me. My hope is that with the addition of this language to the bill, we can begin the comprehensive debate necessary on this subject.

Mr. President, let there be no mistake, the Senate takes its role in this matter very seriously. Millions of lives have been lost and millions more will follow. Every day 3,000 young adults and children begin smoking. We cannot and should not allow this to continue. With the introduction of this bill we will begin this debate and I am hopeful that by early next year we can move forward on the floor on this matter.
staff predict this dearth of funding will prompt some candidates to opt out of the Presidential spending limit system altogether. Where would such an exodus leave the competitive field? The candidates would still be stuck with the quarter-century old contribution limits, bestowing a tremendous advantage on those select few who have a huge donor base from which to draw or the wherewithal to fund a campaign out of their own pocket.

This is a very real campaign finance crisis. The Presidential system on the edge of oblivion and a wide-open contest looming in the year 2000. So I propose to introduce a bill to reform the Presidential system—the object of so much scandal and scorn. This reform legislation would repeal the Presidential system’s spending limits and taxpayer funding. It would save the American taxpayers hundreds of millions of dollars every election. To compensate for the loss of taxpayer funding and make the system more realistic, the contribution limit for Presidential candidates would be adjusted to $10,000, up from the current $1,000. The PAC limit would also be adjusted up to $10,000.

It would also strengthen the political parties by updating the hard money contribution limits regulating donations to them. These limits are a quarter-century old and long overdue for adjustments. Candidates and political parties should not be shackled in the year 2000 to the same contribution limits. The bill would also do what the Supreme Court talked about doing in the 1996 Colorado decision and is likely to do in the near future: abolish the coordinated spending limit. This arbitrary restriction on what parties can do in coordination with their nominees is absurd. The parties prefer to operate in hard money over soft money. These reforms would facilitate that activity.

Mr. President, these are commonsense reforms that would enhance competition and increase accountability in Presidential elections. In the interest of heading off a complete breakdown of the Presidential system in the year 2000, I urge Senators to step away from the traditional reform paradigm and join me in this effort.

By Mr. AKAKA (for himself, Mr. CRAIG, and Ms. LANDRIEU).
S. 1418 to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes; to the Committee on Energy and Natural Resources.

THE METHANE HYDRATE RESEARCH AND DEVELOPMENT ACT OF 1997

Mr. AKAKA. Mr. President, on behalf of myself and Senators CRAIG and LANDRIEU, I am introducing the Methane Hydrate Research and Development Act of 1997. Methane hydrate is a methane-bearing, ice-like substance that occurs in abundance in marine sediments. It is a crystalline solid of methane molecules surrounded by a structure of water molecules.

Methane hydrates are stable at moderately high pressures and low temperatures and contain large quantities of methane. One unit volume of methane hydrate contains more than 150 volumes of methane at standard temperature and pressure.

Methane hydrates are found in deep ocean sediments. Significant quantities are also found in the permafrost of Alaska, Canada, and Siberia.

Despite their potential as an energy resource, methane hydrates have not received the attention they deserve. We are only beginning to understand the magnitude of this potential resource. The amount of methane sequestered in gas hydrates is enormous. Worldwide estimates range from 100,000 trillion cubic feet to 270 million trillion cubic feet. Locations of known methane hydrate deposits within the United States include the Arctic, the seabed adjacent to the Gulf of Mexico, and the Eastern Seaboard.

A conservative estimate of deposits under U.S. jurisdiction is 2,700 trillion cubic feet to seven million trillion cubic feet. The U.S. Geological Survey estimates indicate the presence of over 500 trillion cubic feet of methane at the Black Ridge site off the coast of Carolinas alone. When you consider that current U.S. consumption is less than 25 trillion cubic feet of natural gas per year, you begin to appreciate the magnitude of this energy resource.

The U.S. energy outlook is perilous at best. Our dependence on imported oil is steadily increasing. Soon we will import over 90 percent of the oil we consume. Air pollution is a persistent problem. We are spending enormous resources to improve air quality. Global climate change poses a looming challenge. With these concerns in mind, it is easy to recognize the importance of methane hydrates.

Methane hydrates are a strategic resource because they contain huge amounts of methane in a concentrated form. Extracted methane from hydrates represents an extraordinarily large energy resource and petrochemical feedstock. Methane is less polluting than other hydrocarbons because of its higher hydrogen-to-carbon ratio. Given the concerns about global climate change, a transition to methane as an energy resource is an attractive solution.

The U.S. is not doing enough to explore this viable energy source. Other countries, primarily Japan and India, have aggressive programs to develop methane hydrates. Japan has launched an exploration project for methane hydrates in its surrounding waters. The Japanese National Oil Corporation is conducting a seismic survey off northern California, the Gulf of Mexico, and the Eastern Seaboard. Methane hydrates in the permafrost in Alaska, Canada, and Siberia represent a tremendous energy resource.

This is an exciting area of research and of new knowledge. It has an enormous payoff, not only for our energy security, but also for the global environment. My bill establishes a small research and development program with the potential for major payback. It would direct the Department of Energy to conduct research and development in collaboration with the Research Laboratory and the U.S. Geological Survey. The Secretary of Energy would also consult with other Federal and State agencies, industry, and academia. It directs the Department to conduct research on, and identify, explore, assess, and develop methane hydrate resources as a source of energy.

My bill also directs the Department to develop technologies needed to develop methane resources in an environmentally sound manner. It provides for research to develop safe means of transportation and storage of methane produced from methane hydrates. To alleviate the concerns related to releases of methane, the legislation directs the Department to undertake research to assess and mitigate hydrate degassing, both natural and that associated with commercial development. It requires the Department to develop technologies to reduce the risk of drilling through the gas hydrates. And finally, it provides by awarding grants or cooperative agreements to scientists and engineers that would be needed for this new and exciting field on endeavor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1418

Be it enacted by the Senate and House of Representives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Methane Hydrate Research and Development Act of 1997”.

SEC. 2. DEFINITIONS.
In this Act:
(1) CONTRACT.—The term “contract” means a procurement contract within the meaning of section 6303 of title 31, United States Code.
(2) COOPERATIVE AGREEMENT.—The term “cooperative agreement” means a cooperative agreement within the meaning of section 6306 of title 31, United States Code.
(3) GRANT.—The term "grant" means a grant agreement within the meaning of section 6503 of title 31, United States Code.

(4) METHANE HYDRATE.—The term "methane hydrate" means a methane clathrate that—

(A) is in the form of a methane-water ice-like crystalline material; and

(B) is stable and occurs naturally in deep-ocean and permafrost areas.

(5) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(6) SECRETARY OF DEFENSE.—The term "Secretary of Defense" means the Secretary of Defense, acting through the Secretary of the Navy.

(7) SECRETARY OF THE INTERIOR.—The term "Secretary of the Interior" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense and the Secretary of the Interior, shall commence a program of methane hydrate research and development.

(2) DESIGNATIONS.—The Secretary, Secretary of Defense, and Secretary of the Interior shall designate individuals to implement this Act.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

(1) ASSISTANCE AND COORDINATION.—The Secretary may award grants or contracts to, or enter into cooperative arrangements with, universities and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources; and

(C) undertake research programs to provide safe means of transport and storage of methane produced from methane hydrates;

(D) conduct exploration and training in methane hydrate resources research and resource development;

(E) conduct basic and applied research to assess the environmental impacts of hydrate degassing, both natural and that associated with commercial development; and

(F) develop technologies to reduce the risks of drilling through methane hydrates.

(2) CONSULTATION.—The Secretary may establish an advisory panel consisting of experts from academia, and Federal agencies to advise the Secretary on potential applications of methane hydrate and assist in developing recommendations and priorities for the methane hydrate research and development program carried out under this section.

(c) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program pursuant to subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used to acquire the right to drill, to conduct operations of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees.)

(d) RESPONSIBILITIES OF THE SECRETARY.—

(1) IN GENERAL.—In carrying out subsection (b)(1), the Secretary shall—

(A) facilitate and develop partnerships among government, industry, and academia to research, identify, assess, and explore methane hydrate resources;

(B) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy resource;

(C) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(D) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development and use; and

(E) report annually to Congress on accomplishments under this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

[From the Science News, Vol. 150, Nov. 9, 1996]

THE MOTHER LODE OF NATURAL GAS

(By Richard McNastersky)

For kicks, oceanographer William P. Dil- lon likes to surprise visitors to his lab by taking ordinary-looking ice balls and setting them on fire. "They're easy to light. You just put a match to them and they will go," says Dil- lon, a researcher with the U.S. Geological Survey (USGS) in Woods Hole, Mass.

If the truth be told, this is not typical ice. The powder in Dillon's show is a curious and poorly known structure called methane hy- drate. Unlike ordinary water ice, methane hydrate consists of single molecules of natural gas trapped within crystalline cages formed by frozen water molecules. Although chemists first discovered gas hydrates in the early part of the 19th century, geoscientists have only recently started documenting their existence in underground deposits and exploring their importance as potential fuel.

Late last year a team of oceanographers conducted the most thorough investigation of methane hydrates to date by drilling into an extensive accumulation beneath the seabed off the coast of the southeastern United States. The research, which are now beginning to appear in the scientific literature, seem to bolster extremely sketchy estimates made years ago about the vastness of the hydrate resource.

"It turns out there is a tremendous amount of gas down there," says Charles Paul, a marine geologist at the University of North Carolina at Chapel Hill and a leader of the recent drilling expedition. "It shows up the fact that these are large reserves and makes it increasingly important that they get assessed in order to avoid energy-producing deposits or not."

At the same time, scientists wonder whether this resource also has a dark side. "There have been extremely rapid changes in climate in the past. Some think that these were caused by methane released from methane hydrate," says Dillon.

Despite their potential importance, methane hydrates have evaded scientific scrutiny until now, largely because they are extremely difficult to study. They exist only in high pressures and low temperatures where bacteria within the sediment consume high organic material and generate methane gas. At certain depths beneath the seafloor, the low temperatures and high pressures ensure the gas within the frozen hydrate structure. Methane hydrate, however, remains in gaseous form because the temperatures there are too low to support freezing.

Conventional deposits of methane, a natural gas, form through a different process, when seafloor sediments are buried far deep- er. Exposed to much higher temperatures, the organic material decomposes into methane until it transforms into petroleum and eventually methane.

Most known deposits of methane hydrate lie beneath the icy floor of the deep ocean basins thousands of meters underwater. Marine ge-}

November 7, 1997 CONGRESSIONAL RECORD — SENATE
Nearly a decade ago, several researchers independently tried to estimate how much methane exists in hydrate deposits. Because of the scarcity of direct hydro-meteorological data and the high cost of seismic studies which probe the ocean bottom sediments with blasts of sound that reflect off hidden layers, their estimates suggested that global hydrate deposits contain approximately 10,000 gigatons, or 10,000 billion tons, of carbon. That number represented combined storage capacity in all reserves of coal, oil, and conventional natural gas.

The newly emerging evidence, supports these estimates, according to Keith A. MacDonald, one of the scientists who made the calculations in the 1980s. “All these estimates are quite uncertain. But it remains abundantly clear that methane hydrates contain the largest store of carbon that we know about that is underground,” says MacDonald, who now directs the International Institute for Applied Systems Analysis in Laxenburg, Austria.

In fact, hydrates may be more widespread than previously thought. The recent ODP expedition found hydrates in regions that lack the seismically reflective layers usually used to identity potential deposits, the team reports in an upcoming Geophysical Monograph. “Given their worldwide distribution and their very large quantities, they make a very attractive fuel reserve,” notes James P. Kennett of the University of California, Santa Barbara.

Hydrates are a powerteous greenhouse gas—about 10 times as strong as carbon dioxide—massive melting of hydrates and the ensuing release of methane gas could raise Earth’s temperature. James P. Kennett of the University of California, Santa Barbara has recently discovered intriguing evidence implicating methane hydrates as an instigator of climate change. Sediments off the California coast show signs that carbon isotopic ratios in the organic material slowly and quickly changed at several times during the last 70,000 years. Because methane has a distinctive isotopic fingerprint that matches the shifts, Kennett suggests that methane must have poured into the ocean at these times.

In the theory, the methane came from hydrates that melted when ocean waters warmed slightly. The liberation of so much methane over a few decades would have caused widespread warming that affected the entire Northern Hemisphere. Evidence from the Pacific and Atlantic suggests that the ocean’s isotopic shifts indeed coincide with well-known Dansgaard-Oeschger episodes when Earth’s ice age climate went suddenly warm. “Until now, [hydrates] haven’t really entered into discussions of climate change. They have been almost completely ignored. Until the beginning of this year, I had not even considered them. But I’m now convinced that they are of great importance to the global environment and have been for billions of years.”

The Blake Ridge conference in Ghent, Belgium, presented his findings in September at a gas hydrate conference in Ghent, Belgium. Kvenvolden presented different mechanisms that might have released hydrates at the end of the last ice age. As the great blanket of continental ice melted at that time, global sea levels swelled by more than 90 meters, submerging many Arctic regions where hydrate layers exist. The relatively warm ocean water would have melted the hydrates, unleashing tremendous amounts of methane into the atmosphere, Kvenvolden believes. The same rationale could apply to the modern world. Sea levels are currently rising slowly, at a rate of about 1.5 centimeters per decade. Projections suggest that they will rise even faster in the future because of the climatic warming caused by greenhouse gas pollution. At the same time, ocean temperatures are expected to creep upward.

“If you reason that hydrates were important in climate change in the past, there is no reason they wouldn’t be important in the future.” Kvenvolden believes, indeed, some scientists speculate that melting methane hydrates could greatly exacerbate global warming.

For, now, Kvenvolden and others remain unsure exactly what role hydrates have played in past climate changes. Lack of direct evidence is impossible to predict how hydrates will behave in the future.

A greater understanding of hydrates and their importance will come as oceanographers tap deposits in other areas of the world, testing whether the lessons learned on the Blake Ridge apply elsewhere. Scientists are also examining hydrates in the laboratory (SN:10/19/96, p. 252). By squeezing methane and water in a pressurized apparatus, Dillon and his colleagues can not only gauge how hydrate weakness affects seafloor sediments but also improve seismic methods for detecting hydrates. When the experiments are over, the remaining synthetic hydrates could have other uses. “I hadn’t really thought of it before, but you could try cooking with them,” says Dillon, “I wouldn’t want to plan a major meal, but you could probably scramble an egg on it.”

By Mrs. Feinstein (for herself and Mr. Kyl):

S. 1420. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to provide for full reimbursement of States and localities for costs related to providing emergency medical treatment to individuals injured while entering the United States illegally; to the Committee on the Judiciary.

THE ILLEGAL ALIEN EMERGENCY MEDICAL SERVICES REIMBURSEMENT ACT OF 1997

Mrs. FEINSTEIN. Mr. President, I am offering legislation with Senator Kyl as original cosponsor, a legislation which provides full reimbursement to states and localities for costs incurred for emergency medical services and ambulatory services provided to undocumented aliens injured during a pursuit by border patrol or under the custody of federal, state, or local authorities.

This legislation: Authorizes full reimbursement for emergency medical costs, including ambulatory services for illegal aliens who are injured during illegal crossings at land and sea points during a pursuit by border patrol, or while in custody of federal, state, or local authorities. Authorizes up to $18 million per year for the next 4 years from a separate account established in the Treasury to reimburse states and localities for emergency medical services provided to illegal aliens. Requires the Attorney General to submit a written report to Senate and House Judiciary Committees on the implementation of this bill.

INS reports show that in FY96, 1.65 million illegal aliens were apprehended, of which 97% or 1.6 million apprehensions were made at the Southwest Border. INS also reports that more than 300,000 illegal aliens come into the country every year and in FY97, over 111,000 criminal and other illegal aliens were put through formal deportation proceedings.

With increased focus on apprehending illegal aliens at the 140 mile stretch of our Southwest border, recent reports also show increases in unreimbursed emergency medical service cost of illegal aliens to state and local county hospitals.

The California State Auditor recently released a report which charged that San Diego alone incurred up to $2.7 million in unreimbursed charges in emergency medical service for illegal aliens between January 1996 and May 1997. The Auditor estimates that San Diego hospitals incurred from $4.9 million to $8.1 million in unreimbursed emergency medical service and ambulatory services for up to 1074 illegal aliens during the seventeen month period. The unreimbursed medical service costs include hospital care, costs incurred for paramedics and air transportations, physicians emergency rooms and laboratories. These uncompensated services, which hospitals and other emergency service providers are required to
provide under California law, were provided to illegal aliens who were injured during illegal crossings at the border and while escaping border patrol pursuits.

The Sacramento Bee recently reported the following:

Every time a Border patrol chase results in injuries, San Diego area hospitals provide “free” care to those injured... (For instance), medical care for Francisco Quintero—who was struck by a car while fleeing Border patrol agents—cost UCSD Medical Center over $1 million in uncompensated expenses. In one recent vehicle chase, a van loaded with illegal immigrants crashed while evading the Border patrol. San Diego Scripps Hospital $200,000 and Mercy Hospital $100,000 in uncompensated care.

In the 1996 Immigration Act, Congress acknowledged the huge cost shift to state and local county hospitals in unreimbursed cost for emergency medical services provided to illegal aliens by authorizing full reimbursement for emergency Medicaid and ambulatory services.

However, the $25 million appropriated annually over the next 4 years under the Balanced Budget Act for emergency Medicaid for illegal aliens is insufficient to cover the full cost of emergency medical services for illegal aliens nationwide, where high immigrant States like California, Texas, New York, Florida, Illinois, New Jersey, Arizona and Massachusetts end up picking up the responsibility for caring for the injured illegal aliens.

In fact, for fiscal year 1998, there are no appropriations for reimbursement for emergency ambulatory services, as authorized by the 1996 Immigration Act. Instead, Congress only requires INS to perform a pilot project in Nogales, Arizona and report its findings to Congress.

Appropriating $25 million over the next 4 years and performing a pilot project in Nogales, Arizona is not enough to cover the millions of dollars high immigrant States like California incur every year in unreimbursed emergency medical and ambulatory costs for illegal aliens injured at the border or during a border patrol pursuit.

Mr. President, time has come for the Federal Government to take full responsibility for the cost associated with providing emergency medical services, including ambulatory services, for illegal aliens and lifting the fiscal burden on State and local counties.

Thank you and I urge all my colleagues to support this legislation.

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. 1420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

Section 563 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended to read as follows:

"SEC. 563. REIMBURSEMENT OF STATES AND LOCALITIES FOR EMERGENCY MEDICAL SERVICES.

"(a) Subject to the availability of appropriations, the Attorney General shall fully reimburse States and political subdivisions of States for their costs of providing medical services, including ambulatory services, related to an emergency medical condition of an individual who—

"(1) is injured while, or being pursued immediately after, crossing a land or sea border of the United States without inspection or at any time or place other than as designated by the Attorney General; and

"(2) is under the custody of the State or subdivision pursuant to a transfer, request, or other action by a Federal authority.

"(b) There is established in the general fund of the Treasury a separate account out of which the Attorney General shall provide reimbursement under this section.

"(c) Reimbursement under this section shall not be taken out of monies appropriated for the Immigration and Naturalization Service.

"(d) There are authorized to be appropriated for fiscal years 1998-2002 an amount not to exceed $25,000,000 for the purpose of carrying out this section.

"(e) The Attorney General shall report to the Judiciary and Appropriations Committees of the House of Representatives and the Senate annually on the implementation of this section.

"(f) By March 1, 1998, the Attorney General shall submit to the Judiciary Committees of the House of Representatives and the Senate a report on the implementation of this section.

"(g) For purposes of this section, the term 'emergency medical condition' has the same meaning as that term has under section 562 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996."

Mr. KENNEDY (for himself, Mr. COCHRAN, Mr. DURBIN, Mr. FALCOT, and Ms. MIKULSKI):

S. 1421. A bill to amend the Public Health Service Act to provide additional support for and to expand clinical research opportunities, and for other purposes; to the Committee on Labor and Human Resources.

THE CLINICAL RESEARCH ENHANCEMENT ACT OF 1997

Mr. KENNEDY. Mr. President, the promise of new biomedical research is boundless. As the progress of the past has been, it pales in comparison to future opportunities. We stand on the threshold of stunning advances in medicine. Supporting biomedical research is among the wisest possible investments we can make in our Nation’s future.

Support for clinical research is central to biomedical research. Clinical research is essential for the advancement of scientific knowledge and the development of cures and improvement of health care. Numerous advances in basic biological research are opening doors to new insights into all aspects of medicine. As a result, there are extraordinary opportunities for cutting-edge clinical research to translate breakthroughs in the laboratory to the bedside of patients.

Improvements in patient care and diagnosis and prevention of disease depend upon clinical research that brings basic research discoveries to the bedside. In addition, the results of clinical research are incorporated by industry and developed into new drugs, vaccines, and health care products. These developments strengthen the economy and create jobs.

Advances in biomedical research may also prove to be the most effective way to reduce the country’s health care costs in the long run. As our Nation’s demographics change and the baby boomers move toward retirement, financing Medicare has become an increasing concern. A Duke University study released earlier this year suggested that a small improvement in the dependency rate of older Americans can bring large cost savings for Medicare. Investment in medical research will result in healthier older Americans and lower costs to Medicare.

While these potential benefits, clinical research is in crisis. The resources dedicated to such research, particularly at the NIH, have fallen to a level that places the States at a serious international disadvantage. Studies by the Institute of Medicine, the National Research Council, the National Academy of Sciences, and the National Institutes of Health have highlighted significant problems in the Nation’s clinical research. A 1994 report by the Institute of Medicine, for example, characterized the current level of training and support for health research professionals as “fragmented, frequently undervalued and potentially underfunded.”

The legislation we are introducing today seeks to enhance support of clinical research by addressing the issues that have caused this crisis in clinical research.

First, it will implement the longstanding recommendations regarding the merit review process for clinical research proposals at NIH.

Second, it will provide greater support for general clinical research centers.

Third, it will create new opportunities to pursue clinical research. A Clinical Research Career Enhancement Award will enable a clinical researcher to pursue research projects with a mentor prior to independent pursuit of research. For more established researchers, the Innovative Medical Science Award will provide funds to apply basic scientific discoveries to medical treatments.

Both awards will generate the protected time which is vital to physician-scientists.

Fourth, the bill provides support for individuals seeking advanced degrees in clinical investigation.

Fifth, it expands the Loan Repayment Program for clinical researchers to encourage the recruitment of new investigators.
A solid infrastructure is essential to any research program. In clinical research, that infrastructure is provided by the general clinical research centers at academic health centers throughout the country. Support for these centers was once largely provided by the Veterans Administration and the Department of Defense. Today, academic health centers provide approximately $1 billion annually from clinical revenues to support clinical research. However, academic health centers are confronted with heavy competition from non-teaching centers. The current emphasis on patient care over research to minimize costs. In the face of these changes, clinical researchers have become more dependent on NIH for infrastructure support.

In spite of the expanding need, NIH support for the general clinical research centers has barely kept up with inflation. The centers are consistently funded at 75 percent of the funding level recommended by the NIH’s own Advisory Committee. This level is not adequate for the backbone of the Nation’s clinical research efforts. Clearly we need to do more.

The number of physicians choosing careers in clinical investigation is in serious jeopardy. Between 1985 and 1997, the number of physicians increased by 34 percent, while the number of physicians pursuing research decreased by 37 percent. Fewer young physicians are choosing careers in research, and we need to reverse that decline.

Student debt is a major barrier to pursuing clinical research. Young physicians graduate from medical school with an average debt burden of $80,000. Limited financial opportunity in clinical research has caused many young physicians to choose more lucrative medical practice. NIH has acknowledged this problem and has established a loan repayment subsidy to encourage the recruitment of clinical researchers to NIH. The legislation expands the current program.

Many of today’s young clinical investigators are unfamiliar with research methodology. Dr. Harold Varmus, the Director of NIH, has articulated the need for individuals seeking careers in clinical research to have access to clinical research-specific training programs after they graduate from medical school. The NIH already supports a postgraduate training program for those pursuing research. This legislation will support a comparable program for clinical investigators.

Clinical researchers at academic health centers are also increasingly urged to turn their attention away from research to generate greater revenues. This loss of protected time has a significant adverse impact on their ability to compete for NIH research grants. This problem is particularly difficult for young researchers still seeking mentored research experience during the early phases of clinical investigation. The NIH currently has awards to provide mentored career development experiences for basic scientists. Our legislation creates career development awards to help meet this need.

Less than a third of all NIH grantees are physicians. Only a fraction of them receive awards for clinical investigation. The funding gap for clinical research is evident in the number of clinical research grants awarded to persons under the age of 36 have decreased by 70 percent. Industry will not support research in non-product-oriented studies and often regard such efforts as too speculative. The medical science awards in our bill will ensure funding for these important research initiatives.

The need for reform of the peer review system has been documented in studies by the Institute of Medicine and an outside review committee of the NIH Division of Research Grants, which is responsible for the peer review process. So far, their recommendations have not been implemented, and the bias is not clinical research persists. Our legislation will implement these recommendations and provide effective evaluation of clinical research proposals.

The funds authorized by our legislation to support clinical research do not target specific diseases. The funds would go to peer-reviewed proposals to translate basic scientific discoveries into treatment and prevention of disease. Without such legislation, clinical research would continue to decline to a point where advances in medicine will no longer come from this country but from abroad.

Mr. President, our bill is supported by more than a hundred and forty biomedical associations and organizations. I would like to thank the American Federation for Medical Research for their efforts to support this legislation and ask unanimous consent that the list of supporters, the letters of support and a copy of the bill be included in the RECORD.

I look forward to working with my colleagues as we move this important legislation through Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1342

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 “Clinical Research Enhancement Act of 1997”.

SEC. 2. FINDINGS AND PURPOSE. (a) FINDINGS—Congress makes the following findings:

(1) Clinical research is critical to the advancement of scientific knowledge and to the development of cures and improved treatment for disease.

(2) Tremendous advances in biology are opening doors to new insights into human biology, the development of cures for disease, and creating extraordinary opportunities for clinical research.

(3) Clinical research includes translational research which is an integral part of the research process leading to general human applications. It is the bridge between the laboratory and new methods of diagnosis, treatment, and prevention and is thus essential to progress against cancer and other diseases.

(4) The United States will spend more than $1 trillion on health care in 1997, but the Federal budget for health research at the National Institutes of Health was $12.7 billion, only 1 percent of that total.

(5) Studies at the Institute of Medicine, the National Research Council, and the National Academy of Sciences have all addressed the current problems in clinical research.

(6) The Director of the National Institutes of Health has recognized the current problems in clinical research and has through the use of an advisory committee begun to evaluate these problems.

(7) The current level of training and support for health professionals in clinical research is fragmented, frequently undervalued, and potentially underfunded.

(8) Young investigators are not only apprentices for future positions but a crucial source of energy, enthusiasm, and ideas in the day-to-day research that constitutes the scientific enterprise. Serious questions about the future of life-science research are raised by the following:

(A) The number of young investigators applying for grants dropped by 54 percent between 1985 and 1996.

(B) The number of federally funded research (R01) grants awarded to persons under the age of 36 have decreased by 70 percent from 1985 to 1995.

(C) Newly independent life-scientists are expected to raise funds to support their new research programs and a substantial proportion of their own salaries.

(D) The following have been cited as reasons for the decline in the number of active clinical researchers, and those choosing this career path:

(A) A medical school graduate incurs an average debt of $80,000, as reported in the Medical School Graduation Questionnaire by the American Association of Medical Colleges (AAMC).

(B) The prolonged period of clinical training required increases the accumulated debt burden.

(C) The decreasing number of mentors and role models.

(D) The perceived instability of funding from the National Institutes of Health and other Federal agencies.

(E) The almost complete absence of clinical research training in the curriculum of training grant awardees.

(F) Academic Medical Centers are experiencing difficulties in maintaining a proper environment for research in a highly competitive health care marketplace, which are compounded by the decreased willingness of third party payers to cover health care costs for patients engaged in research studies and research procedures.

(10) In 1990, general clinical research centers were established under the Office of the Director of the National Institutes of Health with an initial appropriation of $3,000,000.

(11) Appropriations for general clinical research centers in fiscal year 1997 equaled $135,000,000.

(12) In fiscal year 1992, there were 74 general clinical research centers in operation, supplying patients in the areas in which such centers operate with access to the most modern clinical research and clinical research facilities and technology.

(13) The average annual amount allocated for each general clinical research center is $1,900,000, establishing a current funding level of 75 percent of the amounts approved by the Advisory Council of the National Center for Research Resources.

November 7, 1997
b) Purpose.—It is the purpose of this Act to provide additional support for and to expand clinical research programs.

SEC. 3. INCREASING THE INVOLVEMENT OF THE NATIONAL INSTITUTES OF HEALTH IN CLINICAL RESEARCH.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following:

“(1) The Director of NIH shall undertake activities to support and expand the involvement of the National Institutes of Health in clinical research, and to the same extent as such provisions apply to loan repayment programs.

“(2) In carrying out paragraph (1), the Director shall—

(A) design and pilot projects and implement the recommendations of the Division of Research Grants Clinical Research Study Group and other recommendations for enhancing clinical research, where applicable; and

(B) establish an intramural clinical research fellowship program and a continuing education clinical research training program at NIH.

“(3) The Director of NIH, in cooperation with the Directors of the Institutes, Centers, and Divisions of the National Institutes of Health, shall support and expand the resources available for the diverse needs of the clinical research community, including impatient, outpatient, and critical care clinical research.

“(4) The Director of NIH shall establish peer review mechanisms to evaluate applications for—

(A) clinical research career enhancement awards;

(B) innovative medical science awards;

(C) graduate training in clinical investigation awards;

(D) intramural clinical research fellowships.

Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research training and research grant proposals.

SEC. 4. GENERAL CLINICAL RESEARCH CENTERS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is further amended by adding at the end the following:

“SEC. 408. LOCAL CLINICAL RESEARCH CENTERS.

“(a) GRANTS.—The Director of the National Center for Research Resources shall award grants (to be referred to as ‘clinical research career enhancement awards’) to support individual scientists at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research. The Director of the National Center for Research Resources shall award grants to make grants under paragraph (1), $3,000,000 for fiscal year 1998, and such sums as may be necessary for each subsequent fiscal year.

“(b) INNOVATIVE MEDICAL SCIENCE AWARD.—

“(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as ‘innovative medical science awards’) to support individual scientists at such general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research. The Director of the National Center for Research Resources shall make grants (to be referred to as ‘innovative medical science awards’) to support individual scientists at such general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research. The Director of the National Center for Research Resources shall make grants (to be referred to as ‘innovative medical science awards’) to support individual scientists at such general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research. The Director of the National Center for Research Resources shall make grants (to be referred to as ‘innovative medical science awards’) to support individual scientists at such general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

“(2) APPLICATIONS.—An application for a grant under this paragraph (1) shall be submitted by an individual scientist at such time as the Director requires.

“(3) LIMITATIONS.—The amount of a grant under this paragraph (1) shall not exceed $75,000 per year.

“(4) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to make grants under this paragraph (1), $3,000,000 for fiscal year 1998, and such sums as may be necessary for each subsequent fiscal year.

“(c) GRADUATE TRAINING IN CLINICAL INVESTIGATION AWARD.—

“(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as ‘graduate training in clinical investigation awards’) to support individuals pursuing master’s or doctoral degrees in clinical investigation.

“(2) APPLICATIONS.—An application for a grant under this paragraph (1) shall be submitted by an individual scientist at such time as the Director may require.

“(3) LIMITATIONS.—The amount of a grant under this paragraph (1) shall not exceed $75,000 per year.

“(4) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to make grants under this paragraph (1), $3,000,000 for fiscal year 1998, and such sums as may be necessary for each subsequent fiscal year.

“(5) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to make grants under this paragraph (1), $3,000,000 for fiscal year 1998, and such sums as may be necessary for each subsequent fiscal year.

“SEC. 5. CLINICAL RESEARCH ASSISTANCE.

(a) NATIONAL RESEARCH SERVICE AWARDS.—

Section 487(a)(1)(C) of the Public Health Service Act (42 U.S.C. 287(a)(1)(C)) is amended by striking ‘‘50 such’’ and inserting ‘‘100 such’’.

(b) LOAN REPAYMENT PROGRAM.—Section 487E of the Public Health Service Act (42 U.S.C. 287e) is amended—

(1) in the section heading, by striking ‘‘FROM DISADVANTAGED BACKGROUNDS’’;

(2) in subsection (a)(1)—

(A) by striking ‘‘who are from disadvantaged backgrounds’’;

(B) by striking ‘‘as employees of the National Institutes of Health’’ and inserting ‘‘in part of a clinical research training position’’;

(3) in subsection (a), by striking paragraph (3) and inserting the following:

‘‘(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—With respect to the National Health Service Corps Loan Repayment Program established under subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with this section, apply to the program established in this section in the same manner and to the same extent as such provisions apply to such loan repayment program.’’;

(4) in subsection (b)—

(A) by striking ‘‘Amounts’’ and inserting the following:

‘‘(1) IN GENERAL.—Amounts’’; and

(B) by adding at the end the following:

‘‘(2) DISADVANTAGED BACKGROUNDS.—In carrying out this section, the Secretary shall ensure that not less than 50 percent of the contracts involve those appropriately qualified health professionals who are from disadvantaged backgrounds.’’;

(5) by adding at the end the following:

‘‘(c) DEFINITION.—As used in subsection (a), the term ‘clinical research training position’ means an individual serving in a general clinical research center or in clinical research at the National Institutes of Health, or a physician receiving a clinical research career enhancement award, an innovative medical science award, or a graduate training in clinical investigation award.

‘‘(d) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year.’’.

SEC. 6. DEFINITION.

Section 409 of the Public Health Service Act (42 U.S.C. 284d) is amended—

(1) by striking ‘‘For purposes’’ and inserting ‘‘(a) HEALTH SERVICE RESEARCH.—For purposes’’;

(2) by adding at the end the following:

‘‘(b) CLINICAL RESEARCH.—As used in this title, the term ‘clinical research’ means patient-oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations involving material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, or health services research, or behavioral studies, outcomes research, or health services research, or developing new technologies or therapeutic interventions.’’.

Supporters of Clinical Research Enhancement Act

Alzheimer’s Association
Ambulatory Pediatric Association
American Academy of Child and Adolescent Psychiatry
American Academy of Dermatology
The Clinical Research Enhancement Act is a conservative approach to a severe problem. The Institute of Medicine (IOM) expressed alarm about the challenges confronting clinical research in a 1994 report, and your bill is based on the initiatives recommended by the IOM.

The IOM recommended that the General Clinical Research Centers program be strengthened. Your bill would codify this program, which has existed since the late 1950's, so that the Congress will have greater discretion over GCRC funding.

The IOM recommended enhanced career development in clinical investigation, and your bill proposes such awards.

The IOM noted problems with the NIH peer review of clinical research. Your bill directs the NIH to improve the peer review process for such research and establishes "innovative scientific awards" that will be reviewed by scientists knowledgeable in clinical investigation.

The IOM recommended programs to relieve the tuition debt of physicians pursuing clinical research careers. Your bill authorizes funding for advanced degree (master's and Ph.D.) training in clinical investigation, and your bill would expand an existing NIH intramural program for this purpose to the extramural community.

The IOM recommended structured, didactic training in clinical research. Your bill authorizes funding for advanced degree (master's and Ph.D.) training in clinical research as successfully initiated at several institutions around the country.

The list of almost 150 organizations that support the Clinical Research Enhancement Act indicates the consensus of scientific, medical, consumer, and patient organizations that steps must be taken as soon as possible to stop the deterioration of the U.S. clinical research capacity, to reinvigorate the clinical research programs of academic medical centers, and to assure that the American people and the American economy benefit from the translation of basic science breakthroughs to improved clinical care and new medical products. The American Federation for Medical Research is pleased to have the opportunity to express its strong support for your legislation.
supports the Clinical Research Enhancement Act. As you know, it has been more than three years since the Institute of Medicine (IOM) documented the major challenges confronting clinical research in our country. Your bill would implement a number of the IOM recommendations for addressing these problems. It is critically important that the NIH move forward as rapidly as possible with these initiatives.

The NIH is the major funding source in the United States for basic biomedical research. However, the major dividends from this investment are delaying the ability to prevent, effectively treat, and cure disease and disability. The NIH must foster not only the basic research that begins this process, but also the translational research through which a basic science discovery is applied to a medical problem. There is generous industry support for clinical research and clinical trials aimed at the development of new products. However, private funding is extremely limited for initial translational research that may have little or no commercial product potential. Examples of such research include studies of nutritional therapies, new approaches to disease prevention, transplantation techniques, behavioral interventions, and studies of off-label uses of approved drugs. In fact, such research was often subsidized from patient care revenues to academic medical centers. However, competition in the health care marketplace has begun to erode the source of funding. Therefore, NIH must play an expanded role in providing support for this research. The Clinical Research Enhancement Act would foster NIH funding opportunities for this type of research through the establishment of innovative medical science awards. Such studies will focus on translating basic research discoveries into tools that health care professionals can use to cure disease and relieve suffering.

In addition, we support provisions of the bill that would foster opportunities for physicians to pursue careers in clinical research. There is ample evidence that American physicians are opting out of careers in science for a variety of reasons. Steps must be taken to rebuild the supply of well-trained, physician scientists if the United States is to continue its leadership of the world in medical science.

Finally, the bill would direct the NIH to improve the peer review of patient-oriented research. Studies have documented the fact that clinical research proposals are at a disadvantage when reviewed by NIH study sections because of NIH’s primary focus on basic biomedical research. This must be changed, as proposed in your bill, so that scientific opportunities to improve medical care are not lost.

The undersigned organizations are extremely grateful for your leadership in addressing the problems confronting clinical research. We support your initiative to assure that the NIH invests in the translational research that holds the key for patients around the country who are waiting for a cure. We are pleased to endorse the clinical Research Enhancement Act.

Alzheimer’s Association
American Autoimmune Related Diseases Association
American Diabetes Association
American Kidney Fund
American Paralysis Association
Digestive Diseases National Coalition
Epilepsy Foundation of America
Foundation for Blindness
Juvenile Diabetes Foundation International

Glaucoma Research Foundation
Myasthenia Gravis Foundation
National Alopecia Areata Foundation
National Multiple Sclerosis Society
National Osteoporosis Foundation
National Turner Syndrome Association
Pagen Foundation
Sjogren’s Syndrome Foundation
Tourette Syndrome Association.

By Mr. McCAIN (for himself, Mr. BURNS, Mr. CONRAD, and Mr. DORGAN):
S. 1422. A bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE FEDERAL COMMUNICATIONS COMMISSION SATELLITE CARRIER OVERSIGHT ACT

Mr. MCCAIN. Madam President, today I am introducing the Federal Communications Commission Satellite Carrier Oversight Act. This bill will do a number of things to promote competition in video programming. For the marketplace.

Congress has had a longstanding interest in promoting competition in the multichannel video marketplace so as to enable consumers to have a choice of video providers at competitive rates. However, a recent regulatory action threatens the ability of direct-to-home (DTH) satellite television operators to compete effectively with cable operators.

On October 27, 1997, the Librarian of Congress adopted a Copyright Arbitration Royalty Panel’s recommendation of a precipitous and wholly unjustified increase in the copyright fees satellite carriers pay for superstation and network affiliate signals delivered to satellite TV households. This action will result in a rate increase for satellite television service, which will have a detrimental effect on the ability of DTH operators to compete with cable.

This bill will ensure that this rate increase does not take effect as scheduled on January 1, 1998. It delays the effective date of the rate increase to January 1, 1999. The 7.5 million U.S. households who currently subscribe to satellite television deserve to have Congress examine the effect of this copyright fee increase on video competition and to consider changes to the law that would ensure a less arbitrary and more consumer-friendly result. This delay will give the FCC an opportunity to determine what impact the increased copyright fees will have on satellite’s ability to compete with cable, and it will give Congress an opportunity to evaluate the FCC’s report and make recommendations regarding the appropriate royalty.

The current satellite copyright rates are 14 cents per subscriber per month for each superstation signal and 6 cents per subscriber per month for each network signal. Cable operators currently pay an average of 9.7 cents for the exact same superstations and 2.7 cents for the exact same network signals. At the 27-cent rate adopted by the Librarian, satellite carriers will be paying almost 270 percent more than cable for the exact same superstations and 900 percent more for the exact same network signals.

This creates an enormous disparity in the copyright fees paid for the same signals and will result in rate increases to satellite subscribers, which in turn will have a negative impact on competition between cable and satellite. Such a result is directly contrary to the intent of Congress to give consumers a choice of video providers at competitive rates.

The bill also addresses an issue of continuing concern to the DTH industry. Signal theft represents a serious threat to DTH operators. In the Telecommunications Act of 1996, Congress confirmed the applicability of penalties for unauthorized decryption of DTH satellite services. The amendment we propose would confirm the judicial interpretation that civil suits may be brought by DTH operators for signal theft.

Mr. President. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD.

SEC. 1. SHORT TITLE.

This Act may be cited as the “Federal Communications Commission Satellite Carrier Oversight Act”.

SEC. 2. FINDINGS.

(a) The Congress finds that:
(1) Signal theft represents a serious threat to direct-to-home satellite television. In the Telecommunications Act of 1996, Congress confirmed the applicability of penalties for unauthorized decryption of direct-to-home satellite services. Nevertheless, concerns remain about civil liability for such unauthorized decryption.

(2) In view of the desire to establish competition to the cable television industry, Congress authorized consumers to utilize direct-to-home satellite systems for viewing video programming through the Cable Communications Policy Act of 1984.

(b) Congress found in the Cable Television Consumer Protection and Competition Act of 1992 that without the presence of another multichannel video programming distributor, a cable television operator faces no local competition and that the result is undue market power for the cable operator as compared to that of consumers and other video programmers.

(c) The Federal Communications Commission, under the Cable Television Consumer Protection and Competition Act of 1992, has the responsibility for reporting annually to the Congress on the state of competition in the market for delivery of multichannel video programming.

(d) In the Cable Television Consumer Protection and Competition Act of 1992, Congress stated its policy of promoting the availability to the public of a diversity of

American Paralysis Association
American Kidney Fund
American Autoimmune Related Diseases Association
American Diabetes Association
American Paralysis Association
Digestive Diseases National Coalition
Epilepsy Foundation of America
Foundation for Blindness
Juvenile Diabetes Foundation International
(1) by adding at the end of subsection (q): "The Commission shall, within 180 days of enactment of this amendment initiate a no
of inquiry to determine the best way in which to eliminate the program of dis-
tant broadcast signals such that it is more
consistent with the 1992 Cable Act’s goal of promoting effective competition in the market for di-
very of multichannel video programming and the
public interest. The Commission shall also
make a subsequent report to the Congress on the effect of the increase in roy-
alty fees paid by satellite carriers pursuant
to the decision by the Librarian of Congress
on competition in the market for delivery of
multichannel video programming and the ability
of the direct-to-home satellite indu-
try to compete." 

SEC. 5. EFFECTIVE DATE OF INCREASED ROY-
ALTY FEES. 

(a) Notwithstanding any other provision of law,
fees shall be prohibited from implementing, enforcing, collecting, or
awarding copyright royalty fees, and no obli-
gation or liability for copyright royalty fees shall
accrue pursuant to the decision of the Librarian of Congress on October 27, 1997,
which established a royalty fee of $0.27 per
subscriber per month for the retransmission of
distant broadcast signals by satellite carri-
ers, before January 1, 1999.

By Mr. HAGEL (for himself, Mr. BEN
NETT, Mr. KERRY, and Mr. GRAMS):
S. 1423. A bill to modernize and
improve the Federal Home Loan Bank
System; to the Committee on Banking,
Housing, and Urban Affairs.

THE FEDERAL HOME LOAN BANK SYSTEM

Mr. HAGEL. Mr. President, I rise
today to introduce the Federal Home
Loan Bank System Modernization Act
of 1997. I am joined in this effort by my
distinguished colleagues Senators BEN-
NETT, GRAMS, and KERRY.

This legislation represents months of
work in crafting a bill that has bipar-
tisan support. The process has been
open, and we have included all the af-
tected parties: The Federal Home Loan
Banks themselves, the Federal Housing
Finance Board, and the banking indus-
try. This process has allowed us to
craft legislation that represents, above
d all, sound banking policy.

This bill will help community banks
and the consumers who rely on them.
Take, for example, the case of Com-
mercial. Commercial has served northeast
Nebraska as an agricultural and business
lender for more than 70 years.

Now, with a growing economy in the
region, the bank is growing as well. In
the small community of 600 people, de-
posits cannot keep pace with the grow-
ning demand for loans—and that means the
bank’s liquidity is declining. With less liquidity, that isn’t as much
money available for lending as the
community demands.

This bill would help banks like Com-
mercial and communities like Wausa.

As I mentioned, the President of Com-
mercial State Bank, wrote to me about
his community’s experience:

It’s time for Congress to act.
We should update this system to recog-
nize this change in its membership.

Our legislation would ease member-
ship requirements for smaller commu-
nity banks and thrifts as they are called
to today, are re-
ed by the Federal Home Loan
Bank legislation become
an issue of basic fairness. Federal
Home Loan Bank membership is appro-
priate or not. As a result of this action,
this could be a source of liquidity for com-
nunity lenders. These institutions
would be permitted to post different
types of collateral for various kinds of
lending. This critical change will fa-
cilitate more small business, rural de-
velopment, agricultural and low-income
community development lending in rural and urban communities.

The second main component of this
bill is an issue of basic fairness. Feder-
ally chartered savings associations, or
thrifts as they are called today, are re-
quired to be members of the Federal
Home Loan Bank System. Federal
banks, on the other hand, are vol-
untary members. This disparity is un-
fair.

Our legislation allows federally char-
tered thrifts to become voluntary members. This is important to these
institutions which are large stock-
holders in the Federal Home Loan
Bank System. It is critical that all
member financial institutions have the
ability to choose if Federal Home Loan
Bank membership is appro-
priate or not. As a result of this action,
we also equalize stock purchase re-
quirements for all member institu-
tions. We do this in a way that main-
tains and enhances the stability
density and soundness of the
FHLLB system.

The third component of this legisla-
tion fixes an imbalance in the system’s
annual REFCORP obligation. Cur-
cently, the 12 FHLLBs must collec-
tively pay a fixed $300 million obliga-
tion to service the REFCORP bonds.
that were issued to help pay for the S&L bailout. This fixed obligation has driven the banks to increase their levels of non-mission-related investments. Under our legislation each FHLBank would be required to pay 20.75 percent of its earnings in support of the FHLB System, as opposed to the current 10 percent. Freeing the FHLBanks of the obligations to generate a specific dollar figure would allow them to concentrate on their primary mission of housing finance and community lending. This change was requested by the Congressional Budget Office as increasing Federal revenues by $44 million over the next 5 years. In other words, this change would allow a $44 million reduction in taxpayer obligations.

Fourth and finally, the legislation addresses the issue of devolution of management functions from the Finance Board to the FHLBanks. On issues of day-to-day management, the FHLBanks should be able to govern themselves independently of their regulators. Devolution of the Finance Board should be mission regulation and safety-and-soundness regulation. The provisions of the legislation that accomplish this goal are non-controversial and enjoy broad support.

Mr. President, it is time to modernize the Federal Home Loan Bank System. The landscape of the financial services industry is rapidly evolving. The Federal Home Loan Banks should be allowed to modernize to keep pace with these changes. I am proud to take up this issue in the Senate and build on the work done in the House of Representatives by Congressmen BAKR and KANORSKI, both tireless proponents for Federal Home Loan Bank modernization. Their help in the formulation of this legislation was critical. I sincerely hope the Senate Banking Committee and the full Senate will have the chance to consider this important legislation and I encourage my colleagues to support it.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:


SMALL BANKS FACE CRISIS AS DEPOSITS DRAIN AWAY

[By Laura Pavlenko Lutton]

Commissioners are finding it increasingly tough to meet deposit and withdrawal demands as customers shift their deposits into higher-yielding investments like mutual funds. “I think it could become a crisis,” said C. William Landefeld, president of Bankers. “It’s one of our biggest concerns.”

Mr. Landefeld said that some banks also are in towns with dwindling populations or slumping economies. Dennis Utter, president of Citizens Savings Bank of Yankton, S.D., has sold off municipal bond securities in recent years to increase its loan capacity, according to its president, James Ahrendt. Lew Stone, president of Goleta, Calif., National Bank, said his bank is using the Internet to market liquidity and that it sells certificates of deposit through an electronic bulletin board, raising and lowering the rates depending on how much money the bank needs. “We kept $10 million overnight if we had to,” Mr. Stone said.

Industry experts say they expect the current trend of declining deposit growth and increasing loan demand will continue. “We can’t see any real relief for community banks,” said Charles N. Cramer, head of equity research at M.A. Schapiro & Co. in New York. “It’s not a bank that’s been educated that they can do better things with their money than put it in a bank.”

By Mr. MURKOWSKI (for himself, Mr. AKAKA, Mr. STEVENS, and Mr. INOUE):

S. 1424. A bill to amend the Internal Revenue Code of 1986 to modify the air transportation tax changes made by the Taxpayer Relief Act of 1997; to the Committee on Finance.

AVIATION TAXES MODIFICATION LEGISLATION

Mr. MURKOWSKI. Mr. President, today, along with Senators AKAKA, STEVENS, and INOUE, I am introducing legislation that will provide a measure of relief to the citizens of Alaska and Hawaii who must rely on air transport for more than the citizens in the lower 48.

When Congress adopted the balanced budget legislation last summer, one of the provisions of the tax bill re-wrote the formula for calculating the air passenger tax for domestic and international flights. As part of this formula change, Congress adopted a per passenger, per segment fee which disproportionately penalizes travelers to and from Alaska and Hawaii who have no choice but to travel by air.

That legislation we are introducing today would reinstate the prior tax 10 percent tax formula which is used in and from our states. In addition, the $6 international departure fees that are imposed on such flights would be retained at the current level and would not be indexed. I see no reason why passengers flying to and from our states must face a guaranteed increase in tax every year because of inflation. We don’t index tobacco taxes, we don’t index fuel taxes; why should government automatically gain additional revenue from air passengers simply because of inflation?

Mr. President, this legislation requires that intrastate Alaska and Hawaii flights will be subject to a flat 10 percent tax if such flights do not originate or terminate at a rural airport in our states. In addition, the definition of a rural airport is expanded to include airports within 75 miles of each other where no roads connect the communities. In many towns in Alaska, air transport is the only viable means of transportation from one community to another. There is no question that these airports should be denied the benefit of the special rural airport tax rate simply because our state does not have the
transportation infrastructure or geographic definition that exists in most of the lower-48.

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. 1241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that: Section 1. Modifications to Air Transportation Tax Changes Made by Taxpayer Relief Act of 1997.

(a) Elimination of Inflation Adjustment for Tax on Certain Use of International Travel Facilities.—Section 426(e)(4) of the Internal Revenue Code of 1986 (relating to inflation adjustment of dollar rates of tax) is amended—

(1) in subparagraph (A), by striking “$12.00 amount contained in subsection (c)” and inserting “$12.00 amount contained in subsection (c)(1)”; and

(2) in subparagraph (B), by striking “the dollar amounts contained in subsection (c)” and inserting “the $12.00 amount contained in subsection (c)(1)”; and

(b) Modification of Rural Airport Definition.—Subclause (i) of section 426(e)(1)(B) of the Internal Revenue Code of 1986 (defining rural airport) is amended by inserting “or so located but is not connected to such other airport by paved roads)” after “clause (i)”;

(c) Imposition of Ticket Tax on Segments to and from Alaska or Hawaii.—Section 426(e)(1)(B) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following:

“(6) SEGMENTS TO AND FROM ALASKA OR HAWAII AT RATE IN EFFECT BE-FORE THE TAXPAYER RELIEF ACT OF 1997.—(A) In general.—The tax imposed by subsection (b)(1) shall apply to tickets representing travel beginning or ending in Alaska or Hawaii.

“(B) Special rule.—(i) Except with respect to any segments described in clause (i), if the taxes imposed by subsection (b)(1) do not exceed 10 percent of the applicable passenger fares.

“(ii) In the case of any other segment described in clause (i), if the taxes imposed by subsection (b)(1) exceed 10 percent of the applicable passenger fares.

“(C) Effective date.—This subsection shall take effect on the first day of the first full calendar quarter after the date of the enactment of this Act.

Mr. INOUYE. Mr. President, I am pleased to lend my support to Senator MUKOSKOWSKI and other colleagues in introducing legislation today that addresses certain aviation tax inequities that were enacted as part of Public Law 105–34, the Taxpayer Relief Act of 1997.

Among other aviation provisions, Public Law 105–34 lowered the passenger ticket tax from 10 percent to 9 percent, falling incrementally to 7.5 percent over 3 years. In addition, the law established a new domestic segment fee of $1, rising incrementally to $3 over 5 years, which will ultimately be indexed for inflation. However, flights from certain small, rural airports are not exempted from the $3 segment fee. Finally, while the existing $6 international departure tax for flights between Hawaii and other states is maintained, the charge is indexed for inflation beginning in 1999.

Mr. President, these taxes unfairly discriminate against Hawaii travelers. Residents of and visitors to Hawaii are entirely dependent on plane service for communication among the State’s eight major islands as well as for travel to and from the distant U.S. mainland. The new aviation charges make personal, commercial, and Government travel within Hawaii more costly and inhibiting visitation from other States.

Mr. BURNS, Madam President, I rise today to introduce a bill to transfer the operation of an irrigation project in Montana from the Bureau of Indian Affairs to the local irrigators. This is a bill, which has been before Congress before, but has never been able to address the concerns expressed by the BIA and groups which have opposed this legislation in the past.

Years of management by the Bureau of Indian Affairs has led to a project in poor physical condition. Rather than being an asset for the government and the users, the Flathead Irrigation is rapidly becoming a liability. Using current estimates, the project is in need of $15 to $20 million worth of repair and conditioning. Government managers admit that costs associated with rehabilitation of this project could be as much as 40 percent higher than if the project were under local control.

The irony of this project however, is the fact that studies on locally owned irrigation projects in Montana and Wyoming show that the costs of operation and maintenance of the Flathead project are among the lowest in the nation. What do these people, and for that matter the taxpayer, get for the higher costs associated with the current management? Not much if anything at all.

Let’s take a moment here to see what local control of this irrigation project would mean to the irrigators and to the taxpayer. First of all, local control will mean increased accountability of the monies collected by and used in the operation of the Flathead Irrigation Project. At the current time, the BIA is unable, or unwilling, to provide basic financial information to the local irrigation districts. This despite the fact that the local farmers and ranchers pay 100% of the costs to operate and maintain the project. At the same time, the BIA is required to reimburse the Federal Government for the reduced 7.5 percent rate.

Thank you, Mr. President. For the sake of Hawaii’s and Alaska’s unique air transportation needs, I urge my colleagues to support this initiative.
Local control will also create savings over the current operation management. By using these savings the local management could be used to restore the Flathead Irrigation Project to a fully functioning, efficiently operating unit.

Without the transfer to local control, the residents of the Flathead face an uncertain future. This irrigation project is located in one of the most beautiful valleys in western Montana. Current agriculture has not benefited farmers and ranchers in a difficult position. Montana farmers and ranchers have always been land rich and cash poor. In the case of this valley in Montana, this is the rule and not the exception. They live in an area that is being changed daily due to the number of summer home construction, because of the beauty and a temperate climate for Montana.

The family farmers and ranchers in this area continue to face economic pressure outside. Which has led to a number of folks packing up and subdividing their land for residential home sites. Those who have packed up and left the area, have taken their land and subdivided it for the residential development, removing the land from agricultural production.

The subdivision of the land has a number of negative impacts on this valley and Montana and the Nation. The landscape is dotted with magnificent home sites and rural land and open spaces, and of course wildlife. Another of the major impacts sin on the local and state economies. Agriculture land in Montana pays approximately $1.29 in property taxes for every dollar invested by the local government for services. Residential subdivisions only pay approximately $0.89 for every dollar they receive in local government services.

Preservation of the small family farming and ranching way of life which has led to a number of folks packing up and subdividing their land for residential home sites. Those who have packed up and left the area, have taken their land and subdivided it for the residential development, removing the land from agricultural production.

The local control of this project is supported by a wide cross section of Montanans. Governor Marc Racicot, the Lake County Commissioners and the local irrigation districts are among the local government officials in support of this bill. Organizations which have voiced their support for the measure include the Montana Stockgrowers Association, Montana Water Resources Association and the National Water Resources Association. The support of this measure is bipartisan in nature as well.

Madam President. I am pleased to introduce this measure today, and I look forward to moving this bill forward through committee and to the floor in an attempt to give local control back to the people who depend on the Flathead Irrigation Project for their way of living.

By Mr. LAUTENBERG:

S. 1426. A bill to encourage beneficiary devotes to provide adequate protection of intellectual property rights, and for other purposes; to the Committee on Finance.

The RIGHTS OF INTELLECTUAL PROPERTY OWNERS FAIRNESS FACILITATION ACT OF 1997

Mr. LAUTENBERG. Mr. President, today I rise today to introduce legislation I believe will encourage many of our trading partners to improve their protection of American intellectual property rights. This is not an insignificant matter. Mr. President. It is estimated that American companies lose approximately $50 billion every year from intellectual property violations. This theft not only affects a company’s bottom line, it means losses to America’s competitiveness, and, most importantly, it means loss of American jobs.

The “Rights of Intellectual Property Owners Fairness Facilitation Act of 1997,” or RIP-OFF, will require participants in the Generalized System of Preferences program to expedite their implementation of intellectual property agreement contained in the Uruguay Round of the General Agreement on Tariffs and Trade. In addition, to continue as a GSP beneficiary, a country must fully comply with the terms of any bilateral and multilateral intellectual property agreement it has with the United States.

Mr. President, the Agreement on the Trade-Related Aspects of Intellectual Property Rights, known as TRIPS, requires signatories to improve and better enforce the rights of intellectual property holders. Unfortunately, too many countries are able to delay implementation of TRIPS for an inordinately long period of time. Developing countries have until 2000 and least developed countries permitted to delay some TRIPS requirements for as long as 2006. The United States simply cannot afford to permit piracy to continue unabated for such a lengthy period.

The GSP program enables certain products from developing countries to be exported to the United States duty-free. Through the years, Congress has conditioned the receipt of these tariff preferences on such factors as whether a country has resolved or arbitral awards in favor of US citizens, whether it affords internationally recognized worker rights to its workers, and whether it harbors terrorists. Although GSP beneficiaries are supposed to provide adequate and effective intellectual property protection, it is an amorphous standard that has only been used a handful of times against countries, and then, only for a limited period of time, and with limited success. By tying the GSP program to expedited implementation of TRIPS compliance, I believe that the bill will encourage more countries to provide adequate intellectual property protection.

Mr. President, I urge my colleagues to support this legislation. It is estimated that our government should continue seeking stronger protection for American intellectual property owners.

Mr. President, I urge my colleagues to support this legislation. It is estimated that our government should continue seeking stronger protection for American intellectual property owners.

Mr. President, I urge my colleagues to support this legislation. It is estimated that our government should continue seeking stronger protection for American intellectual property owners.

Mr. President, I urge my colleagues to support this legislation. It is estimated that our government should continue seeking stronger protection for American intellectual property owners.

Mr. President, I urge my colleagues to support this legislation. It is estimated that our government should continue seeking stronger protection for American intellectual property owners.
(3) It is in the interest of the United States to leverage its foreign policy to achieve certain trade policy objectives, such as adequate, effective, and timely protection of intellectual property rights.

(4) Several countries that qualify under the generalized system of preferences provisions have been identified under section 182 of the Trade Act of 1974 (19 U.S.C. 2462) as countries that do not provide adequate and effective protection of patents, copyrights, and trademarks or deny fair and equitable market access to United States persons that rely on intellectual property rights protection.

(5) Several countries that receive United States preference also have been identified under section 182 of the Trade Act of 1974 as countries that do not provide adequate and effective protection of patents, copyrights, and trademarks or deny fair and equitable market access to United States persons that rely on intellectual property rights protection.

SEC. 3. COUNTRIES INELIGIBLE FOR GSP TREATMENT.

(a) In General.—

(1) Implementation of Agreement on TRIPS and Other Agreements Relating to Intellectual Property Rights.—Section 502(b)(2) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)) is amended—

(A) inserting immediately after subparagraph (G) the following new subparagraph:

"(H) Such country is not implementing parts I, II, and III of the Agreement on TRIPS—"

"(i) beginning on the date that is 1 year after the date of enactment of the Rights of Intellectual Property Owners Fairness Facilitation Act of 1997; or"

"(ii) by January 1, 2000, in the case of a least-developed beneficiary developing country.

"(B) beginning on the date that is 90 days after the date of enactment of the Rights of Intellectual Property Owners Fairness Facilitation Act of 1997, such country is not implementing—"

"(i) article 70(9) of part VII of the Agreement on TRIPS of 1997, and"

"(ii) any bilateral or multilateral agreement (other than an agreement described in subparagraph (H) or clause (i)) to protect and enforce intellectual property rights entered into with the United States."

(B) In the last sentence, by striking "(D), (E), (F), and (G)" and inserting "(D), (E), (F), and (G)"

(2) Conforming Amendment.—Section 507 of such Act (19 U.S.C. 2467) is amended by adding at the end the following new paragraph:

"(6) Agreement on TRIPS.—"

"(A) TRIPS.—The term ‘Agreement on TRIPS’ means the Agreement on Trade-Related Aspects of Intellectual Property Rights entered into as part of the Uruguay Round agreements resulting from the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade.

(b) Uruguay Round Agreements.—The term ‘Uruguay Round Agreements’ means the trade agreements resulting from the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade.

(c) Designation as Eligible GSP Country.—Section 502 of such Act (19 U.S.C. 2462) is amended by adding at the end the following new subsection:

"(g) Designation Where Country Adheres to the Agreement on TRIPS and Other Intellectual Property Rights Agreements; Annual Reports.—"

"(1) Designation as Beneficiary Developing Country.—A country—"

"(A) which has been designated as a beneficiary developing country on the basis of subsection (b)(2)(H) or (I), or

"(B) with respect to which such designation has been withdrawn or suspended based on subsection (b)(2)(H) or (I), may be designated as a beneficiary developing country under this title, if the President determines that sufficient progress has been made towards meeting the obligations of the Agreement on TRIPS, and any other agreement entered into with the United States that relates to intellectual property rights, and reports the determination to Congress.

"(B) Reports.—"

"(1) Annual Reports.—Not later than the date that is 1 year after the date of enactment of the Rights of Intellectual Property Owners Fairness Facilitation Act of 1997, and annually thereafter, the President shall determine whether each country designated as a beneficiary developing country under this title is fully implementing parts I, II, and III of the Agreement on TRIPS and shall report such findings to Congress."

"(2) Other Reports.—Not later than 90 days after the date of enactment of the Rights of Intellectual Property Owners Fairness Facilitation Act of 1997, and annually thereafter, the President shall determine whether each country designated as a beneficiary developing country under this title is fully implementing parts I, II, and III of the Agreement on TRIPS and shall report such determination to Congress."

SEC. 4. COORDINATION OF TRADE POLICY AND FOREIGN POLICY.

(a) Other Efforts To Improve Protection of Intellectual Property Rights.—The United States Trade Representative shall notify the Secretary of Commerce, the Secretary of State, and the Administrator of the Agency for International Development on a regular basis of any country which is not fully implementing parts I, II, and III of article 70(9) of part VII of the Agreement on TRIPS and any other agreement entered into with the United States that relates to intellectual property rights and shall report such determination to Congress.

(b) Encouraging Implementation of Agreement on TRIPS.—The Secretary of State, the Secretary of Commerce, and the Administrator of the Agency for International Development shall cooperate with the United States Trade Representative to encourage foreign countries to provide for adequate and effective protection of intellectual property rights to enact and enforce laws that will enable the country to implement the Agreement on TRIPS and any other intellectual property rights agreement. To further this objective, the Secretary of State shall offer the establishment of programs within the international intellectual property-related technical assistance to multilateral lending institutions to seek the establishment of programs with the institutions to support strong intellectual property rights protection in recipient countries that fully implement the Agreement on TRIPS, and any other agreement entered into with the United States that relates to intellectual property rights.

(c) Other Actions To Encourage Protection of Intellectual Property Rights.—Notwithstanding any other provision of law, the President is authorized to undertake the following actions, where appropriate, with respect to a developing country to encourage and help the country implement the protection of intellectual property rights:

(1) Provide Overseas Private Investment Corporation insurance for intellectual property assets.

(2) Require foreign assistance programs to provide support for the development of national intellectual property laws and regulations, as well as the infrastructural necessary to protect intellectual property rights.

(3) Establish technical cooperation committees on intellectual property standards within regional organizations.

(4) Establish, as a joint effort between the United States Government and the private sector, a council to facilitate and provide intellectual property-related technical assistance through the Agency for International Development and the Department of Commerce.

(5) Require United States representatives to multilateral lending institutions to seek the establishment of programs with the institutions to support strong intellectual property rights protection in recipient countries that fully implement the Agreement on TRIPS, and any other agreement entered into with the United States that relates to intellectual property rights.

(d) Definitions.—In this section:

(1) Agreement on TRIPS.—The term "Agreement on TRIPS" means the Agreement on Trade-Related Aspects of Intellectual Property Rights entered into as part of the trade agreements resulting from the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade.

(2) Developing Country.—The term "developing country" means any country which—

(2) eligible to be designated a beneficiary developing country pursuant to title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.); or

is designated as a beneficiary developing country pursuant to section 502 of such Act (19 U.S.C. 2462).

PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA


HON. FRANK LAUTENBERG,
United States Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to express PhRMA’s appreciation and support for your legislation, the “Rights of Intellectual Property Owners Fairness Facilitation Act of 1997.” The protection and enhancement of American intellectual property is fundamental to the competitiveness of many U.S. industries, especially the research-based pharmaceutical industry, including the search for cures to development and the Executive Branch, over the years many countries such as Mexico and Brazil have improved their intellectual property regimes, and committed to improving cooperative for other countries around the world. I believe your legislation, by providing a balanced range of incentives for countries to improve their protection of intellectual property rights, will send a positive signal to other trading partners. Please do not hesitate to contact me if there is anything PhRMA can do to support the passage of your legislation.

Sincerely,

ALAN F. HOLMER,
President.


HON. FRANK LAUTENBERG,
United States Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of Procter & Gamble, I write in strong support of your efforts to protect U.S. intellectual property rights abroad. In the ‘Rights of Intellectual Property Owners Fairness Facilitation Act of 1997,’ Procter & Gamble now generates over half of its $35 billion annual sales from international markets. America’s leadership to create rules-based international markets is
one of our primary concerns. As we continue to build our business in developing countries, we seek a "level playing field" in the form of transparent, rules-based treatment and protection of intellectual property rights. If we lose GSP benefits, this represents a step forward.

We are all too familiar with what can happen overseas when U.S. intellectual property rights are inadequately protected. For example, in the Persian Gulf countries, P&G suffers from severe counterfeit activity. In certain other nations receiving GSP preferences, we estimate that nearly 10% of their total sales is lost to counterfeit products. If GSP can be used as an incentive for countries to implement the TRIPS standards at an accelerated pace, we would avoid these losses.

Your proposed similar legislation in 1994, which we and many of our trade associations such as IPO and PhRMA supported. We will encourage those organizations to again support this initiative.

Sincerely,

R. SCOTT MILLER, Director.

By Mr. FORD:

S. 1427. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COMMUNITY BROADCASTERS PROTECTION ACT OF 1997

Mr. FORD. Mr. President, today, I am pleased to introduce the Community Broadcasters Protection Act of 1997. This legislation is designed to provide some limited protections for the owners and operators of low-power television, or LPTV.

Mr. President, when the Federal Communications Commission created low-power television licenses in the early 1980's, it did so with a simple premise: television stations unable to reach a large area, can still offer a valuable service to our communities. Low-power television stations operate at the higher ends of the broadcast spectrum and serve a more limited area, generally a coverage area of approximately 12 to 15 miles. In addition, LPTV licensees operate as a "secondary status." That is, they cannot interfere with the transmission of full power stations.

Since their creation almost 20 years ago, LPTV stations have flourished. As entrepreneurs, LPTV owners and operators have experimented with various kinds of programming. Many have been extensions of local, community broadcasters, providing regional news and sports coverage. In fact, LPTV stations have much in common with full power stations. Many offer a full service daily program schedule. Other stations on the air have predominantly religious, all news, all sports, or all movie formats. Still, many other LPTV stations offer more local and "niche" programming because their service areas are smaller, their audiences more targeted.

Unfortunately, the transition to the digital television era threatens the viability of many LPTV stations. As their spectrum is reclaimed by the FCC for the primary digital television channel, some of the LPTV stations may face darkness during the transition to digital television, or afterwards.

Let me say, Mr. President, that I have been an advocate for a support of the transition to digital television. I believe the move to digital television is a prudent use of modern technology for the use of a scarce public resource, the electromagnetic spectrum. But I also believe that as we make this transition, good public policy must support the investments made by LPTV licensees. I would note, Mr. President, that a majority of Members of the Senate agreed with me on this point as a number of Members joined me on March 6, 1996, in a letter to then FCC Chairman Reed Hundt in which we expressed concerns about the plans for the transition to digital television.

And while the FCC agrees that LPTV licensees have been successful and offer a valuable entertainment service, there remains regulatory uncertainty for LPTV licensees in the digital age. That is why I have introduced the Community Broadcasters Protection Act of 1997. This legislation would elevate some LPTV stations from their current secondary status to a newly created Class A license. In doing so, Class A LPTV licensees would be treated under law and FCC regulations like a full power television station. That is, Class A LPTV licensees would assume the same duties and responsibilities as their full power counterparts.

To qualify for a Class A license, an LPTV station must broadcast a minimum of 18 hours per day, and broadcast an average of 3 hours per week of programming produced within the market area served by the LPTV station. LPTV stations must be operating under these conditions within the last 2 years before enactment of this legislation and within 6 months of filing for the license. Once an LPTV station obtains a Class A license, the FCC would be required to find spectrum for the station in the new digital television era. Like its full power counterparts, a Class A LPTV station would not be forced off the air by having its license terminated or rescinded. However, in those instances where the FCC cannot accommodate an LPTV licensee in one market, because of the potential for interference with full power digital transmissions, the FCC is authorized to award the LPTV Class A licensee an other license in an adjacent community, or if that is not available, in another community acceptable to the licensee.

Lower-power television licensees are willing and prepared to join their full power counterparts in the transition to digital television—a transition which is technically complex and potentially costly for both full power and lowpower broadcasters. But as long as there remains a regulatory uncertainty about the future of LPTV, they will not be able to obtain the investments and talent to make that transition.

It is an interesting historic footnote, that at the time LPTV was authorized by the FCC, then FCC Chairman Charles Ferris suggested that one day, LPTV could develop into full power television stations. While this legislation does not elevate LPTV to full power status, I do believe that this legislation addresses a critical issue for LPTV supporters—the development of adequate protections in the digital age for broadcasters who provide a significant benefit to the public. I hope my colleagues, who are also supporters of their community broadcasters agree with me and will lend their support to move this legislation forward towards enactment.

By Mr. GRAHAM (for himself, Mr. MACK and Mr. BUMPERS):

S. 1428. A bill to amend the Marshall and Magna Carta limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict; to the Committee on Armed Services.

THE ROBERT R. INGRAM RECOGNITION ACT OF 1997

Mr. GRAHAM. Mr. President, I rise today to urge passage of a private bill that will honor a man that served this country with honor and bravery. This bill will allow Robert R. Ingram to receive the Medal of Honor for conspicuous gallantry and intrepidity at the risk to his life above and beyond the call of duty.

Robert R. Ingram served as Corpsman with Company C, First Battalion, Seventh Marines in Vietnam. On March 28, 1966, Corporsman Ingram landed Marine point platoon as it dispatched an outpost of a North Vietnam Aggressor battalion in Quang Ngai Province, Republic of Vietnam. They were sabotaged by the Vietnamese, and the platoon was decimated, suffering numerous casualties. Corporsman Ingram was himself injured four times during the attack while he administered first aid to other members of his platoon.

Enduring the pain from his many injuries and disabilities of his own life, Corporsman Ingram's selfless actions saved many U.S. soldiers that day. By his indomitable fighting spirit, daring initiative, and unaltering dedication to duty, Corporsman Ingram clearly earned the Medal of Honor as a result of his actions. However, the Navy failed to process an award, and Corpsman Ingram received no official commendation for his actions. The men with whom he served that fateful day, and the men whose lives he saved, all feel that a commendation is due. However, there is no evidence of an award recommendation.
Mr. President, it is time that Robert R. Ingram receives an honor that should have been bestowed upon him over thirty years ago. This bill calls for the time limitations in Section 6248 to be waived so that this action may be taken.

Mr. President, I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ROBERT R. INGRAM FOR VALOR DURING THE VIETNAM CONFLICT.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 6248 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the Medal of Honor under section 6172b of title 10, United States Code, to Robert R. Ingram of Jacksonville, Florida, for the acts of valor referred to in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Robert R. Ingram on March 28, 1966, as a Hospital Corpsman Third Class in the Navy serving in the Republic of Vietnam with Company C of the First Battalion, Seventh Marines, during a combat operation designated as Operation Indiana.

By Mr. ROCKEFELLER (for himself, Mr. BURNS, and Mr. DORGAN):

S. 1429. A bill to enhance rail competition and to ensure reasonable rail rates in any case in which there is an absence of effective competition; to the Committee on Commerce, Science, and Transportation.

THE RAILROAD SHIPPER PROTECTION ACT OF 1997

Mr. ROCKEFELLER. Mr. President, I am pleased and proud to be joined by two of my distinguished colleagues, Senator CONRAD BURNS and Senator BYRON DORGAN, in introducing today the Railroad Shipper Protection Act of 1997. This legislation is the result of many months of effort to develop constructive and pragmatic proposals for addressing the increasingly serious problems faced by shippers in need of affordable and reliable railroad service in every region of the country. As a bipartisan team committed to achieving urgent results in the coming year, we offer this bill with the hope that it will generate the interest, input, and support needed to help shippers obtain fair treatment and true competitive access from railroads across the country. I commend both Senator Burns and Senator Dorgan for their leadership and constant attention to these issues, which can be complex and yet affect numerous communities, key industries, and workers nationwide.

This legislation deals with issues of longstanding concern to me. Because of the importance of the relationship between the Nation’s railroads and the shippers and communities that they serve, especially in my State of West Virginia, I have made a special effort throughout my tenure in the Senate to promote a rail transportation system that is fair and economically sound for all parties. Of all the things that need provision for our rail system over the years, none is more troubling than the plight of captive rail shippers—businesses and communities that are dependent on a single railroad for freight transportation service.

West Virginia has an average of over thirty railroads serving in the Republic of Vietnam with Company C of the First Battalion, Seventh Marines, during a combat operation designated as Operation Indiana.

Second, the Surface Transportation Board, established in 1995 to succeed the Interstate Commerce Commission, is understaffed and underfunded, and is not adequately promoting rail competition and protecting captive shippers. As I feared at the time it was passed, the effect of the ICC Termination Act has been to reduce our national commitment to a strong and effective regulatory body to protect rail shippers. Rather than being vigilant in protecting captive shippers from railroad abuses, the STB has instead been consumed with reviewing major railroad mergers, concern over revenue adequacy determinations which serve no purpose, and making matters worse for shippers by deciding in December 1996 that railroads may render captive a shipper that is otherwise positioned to enjoy competitive service by refusing to quote a rate on a bottleneck segment.

Mr. President, just as the railroad industry has become more and more concentrated, the regulatory agency charged with protecting captive railroad customers has become less and less able to do its job. Some may wonder how the STB, which is directly charged with protecting against unreasonable rates and promoting competition, came to make such an anticompetitive and antishipper decision as that set forth in the 1996 bottleneck cases, and I think the answer illustrates well the need for Congress to correct the current imbalance between railroads and their customers.

The answer lies in the confusing institutional structure that was given to the STB in the ICC Termination Act, as previously in the Staggers Rail Act of 1980 and the Railroad Revitalization and Regulatory Reform Act of 1976. In these statutes Congress directed the STB and its predecessor, the ICC, to promote our national railroad transportation system “by allowing rail carriers to earn adequate revenues” (49 U.S.C. 10101(3)) and by making “an adequate and continuing effort to assist those carriers in reaching levels” that allow them “to attract and retain capital in amounts adequate to provide a sound transportation system in the United States” (49 U.S.C. 10704(a)(2)). Congress has further directed the STB to make an annual determination of each railroad’s revenue adequacy—a determination that finds most Class I railroads to be revenue inadequate, contrary to the view of Wall Street and industry observers about the financial strength of the individual railroads and the industry as a whole.

As is evident in reading the Board’s bottleneck decision, the perceived revenue inadequacy of the major railroads, and the belief that protecting rail mergers, combined with the responsibility of the agency, formed the basis of the STB’s agreement with the railroads that they should have the right to prevent rail-to-rail competition even where competition is physically possible. The failure of the evolution of the railroad industry, such an approach is not only inequitable, it is harmful to our national economy.
Today, I join with my colleagues in proposing legislation to clarify the policy of the U.S. Government with regard to railroad competition and to restore the intended balance between railroads and shippers in the laws governing their relationship and the oversight role of the STB. This bill would accomplish five major objectives: First, making clear that it is the policy of the U.S. Government to promote rail competition and protect captive shippers; second, reducing the regulatory burden on captive shippers by simplifying the market dominance test; third, over-turning the bottleneck decision by requiring railroads to quote a rate on any available segment of service; fourth, eliminating the “revenue adequacy” test, which serves no practical purpose and perpetuates the erroneous view that railroads are in dire financial straits; and fifth, requiring the STB to open its process more widely in order to meet the needs of small shippers.

It is my intention to pursue this legislation in the context of the STB’s reauthorization next year. I am firmly committed to ensuring that the Board is reauthorized in a timely way and is provided with the funds it needs to perform its mission as the primary oversight agency for the Nation’s railroads, but I want to make clear that I will not support continuation of the status quo in the relationship between railroads and shippers.

The legislation I introduce today will begin to afford rail-to-rail competition and captive shipper protection the priority they deserve in our national transportation policy. It is an important first-step, and I look forward to working with Senator BURS, Senator DORGAN, and others over the course of the next several months to expand upon the shipper protections we propose today. I invite our colleagues to join us in this effort, and genuinely seek constructive input and assistance to accomplish that goal.

Mr. President, I ask unanimous consent that a copy of the bill be printed in its entirety in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1429

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 “Railroad Shipper Protection Act of 1997”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the railroad industry has consolidated dramatically since passage of the Staggers Rail Act of 1980 (94 Stat. 1895 et seq.), leaving the railroad industry with only a few major carriers and providing shippers with limited competitive options;

(2) the financial health of the railroad industry has substantially improved from before the passage of the Staggers Rail Act of 1980;

(3) due to the continued consolidation of the railroad industry, captive rail shippers—

(a) continue to exist; and

(b) are increasing in number; and

(4) rail shippers, including captive rail shippers, will benefit from increased competition among railroads and a streamlined process under which the Surface Transportation Board determines the reasonableness of captive rail shipper rates.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(2) SURFACE TRANSPORTATION BOARD.—The term “Surface Transportation Board” or “Board” means the Surface Transportation Board established under section 701 of title 49, United States Code.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to clarify the rail transportation policy of the United States;

(2) to ensure rail competition for shippers in geographic areas in which rail competition is physically available;

(3) to ensure reasonable rates for captive rail shippers; and

(4) to remove unnecessary regulatory burdens from the rate reasonableness process of the Surface Transportation Board.

SEC. 5. CLARIFICATION OF RAIL TRANSPORTATION POLICY

Section 10101 of title 49, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “In regulating”; and

(2) by adding at the end the following:

“(b) PRIMARY OBJECTIVES.—The primary objectives of the Surface Transportation policy of the United States shall be—

“(1) to ensure effective competition among rail carriers at origin and destination; and

“(2) to maintain reasonable rates in the absence of effective competition.”

SEC. 6. REQUIREMENT OF RAILROADS TO ESTABLISH RATES TO FACILITATE RAIL TO RAIL COMPETITION

(a) ESTABLISHMENT OF RATE.—Section 11101(a) of title 49, United States Code, is amended by inserting after the first sentence the following: “Upon the request of a shipper, a rail carrier shall establish a rate for transportation requested by the shipper between two points on the system of that rail carrier where traffic originates, terminates, or may be interchanged. A rate established under the preceding sentence shall apply to the transportation requested for the rate without regard to whether the rate established is for part of a through transportation route between an origin and a destination or whether the shipper has made arrangements for transportation over any other part of that route.”.

(b) REVIEW OF REASONABLENESS OF RATE.—Section 10021(d) of title 49, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) If a rail carrier establishes a rate for transportation between any 2 points on the system of that rail carrier where rail traffic originates, terminates, or may be interchanged, the shipper may challenge the reasonableness of—

“(A) that rate; or

“(B) the aggregate rate between origin and destination (if the rate established is for part of a through route).”.

SEC. 7. SIMPLIFIED STANDARD FOR MARKET DOMINANCE

Section 10701(d) of title 49, United States Code, is amended by redefining, in part, the following:

(a) by striking paragraph (2); and

(b) by striking “(1)(A)” and inserting “(3);” and

(c) by striking “(B) For purposes” and inserting “(4);” and

(d) by inserting before paragraph (3), as redesignated, the following:

“(1) In making a determination under this section, the Board shall find that the rail carrier establishing the challenged rate referred to in subsection (b) has market dominance over the transportation for which the rate applies if that rail carrier—

“(A) is the only rail carrier serving the origin, destination, or intermediate portion of the transportation provided, or

“(B) does not prove to the Board that the rate charged results in a revenue-variable cost percentage for that transportation that is less than 180 percent.

“(2) In making a market dominance determination under this section in any case in which there are more rail carriers providing service at an origin or destination, the Board shall consider only transportation competition at that origin or destination.”.

SEC. 8. REVENUE ADEQUACY DETERMINATIONS.

(a) RAIL TRANSPORTATION POLICY.—Section 10101(3) of title 49, United States Code, is amended by striking “, as determined by the Board.”

(b) AUTHORITY FOR REVENUE ADEQUACY DETERMINATION.—Section 10701(a) of title 49, United States Code, is amended—

(1) by striking “(a)(4)” and inserting “(a)(3);” and

(2) by striking paragraphs (2) and (3).

SEC. 9. REDUCTION OF PREREQUISITE RAIL CARARRIERS FACED BY SMALL SHIPPERS.

(a) ADMINISTRATIVE RELIEF.—Not later than 180 days after the date of enactment of this Act, the Surface Transportation Board shall—

(1) review the rules and procedures applicable to rate complaints and other complaints filed with the Board by small shippers;

(2) identify any such rules or procedures that are unduly burdensome to small shippers; and

(3) take such action, including rulemaking, as is appropriate to reduce or eliminate the aspects of the rules and procedures that the Board determines under paragraph (2) to be unduly burdensome to small shippers.

(b) LEGISLATIVE RELIEF.—The Board shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives if the Board determines that additional changes in the rules and procedures described in subsection (a) are appropriate and require commensurate changes in statutory law. In making that notification, the Board shall provide recommendations concerning those changes.

Mr. DORGAN. Mr. President, today I am joining Senator ROCKEFELLER and others in introducing legislation that is designed to address some chronic problems facing rail shippers, especially small, captive shippers such as the small grain elevators in agricultural States like North Dakota. As this bill is introduced in the Senate today, thousands of bushels of grain are lying on the ground in North Dakota because there are no cars available to small elevators to take wheat and barley to market. The frustration of North Dakota farmers and grain shippers is focused not only on the availability of cars to take their products to market this time of year, but also on what they have to pay when they have only one railroad serving them. The rates captive shippers pay to get their products to market reflect the basic principles of economics: where there is competition there are lower rates and where there is not, the captive shipper pays significantly more.
Mr. DODD. Mr. President, today I am introducing the National Commission on Fairness in the Workplace Act. This commission will be tasked to review the trend of creating more part-time jobs than full-time jobs; assess the relationship between part-time work and wage levels, benefits, earning potential, productivity and the practice of having different wage and benefit levels for part-time and full-time workers. This commission, comprised of representatives of the business community, labor, academia and policy advocates will report to Congress and the President.

I fully recognize that for many individuals, part-time employment is a perfect solution. Full-time students and individuals wanting to combine work and family responsibilities choose to work part-time. But, part-time work should not be a passport to second class status. Often these employees perform the same duties as their full-time counterparts, but are paid less money and no benefits. And for those individuals seeking employment, too often they can only find work that requires full-time hours, but not full-time pay and benefits.

Too many Americans are forced to work two and three part-time jobs to pay their rent or mortgage, and put food on their tables. Let's not forget that employees who work full-time, earning benefits and living wages, are often still struggling. How do we expect individuals and families to survive on part-time wages and no benefits. Their status may be classified as part-time, but their expenses certainly are not.

Employers must strive to provide salaries and benefits that meet the demands of today's circumstances, while searching for ways to increase productivity and remain competitive in a global environment.

The recent UPS experience put a national spotlight on this issue; working full-time hours at part-time status and receiving less money and fewer benefits than their full-time counterparts, but for the concessions of the negotiations was that UPS would agree to create 10,000 full-time jobs from existing part-time positions.

A poll of 500 individuals by the University of Connecticut in September found strong support for action that would guarantee part-time workers some benefits and compel employers to pay those workers hourly wages equal to their full-time counterparts. Part-time employees in Connecticut comprise 12 percent of the work-force, less than the 18 percent national average.

Our work-force is one of our country's most treasured assets. Employees deserve to receive living wages and benefits and we must act now. Therefore, I urge my colleagues to join me in cosponsoring this legislation.

Mr. President, I ask unanimous consent that the bill "Part-timers' Rights Backed" be included in the RECORD and I ask unanimous consent that the bill be printed in the RECORD.
There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1435

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 “National Commission on Fairness in the Workplace Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) there is an increasing trend toward the use of part-time workers;
(2) part-time jobs often have no or limited health or pension benefits and few labor protections;
(3) there is a trend toward the creation of more part-time jobs than full-time jobs; and
(4) questions have been raised regarding the impact of part-time employment on wage levels, benefits, earning potential, and productivity; and

(b) a Federal commission should be established to conduct a thorough study of all matters relating to the impact of part-time employment on wage levels, benefits, earning potential, and productivity and to study the practices of providing different wage and benefit levels to part-time and full-time workers.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) There is established a Commission to be known as the National Commission on Fairness in the Workplace (hereafter referred to in this Act as the “Commission”).

(b) MEMBERSHIP.—The Commission shall be composed of 9 members of whom—

(1) 3 shall be appointed by the President; and
(2) 3 shall be appointed by the President pro tempore of the Senate, upon the recommendation of the Majority and Minority Leaders of the Senate; and
(3) 3 shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting as directed by the President.

(e) MEETINGS.—After the initial meeting, the Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—The Commission shall conduct a comprehensive study of the impact of part-time employment in the United States.

(b) MATTERS TO BE STUDIED.—The matters to be studied by the Commission under paragraph (1) shall include—

(A) a review of the trend toward creation of more part-time than full-time jobs;
(B) an assessment of the relationship between part-time work and wage levels, benefits, earning potential, and productivity; and
(C) the practice of providing different wage and benefit levels to part-time and full-time workers.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence as the Commission considers advisable to carry out its duties of this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may procure information directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act.

(c) EMPLOYMENT OF PERSONNEL.—The Commission may employ such personnel as may be necessary to carry out the provisions of this Act.

(d) REPORT.—Not later than 12 months after the Commission holds its first meeting, the Commission shall submit a report on the study to the President and Congress. The report shall contain a statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as the Commission considers appropriate.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not otherwise an officer or employee of the Federal Government shall be compensated at a rate of basic pay prescribed for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the performance of the duties of the Commission. Each member of the Commission who is otherwise an officer or employee of the Federal Government shall be compensated at a rate not to exceed the rate of basic pay prescribed for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code, at rates for individual members to be fixed by the Chairperson of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission shall have the authority to hire, to the extent provided in title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairperson may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 55 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(g) PRODUCTION OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for a position at level V of the Executive Schedule under section 5316 of such title.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the purposes of this Act. Any appropriation made shall remain available until expended.

SEC. 8. TERMINATION.

The Commission shall terminate 30 days after submission of its report under section 4(b).

[From the Hartford Courant, October 8, 1997]

PART-TIMERS’ RIGHTS BACKED; RESIDENTS POLLED BY THE UNIVERSITY OF CONNECTICUT IN SEPTEMBER STRONGLY SUPPORT GOVERNMENT ACTION THAT WOULD GUARANTEE PART-TIMERS SOME BENEFITS; COURANT; UCONN CONNECTICUT POLL

(By Liz Halloran)

It was the workplace issue that tripped up UPS and snarled the nation’s package delivery system during the day strike this summer: the growing use of part-time employees to do America’s business.

UPS workers agreed to go back to work after being assured a giant delivery company said it would create 10,000 new full-time jobs from existing part-time positions.

The strike was over, but the national conversation about the question of 22 million part-time workers—their rights and the government’s role in protecting them—kicked into high gear.

“Not everyone can work full time, and part-time work offers extra freedom and income to families in need,” said Sen. Christopher J. Dodd, D-Conn., who is urging Congress to set up a committee to study part-time work.

“(Part-time work) shouldn’t be a passport to second-class status,” he said.

It seems those in Connecticut agree strongly that part-time work that provides significant pay, benefits and stature must remain an option for families and individuals struggling to satisfy their own needs, those of their children and demands of their careers.

Part-timers in Connecticut make up about 12 percent of the work force—less than the 18 percent national average—and most don’t want a full-time job, a new Courant/Connecticut Poll shows.

But the residents polled by telephone by the University of Connecticut Sept. 9-15 showed remarkable support for government action that would guarantee part-timers some benefits, and compel companies to pay those workers hourly wages equal to their full-time counterparts. Only one in three would side with laws restricting companies from hiring part-time workers instead of creating full-time jobs.

But two-thirds said they would support laws requiring employers to give part-time workers benefits such as health insurance, pensions and vacations. Three out of four of those polled said that there should be no difference in the hourly pay of part- and full-time workers.

“There is backing for ‘fairness’—especially in hourly rates and for the provision of at least some fringe benefits,” said G. Donald Ferree Jr., poll director.

A majority of the 500 residents polled, however, said they were more interested in making sure that all workers—including part-timers—are paid equitably, than in judging whether jobs should be part or full time. Ferree said.

Democrats and Republicans support government policies regarding part-time work, as were women, who
by telephone. Percentages are rounded to the nearest whole number and may not add up to 100. The poll has a margin of error of plus or minus 5 percentage points. This means there is a 1-in-20 chance that the results would differ by more than 5 points in either direction from the results of a survey of all adult residents.

A poll's margin of error increases as the sample size shrinks. Results for a subgroup within the poll have a higher margin of error.

The telephone numbers were generated by a computer in proportion to the number of adults in each family. The respondent in each household also was selected at random.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from North Dakota [Mr. DORGAN] 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. 263

At the request of Mr. MCCONNELL, the names of the Senator from Missouri [Mr. BOND] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 428

At the request of Mr. KOHL, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 428, a bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns.

S. 751

At the request of Mr. SHELBY, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 751, a bill to protect and enhance sportsmen's opportunities and conservation of wildlife, and for other purposes.

S. 875

At the request of Mr. TORRCELLI, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 875, a bill to protect and enhance service providers from the misuse of computer facilities by others sending bulk unsolicited electronic mail over such facilities, and for other purposes.

S. 1044

At the request of Mr. LEAHY, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1044, a bill to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, and for other purposes.

S. 1169

At the request of Mr. REED, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 1169, a bill to establish professional development partnerships to improve the quality of America's teachers and for the academic achievement of students in the classroom, and for other purposes.

S. 1193

At the request of Mr. KOHL, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1193, a bill to amend chapters 83 and 85 of title 28, United States Code, relating to the jurisdiction of the District Court for the District of Columbia, and the United States Court of Appeals for the District of Columbia, and for other purposes.

S. 1204

At the request of Mr. CHAFEE, the name of the Senator from California [Ms. WAXMAN] was added as a cosponsor of S. 1204, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other governmental 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.

S. 1221

At the request of Mr. STEVENS, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1221, a bill to amend title 46 of the United States Code to prevent foreign ownership and control of United States flagged vessels employed in the fisheries in the navigable waters and exclusive economic zone of the United States, to prevent the issuance of fishery endorsements to certain vessels, and for other purposes.

S. 1228

At the request of Mr. CHAFEE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1228, a bill to provide for a 10-
year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

S. 1251

At the request of Mr. D’AMATO, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Massachusetts [Mr. KERRY] 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 Idaho [Mr. CRAIG] the Senator from Massachusetts [Mr. KERRY] and the Senator from Illinois [Ms. MÖSELEY-BRAUN] 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. 1256

At the request of Mr. HATCH, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 1256, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States 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 in which no State law claim is alleged; to permit certification of unsettled State law questions that are essential to Federal claims arising under the Constitution; to allow for efficient adjudication of constitutional claims brought by injured parties in the United States district courts and the Court of Federal Claims; to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution; and for other purposes.

S. 1264

At the request of Mr. Harkin, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1264, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement.

S. 1287

At the request of Mr. Jeffords, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 1284, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons who have demonstrated a commitment in the conservation of Asian elephants.

S. 1297

At the request of Mr. Coverdell, the name of the Senator from Alabama [Mr. Sessions] was added as a cosponsor of S. 1297, a bill to redesignate Washington National Airport as “Ronald Reagan Washington National Airport”.

S. 1311

At the request of Mr. Lott, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran’s efforts to acquire, develop, or produce ballistic missiles.

S. 1320

At the request of Mr. Rockefeller, the names of the Senator from Massachusetts [Mr. Kerry] and the Senator from Nevada [Mr. Bryan] were added as cosponsors of 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.

S. 1321

At the request of Mr. Torricelli, the names of the Senator from Rhode Island [Mr. Chafee] and the Senator from Rhode Island [Mr. Reed] were added as cosponsors of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1334

At the request of Mr. Bond, the name of the Senator from Washington [Mr. Gorton] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1335

At the request of Ms. Snowe, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 1335, a bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees.

S. 1343

At the request of Mr. Lautenberg, the names of the Senator from Massachusetts [Mr. Kennedy] and the Senator from Illinois [Mr. Durbin] were added as cosponsors of S. 1343, a bill to amend the Internal Revenue Code of 1986 to increase the excise tax rate on tobacco products and deposit the resulting revenues into a Public Health and Education Resource Trust Fund, and for other purposes.

S. 1351

At the request of Mr. Burns, the name of the Senator from Missouri [Mr. Bond] was added as a cosponsor of S. 1351, a bill to amend the Sikes Act to establish a mechanism by which outdoor recreation programs on military installations will be accessible to disabled veterans, military dependents with disabilities, and other persons with disabilities.

S. 1371

At the request of Mr. Kohl, the name of the Senator from Montana [Mr. Burns] was added as a cosponsor of S. 1371, a bill to establish felony violations for the failure to pay legal child support obligations, and for other purposes.

SENATE CONCURRENT RESOLUTION 59

At the request of Mr. D’Amato, the names of the Senator from Maine [Ms. Snowe] and the Senator from Illinois [Mr. Durbin] were added as cosponsors of Senate Concurrent Resolution 59, a concurrent resolution expressing the sense of Congress with respect to the human rights situation in the Republic of Turkey in light of that country’s desire to host the next summit meeting of the heads of state or government of the Organization for Security and Cooperation in Europe (OSCE).

SENATE RESOLUTION 116

At the request of Mr. Jeffords, the name of the Senator from Idaho [Mr. Craig] was added as a cosponsor of Senate Resolution 116, a resolution designating November 15, 1997, and November 15, 1998, as “America Recycles Day”.

SENATE RESOLUTION 145

At the request of Mr. Campbell, the names of the Senator from Alaska [Mr. Murkowski] and the Senator from Alaska [Mr. Stevens] were added as cosponsors of Senate Resolution 145, a resolution designating the month of November 1997 as “National American Indian Heritage Month”.

SENATE RESOLUTION 146—ESTABLISHING AN ADVISORY ROLE FOR THE SENATE IN THE SELECTION OF SUPREME COURT JUDGES

Mr. Specter (for himself and Mr. Byrd) submitted the following resolution which was referred to the Committee on the Judiciary:

S. Res. 146

Whereas, Article II, Section 2 of the United States Constitution authorizes the President to appoint Judges of the Supreme Court “by and with the Advice and Consent of the Senate”;

Whereas, the Senate has exercised its “advice and consent” function due diligence through extensive hearings and deliberation prior to voting on nominees to the Court;

Whereas, the Senate has not historically exercised its “advice and consent” function with the exception of a limited consultation with the President on the selection of a nominee in advance of the President making such a nomination;

Whereas, there is no systematic method for selecting Supreme Court nominees, with the
President having historically proceeded on an ad hoc basis to consider a limited number of individuals before making his nomination;

Whereas, there is an enormous pool of legal talent who could become Supreme Court nominees;

Whereas, in one case where the Senate exercised influence on the selection of a nominee, in Justice Oliver Wendell Holmes with Justice Benjamin Cardozo;

Whereas, the importance of having the best and brightest judges is reflected in the fact that the Supreme Court has decided numerous significant cases by a one-vote margin;

And whereas, it would be useful to create a pool of recognized candidates of superior quality for consideration by the President; Now, therefore, be it

Resolved, That the Senate should better fulfill its “Advice” function under Article II, Section 2 by having the Senate Committee on the Judiciary establish a pool of possible Supreme Court nominees for the President to consider, based on suggestions from Federal and State judges, distinguished lawyers and law professors, and others with a similar level of insight into the suitability of individuals considered for appointment to the Supreme Court.

Mr. SPECTER. Mr. President, I have sought recognition today to discuss an idea which has the potential to have a major effect on the rule of law in the United States by having the U.S. Senate exercise its advise function under the advise and consent clause of the Constitution to advise Presidents on who the nominee should be for the Supreme Court of the United States, as we all know, is the ultimate arbiter of determining what the law will be. In the session which ended last June, the Supreme Court of the United States handed down historic, really monumental decisions on religion, religion, speech, due process, State rights, congressional power, among many other decisions.

The Constitution of the United States established the Congress, in article I, the President in article II, the Court in article III, with an implicit suggestion that the legislative body was preeminent, the executive second, and the judiciary third. But we know since the decision of the Supreme Court of the United States in Marbury versus Madison, the Supreme Court of the United States has been the preeminent institution, because the Supreme Court of the United States has the last word.

The late Chief Justice Charles Evans Hughes, said that the Constitution is what the Supreme Court says it is. We talk a great deal about the legislature having the power to make the laws and the courts having the limited power to interpret the laws, but the reality is, the brutal fact of life is that the Supreme Court of the United States makes the avant-garde decisions on the periphery and on the horizons of the law.

We can do better, I submit, in the deliberations, the decisions of the Supreme Court of the United States by a closer focus on the quality of those men and women who go to the Supreme Court.

I expect our distinguished colleague, Senator BYRD, to join us on the floor in a few minutes to make a few comments about this idea, as the permanent resident Senator of the Supreme Court, and with his great authority in constitutional law and a recent losing litigant in the decision of the Supreme Court of the United States in the line-item veto case, where Senator BYRD, along with Senator Moynihan, Senator Hartfield, and Senator Hatfield, the Senator from Oregon, opposed the line-item veto in the case of Raines versus Byrd.

The Supreme Court of the United States, in that decision, ruled that Senator BYRD and the other Senators did not have standing to challenge the constitutionality of line-item veto—a curious decision. In my opinion, who would have greater status to challenge the constitutionality of line-item veto than sitting Senators, especially the existing chairman of Appropriations, Senator Hartfield, and the former chairman of Appropriations, Senator BYRD? But that was the ruling of the Supreme Court.

When we take a look historically, Mr. President, at what the Supreme Court has done in many, many cases by 5 to 4 decisions, it is really astonishing how the authority and the power wielded by the Supreme Court of the United States on the lives of every man, woman and child in this country, in a fundamental sense, more so than what the Congress does, and in an equally fundamental sense, more so than what the President does and the bureaucracy of the United States.

In the famous Lochner versus New York case in 1905, the Supreme Court struck down an early attempt at labor regulation by holding that a law limiting bakers to a 60-hour workweek violated the liberty of contracts secured by the due process clause of the Fifth Amendment. In 1908, the 5-4 decision struck down the Keating-Owen Federal Child Labor Act, on the grounds that the commerce clause did not give Congress the power to completely forbid certain categories of commerce.

In a celebrated decision, Furman versus Georgia in 1972, the Supreme Court of the United States, again by a 5-4 decision, struck down the death penalty provision under the cruel and unusual punishment clause of the Eighth Amendment.

We have had a series of very controversial decisions where the Court has imposed seriatim limitations on what States may do by way of imposing the death penalty.

In 1962, in Plyler versus Doe, the Supreme Court, again by a 5-4 decision, invoked the equal protection clause of the Fourteenth amendment to strike down a Texas statute which denied State funding for the education of illegal immigrant children and authorized local school boards to deny enrollment to such children.

Again in a 5-4 decision in Webster versus Reproductive Health Services in 1989, the Supreme Court in a case widely viewed as a retreat from Roe versus Wade, upheld various restrictions on the availability of abortion, including a ban on the use of public funds and facilities for abortions, and required a waiting period after 20 weeks.

Again, on a 5-4 decision in 1990 in United States versus Eichman, the Court invalidated State and Federal laws prohibiting flag desecration on the grounds that they violated the first amendment.

In Adarand versus Pena, 1995, the Court held that Federal racial classifications like those of a State must be viewed under strict scrutiny standards. In the course of the past 5 years, on decisions from 1993-1997, there have been 74 decisions of the Supreme Court of the United States by a 5-4 decision.

Mr. President, when there is a vacancy in the Supreme Court of the United States, there is no existing system for the process to occur with respect to the Senate involvement under the advice section of the Advice and Consent Clause. We do know historically that when Justice Oliver Wendell Holmes retired in 1931, the President was looking for someone who would have greater status to challenge the replacement would be, and that was because of the unique status which Justice Holmes had on the life of the law; the author of “Common Law” in 1881, member of the Supreme Judicial Court of Massachusetts for 20 years from 1891 to 1901, and a member of the Supreme Court of the United States for 30 years, until 1931, the author of perhaps the most brilliant decisions on clear and present danger, a Justice extraordinarily gifted.

When he was set to retire, there was unusual public concern about who his replacement would be. President Hoover was reluctant to appoint a New Yorker when many people suggested Benjamin Cardozo, a very distinguished judge on the court of appeals in the State of New York. The chairman of the Judiciary Committee, George W. Norris, made an effort to persuade the President that Benjamin Cardozo ought to be the replacement for Oliver Wendell Holmes, which the chairman of the Foreign Relations Committee, William E. Borah, who is historically credited with making the critical suggestion when President Hoover handed Senator Borah a list on which he had ranked individuals whom he was considering for nomination in descending order of preference. The list contained 10 names, and the name on the bottom of the list was Benjamin Cardozo. The Senator looked at the list and said, “Your list was all right, but you handed it to me upside down.” And President Hoover finally conceded, even though reluctant to appoint a Democrat and even though reluctant to
appoint another nominee from the State of New York. Benjamin Cardozo was appointed on February 15, 1932, and the nomination won instant and unanimous approval by the U.S. Senate.

In modern times, we have been very diligent in our constitutional function. The hearings in the Judiciary Committee have focused enormous public attention when the nominees come forward because at that point in time there is an awareness of the importance of the Supreme Court. The decisions which come down, and the 74 decisions which have come down in the last 5 years 5–4, really do not create much of a public ripple, do not attract very much public attention, even though these decisions are of enormous, enormous importance.

Because of this background, Mr. President, it is my thinking that the Senate ought to give consideration to establishing a panel of prospective Supreme Court nominees for submission to the Senate under our advice and consent function. The hearings in the Judiciary Committee have focused enormous public attention when the nominees come forward because at that point in time there is an awareness of the importance of the Supreme Court. The decisions which come down, and the 74 decisions which have come down in the last 5 years 5–4, really do not create much of a public ripple, do not attract very much public attention, even though these decisions are of enormous, enormous importance.

I advance this in the closing days of the first session of the 105th Congress so that our colleagues can think about it over the intervening several months, and I will seek cosponsors, seek advice from my colleagues. I have talked it over with the Membership of the Senate, including members of the Judiciary Committee and the leadership. There has been a very responsive note about it. I have talked to some on the Supreme Court of the United States. The effort would be to try to diversify the background. Few would know, and many would be surprised to learn, that of the nine Justices on the Supreme Court of the United States, eight of them came from prior judicial appointments.

From time to time when there is a suggestion that somebody be nominated who has a broader background—perhaps as a former Governor, perhaps as a former Cabinet officer, with more background—there is some reluctance. It is safer to appoint someone who has been on a court. It may well be, I think it is true, that the country would be better served by having a Supreme Court which had a more diverse background. It would be to ask for suggestions from, say, the chief judges of the Federal circuit courts of appeals to suggest individuals whom they know in their circuit—distinguished lawyers, distinguished professors, people from all walks of life; or to ask the chief judges of the U.S. district courts; or the chief justices of the supreme courts of the various States; or a cross-sampling of judges; or the bar associations of the States; or the American Bar Association; or from the public at large.

Then the Judiciary Committee might well establish a practice—and this is a matter of flexibility—where we would inquire into the backgrounds of the individuals and compile a pool of prospective Supreme Court nominees. There are thousands of lawyers at this moment in America who would love to be judges, and all of them would love to be Justices of the Supreme Court of the United States of America. And each of them would love an opportunity to serve in a very, very important position. There is enormous legal talent in America, and very little of it, necessarily so, is called to the attention of the President of the United States. From time to time you hear about a nomination and somebody was considered, and the next time a vacancy occurs that person is pretty much automatically put into the spot.

I think it is not betraying the confidence to retell a story about Senator Howard Baker, our distinguished majority leader who later became chief staff to President Reagan. When Justice Potter Stewart left the bench in 1987, President Reagan, "I'll prepare a list of possible replacements for the Supreme Court of the United States." According to Senator Baker, President Reagan responded, "Do you think you could put Judge Bork on the list?" rather an interesting comment, perhaps even a curious comment, coming from the President of the United States. Of course he had the power to make the determination, certainly more than the power to decide who would be on the list among those who were considered.

So I advance this idea, Mr. President, as I say, in the closing days of this session, with my stated intention to discuss the matter further with my colleagues in an effort to develop more ideas as to how we might function and how we might activate and motivate the advice function of the Advice and Consent Clause.

I ask unanimous consent that a very brief summary statement of the kernel of this idea be printed. A form of the resolution be printed with the caveat that it is not intended to be final but a suggested form; and that a listing of the Supreme Court decisions decided by 5–4 from 1984, 1985 and 1986—since I do not want to take the time to put them in the RECORD at this time—be printed, showing the tremendously important matters which are decided by a single Justice having such a profound impact on the law in the United States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**SUMMARY STATEMENT**

I suggest to my Senate colleagues that we consider exercising our constitutional "advice" function under the "advice and consent" clause by establishing a panel of possible Supreme Court nominees for consideration by the President when a vacancy occurs.

There is no doubt about the great power exercised by the Supreme Court since the Court itself decided in Marbury v. Madison that it had the last word on interpretation of the relative powers of the Congress, the Executive Branch, the states and disputes between any parties who sought a constitutional adjudication.

The Supreme Court has the final say on what happens from conception to death.

In the last week of this June, the Court handed down historic/monumental decisions on dying, religion, speech, due process, states rights and congressional power. Several of these cases were decided by a single Justice on a 5 to 4 vote. One case, following two other decisions in the past 2 years, reversed six decades of firmly established constitutional authority on the supremacy of the federal laws over states rights under the commerce clause.

Without disparaging the Court's current personnel, it is worth noting that seldom are the justices compared to Oliver Wendell Holmes, Louis Dembitz Brandeis or Benjamin Cardozo.

Some nominees get strict scrutiny during the confirmation process, the Senate has traditionally been AWOL on its constitutional responsibility for "advice." For the Supreme Court especially, we should seek the best and brightest.

To create a panel of the best and brightest, I think what we call on State Supreme Court Chief Justices, Chief Judges from the 94 Federal District Courts, academic and lawyers' associations to make suggestions. The Judiciary Committee could then review and evaluate those suggestions for submission of a panel to the President.

Frequent complaints are heard about nominations to satisfy a specific constituency. With sufficient early outreach, we can get diversity in the list and the brightest without accepting lesser qualifications.

---

**SUPREME COURT DECISIONS**

**OCTOBER 1996 TERM**


**Apostinis v. Felton** 65 USLW 4524 (1997).


**Constitutional Clause does not bar use of public school teachers in parochial schools to provide remedial education to disadvantaged children pursuant to Title I of the Elementary and Secondary Education Act of 1965.**


**Opinion:** O’Connor, Rehnquist, Scalia, Kennedy, Thomas.

**Dissent:** Souter, Stevens, Ginsburg, Breyer.

---

**SUMMARY STATEMENT**

I suggest to my Senate colleagues that we consider exercising our constitutional "advice" function under the "advice and consent" clause by establishing a panel of possible Supreme Court nominees for consideration by the President when a vacancy occurs.

There is no doubt about the great power exercised by the Supreme Court since the Court itself decided in Marbury v. Madison that it had the last word on interpretation of the relative powers of the Congress, the Executive Branch, the states and disputes between any parties who sought a constitutional adjudication.

The Supreme Court has the final say on what happens from conception to death.

In the last week of this June, the Court handed down historic/monumental decisions on dying, religion, speech, due process, states rights and congressional power. Several of these cases were decided by a single Justice on a 5 to 4 vote. One case, following two other decisions in the past 2 years, reversed six decades of firmly established constitutional authority on the supremacy of the federal laws over states rights under the commerce clause.

Without disparaging the Court’s current personnel, it is worth noting that seldom are the justices compared to Oliver Wendell Holmes, Louis Dembitz Brandeis or Benjamin Cardozo.

Some nominees get strict scrutiny during the confirmation process, the Senate has traditionally been AWOL on its constitutional responsibility for "advice." For the Supreme Court especially, we should seek the best and brightest.

To create a panel of the best and brightest, I think what we call on State Supreme Court Chief Justices, Chief Judges from the 94 Federal District Courts, academic and lawyers’ associations to make suggestions. The Judiciary Committee could then review and evaluate those suggestions for submission of a panel to the President.

Frequent complaints are heard about nominations to satisfy a specific constituency. With sufficient early outreach, we can get diversity in the list and the brightest without accepting lesser qualifications.
Holding: The county is not liable under 42 U.S.C. §1983 for personal injury resulting from the use of excessive force by a police officer who had been hired in spite of an arrest record for various misdemeanors that included assault and battery, resisting arrest, and public drunkenness.


Opinion: Stevens, O'Connor, Kennedy, Ginsburg, Breyer.

Dissent: Souter, Rehnquist, Scalia, Thomas.

Holding: A requirement imposed by marketing orders promulgated under authority of the Agricultural Marketing Agreement Act of 1937 that California fruit growers finance generic advertising does not offend the First Amendment.


Opinion: Kennedy, Rehnquist, O'Connor, Scalia, Thomas.

Dissent: Souter, Stevens, Ginsburg, Breyer.

Holding: The Tribe’s action against the State for a declaratory judgment and an injunction establishing the Tribe’s ownership of submerged lands and bed of Lake Coeur d’Alene is barred by the Eleventh Amendment.


Opinion: Thomas, Rehnquist, O'Connor, Scalia, Kennedy.

Dissent: Breyer, Souter, Stevens, Ginsburg.

Holding: Kansas’s Sexually Violent Predator Act, which provides for civil commitment of persons who have been convicted or charged with a sexually violent offense, and who, due to a “mental abnormality” or “personality disorder” are likely to engage in “predatory acts of sexual violence,” does not offend the substantive requirements of the Due Process Clause.


Opinion: Scalia, Rehnquist, Kennedy, Souter, Thomas.

Dissent: Stevens, Ginsburg, Breyer, O’Connor.

Holding: A state prisoner whose conviction became final before the Court’s decision in Teague v. Lane (1992) is foreclosed from bringing under 42 U.S.C. § 1983.


Opinion: Rehnquist, O'Connor, Scalia, Kennedy, Thomas.

Dissent: Souter, Stevens, Ginsburg, Breyer.

Holding: Sheriffs in Alabama, when exercising policy-making authority in a law enforcement capacity, represent the State and not the county.


Opinion: Rehnquist, O'Connor, Scalia, Thomas, Ginsburg.

Dissent: Stevens, Souter, Breyer, Kennedy.

Holding: A Michigan court’s order of forfeiture of an automobile, jointly owned by a husband and wife, conforms to due process requirement’s even with no offset for the wife’s half interest in the car.


Opinion: Stevens, O'Connor, Kennedy, Souter, Breyer.

Dissent: Scalia, Thomas, Ginsburg, Rehnquist.

Holding: Award of $2 million in punitive damages of $4,000 was so “grossly excessive” that it violated the Due Process Clause of the Fourteenth Amendment.


Opinion: O'Connor, Rehnquist, Kennedy, Thomas, Scalia.

Dissent: Stevens, Ginsburg, Breyer, Souter.

Holding: Three congressional districts created by Texas law constitute racial gerrymandering and are unconstitutional under the Equal Protection Clause.


Opinion: Ginsburg, O'Connor, Kennedy, Souter, Breyer.

Dissent: Stevens, Scalia, Rehnquist, Thomas.

Holding: A New York law authorizing appellate courts to review the size of civil jury verdicts and to order new trials when the verdicts exceed $50,000 “deviates from what would be reasonable compensation” can be given effect by federal district courts reviewing jury awards in cases based on diversity of citizenship that are not violating the Seventh Amendment.


Opinion: Rehnquist, O'Connor, Scalia, Kennedy, Thomas.

Dissent: Stevens, Ginsburg, Breyer, Breyer.

Holding: A habeas corpus petitioner’s claim that he was denied due process of law because he was not given adequate notice of some of the evidence that the state would use against him in the penalty phase of his trial would, if sustained, necessitate creation of a “new rule,” and therefore does not provide a basis upon which he may receive federal habeas relief.


Opinion: Ginsburg, Stevens, Kennedy, Souter, Breyer.

Dissent: O'Connor, Rehnquist, Scalia, Thomas.

Holding: The decision of the NLRB that workers described as “live-haul” crews—teams of chicken catchers, forklift operators, and truck drivers—are covered “employees” within the meaning of the National Labor Relations Act, and not exempt “agricultural laborers,” is a reasonable interpretation entitled to deference.


Opinion: Per curiam.

Dissent: Stevens, Souter, Ginsburg, Breyer.

Holding: U.S. Court of Appeals for the Tenth Circuit erred in invalidating a provision of Utah’s abortion law, regulating abortions after 20 weeks gestation, on the grounds that it was not severable from another portion of the law, regulating earlier abortions, that had been ruled unconstitutional.


Opinion: Scalia, Rehnquist, Kennedy, Thomas, Ginsburg.

Dissent: O'Connor, Stevens, Souter, Breyer, Stevens.

Holding: Montana’s law providing that voluntary intoxication may not be taken into account in determining the existence of a mental state that is an element of a criminal offense does not violate the Due Process Clause.


Opinion: Stevens, Ginsburg, Breyer, O'Connor, Souter.

Dissent: Scalia, Thomas, Kennedy, Rehnquist.

Holding: Section 5 of the Voting Rights Act, which prohibits covered jurisdictions from enforcing new voting qualification or procedure without first obtaining court approval or preclearance by the Attorney General, applies to selection of delegates to a political party’s state nominating convention.


Opinion: Rehnquist, O’Connor, Scalia, Kennedy, Thomas.
Dissent: Stevens, Souter, Ginsburg, Breyer.


SOUTHERN DISTRICT OF NEW YORK

Holding: North Carolina's congressional districting law, containing the racially gerrymandered 12th Congressional District as well as another majority-black district, violates the Equal Protection Clause because, under strict scrutiny applicable to racial classifications, creation of the district was not narrowly tailored to serve a compelling state interest. 115 S.Ct. 2388 (1995). Opinion: Rehnquist, O'Connor, Scalia, Kennedy, Thomas. Dissent: Stevens, Ginsburg, Breyer, Souter.

STATE OF MISSOURI

Holding: The Equal Protection Clause because, The creation of the district exceeded its authority in ordering remedies in the longstanding litigation over desegregation of the Kansas City, Missouri public schools. 115 S.Ct. 2214 (1995). Opinion: Ginsburg, Rehnquist, Scalia, Kennedy, Thomas. Dissent: Breyer, Stevens, O'Connor, Souter. Holding: Oklahoma may not impose its motor fuels excise tax upon tribal trust land, but the State may impose its income tax on members of the Chickasaw Nation who are employed by the Tribe but who reside in the State outside Indian country.

BRANDRETH v.气球

Holding: The University, which subsidizes the primary aims of student organizations and groups that meet requirements for student participation and open membership has violated the free speech clause of the First Amendment by restricting funds for printing of a student magazine because the magazine 'primarily promotes or manifests a particular belief[i] in or about a deity or an ultimate reality.' 115 S.Ct. 2277 (1995). Opinion: Stevens, Scalia, Ginsburg, Breyer.

Holding: The right of rescission conferred by section 12(2) of the Securities Act of 1933 against sellers who make material misstatements ‘by means of a prospectus’ applies only to a public offering, and does not apply to a private, secondary sale. 115 S.Ct. 1061 (1995). Opinion: Kennedy, Rehnquist, Stevens, O'Connor, Souter.

SOUTHERN DISTRICT OF NEW YORK

Holding: Florida bar rules prohibiting attorneys from sending targeted direct-mail solicitations to victims and their relatives for 30 days following an accident or disaster do not violate the First Amendment. 115 S.Ct. 2038 (1995). Opinion: Stevens, O'Connor, Scalia, Kennedy, Thomas. Dissent: Souter, Stevens, Breyer, Souter.


MR. SPECKER. I noticed the arrival of our very distinguished colleague, Senator Robert Byrd, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

I admire him for that experience. Senator SPECTER is a good lawyer. If I wanted a lawyer to plead my case to the Supreme Court, I think I would like ARLEN SPECTER. If I were President of the United States—of course, I am not, but I am the Judge—I would consider him for Attorney General, even though he is on the other side of the aisle. He calls the shots like they are.

I am pleased to join with my distinguished colleagues in introducing the legislation. Our proposal is aimed at helping the Senate to fulfill its constitutional duty by directing the Judiciary Committee to establish a pool of the best and the brightest Supreme Court candidates that meets the Court’s consideration whenever there is a vacancy on the Court—the best and the brightest.

I personally do not promote the idea that we must make diversity a criterion. I have no problem with diversity, as long as the chosen ones are chosen because of their merit—their merit. That is what we seek to do here. We want the best and the brightest. We want those with the greatest qualifications, not because they are Democrats, necessarily, but because they are the best and the brightest.

As anyone who has ever read the Constitution knows, one of the most important duties of the Senate and the House of Representatives is the Senate's constitutional duty to advise and consent on Presidential nominations. Specifically, that power which is contained in article II, section 2, stipulates that the President, by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of...
the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law.

While it may be true that the Senate has not given a President great leeway in choosing his executive branch subordinates, especially those in Cabinet and sub-Cabinet positions, such deference on the part of the Senate has generally not applied to judicial nominations, particularly Supreme Court nominations. On the contrary, the Senate has historically exercised great caution to ensure that it carries out its responsibility, a responsibility that is a fundamental element of the separation of powers established in the Constitution.

While we have been very diligent in granting our consent, I believe, as does Senator SPECTER, that the Senate has been less than energized with respect to the offering of its advice. The Constitution refers to the "Advice and Consent." It doesn't just refer to the word "consent," nor does it put the word "consent" in front of the word "advise." It uses the word "advice and consent," and that's the Senate. Too often, as the American people are acutely aware, nominations to the High Court have become embroiled in special interest battles. All too often, the qualifications of a nominee have been aside as political forces—interest groups and so on—have sought to use a nomination as a means of furthering their particular ideological agenda. That is not what the Supreme Court is for. Too often, the eventual loser in the process is not just the individual who has been nominated, but also the Court and its integrity, and also, more than that even, the people of the United States—the whole people, not just some particular interest group, but all of the people.

So, it is in an era when the nine life-tenured Justices who sit on our highest Court routinely decide questions that go to the very heart of life, liberty, and the pursuit of happiness, we cannot afford to have anything less than the most highly qualified individuals serving on that Court.

While I do not mean to disparage any of the current Justices, the fact remains that, more and more, nominees are being selected for reasons that go beyond their qualifications, that go beyond their abilities, that go beyond their dedication, their reverence for and dedication to the Constitution. Accordingly, Senator SPECTER has come to the conclusion—and he has allowed me to join him—that the best way to resolve this problem and the best way for the Senate to undertake its advice responsibility is to direct the Judiciary Committee, after consultation with the finest legal minds in our country, to establish a panel of potential nominees that would be made available to the President—this President, or any other President. In so doing, it is our hope that we can begin to depoliticize the nomination process and, in turn, help restore to the High Court the esteem, much of which has been lost over the past few years.

In closing, I again want to thank Senator SPECTER for his thoughtfulness, for his vision, as we have worked on the resolution, and also that he shares my concern that the Senate has not only this responsibility, but it has a duty, a constitutional duty, to ensure that the highest Court in the land is comprised of the best and the brightest talent that our Nation has to offer. I hope that others will join us in this effort.

Mr. SPECTER addressed the Chair. The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank my colleague, Senator BYRD, for those comments about the substance of the resolution. When Senator BYRD joins on an issue of constitutional import, there is great weight. I thank him on a personal level for his very kind comments about me. When he started to talk about the appointment of ALEX SPECTER if Senator BYRD were President, I was about to start a rumor on "Byrd for President." I still might. If it was the Attorney General job, I am not so sure, but if it had been the Supreme Court he was talking about, I might have had a little more motivation on that.

In the case of Raines versus Byrd, where Senator BYRD challenged the line-item veto, in which a curious decision of the Supreme Court said that Senator BYRD, Senator HATFIELD, Senator MOYNIHAN, and Senator LEVIN didn't have standing, that goes to show you we need more advice from the Senate in anticipation. When Senator BYRD said he might have asked me to argue the case, I have argued three cases in the Supreme Court—most recently, in March of 1994, on the Base Closing Commission. It was the fastest 30 minutes of my life, to appear before the Supreme Court, and 7 of those sitting nine Justices had appeared before the Senate Judiciary Committee. I noted a certain tenor of questions from the Court, similar to the ones, I had asked when they appeared as nominees for the Supreme Court. Although, I was not successful in that case, the Court being reluctant to upset 300 base closings, the Harvard Law Review published a detailed critique of the case and found that my position was right on the separation of powers. That was just a word or two on a parenthetical expression.

Mr. President, I am going to revise my approach a little bit and at this time formally offer this resolution on behalf of Senator BYRD and myself on the advise and consent function. I realize that it cannot be acted on in this session, it will be a guideline for revision after consultation with our colleagues.

I again thank my colleague, Senator BYRD, and I yield the floor.

SENIOR RESOLUTION 147—RELATIVE TO AUTHORIZING TESTIMONY, PRODUCTION OF DOCUMENTS, AND REPRESENTATION

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 147

Whereas, in the case of First American Corp., et al. v. Sheikh Zayed Bin Sultan Al-Nahyan, et al., C.A. No. 93–1309 (JHG/PJA), pending in the United States District Court for the District of Columbia, the plaintiff has requested testimony from Jack Blum, a former employee on the staff of the Committee on Foreign Relations, and the production of documents of the Committee on Foreign Relations; Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, employees, committees, and subcommittees, of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities; Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate is subject to the judicial process, be taken from such control or possession but by permission of the Senate; Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Jack Blum is authorized to testify in the case of First American Corp., et al. v. Sheikh Zayed Bin Sultan Al-Nahyan, et al., except concerning matters for which a privilege should be asserted, and the chairman and ranking minority member of the Committee on Foreign Relations, acting jointly, are authorized to produce records of the Committee relating to the investigation of the Subcommittee on Terrorism, Narcotics, and International Operations into the Bank of Credit and Commerce, International.

2. That the Senate Legal Counsel is authorized to represent Jack Blum, the Committee on Foreign Relations, and any present or former Member or employee of the Senate, in connection with First American Corp., et al. v. Sheikh Zayed Bin Sultan Al-Nahyan, et al.

AMENDMENTS SUBMITTED

THE RECIPROCAL TRADE AGREEMENT ACT OF 1997

CRAIG AMENDMENTS NOS. 1603–1608

(Ordered to lie on the table.) Mr. CRAIG submitted six amendments intended to be proposed by him to the bill (S. 1269) to establish objectives for negotiating and procedures for implementing certain trade agreements; as follows:

AMENDMENT NO. 1603

On page 41, between lines 16 and 17, insert the following:

(d) ADDITIONAL LIMITATIONS ON APPLICATION OF TRADE AGREEMENT APPROVAL PROCEDURES—
AMENDMENT NO. 1604

At the appropriate place, insert the following:

SEC. 1. IMPORTATION OF FIREARMS.

(a) IN GENERAL.—Section 925(d) of title 18, United States Code, is amended to read as follows:

"(d)(1) Within 30 days after the Secretary receives an application therefor, the Secretary shall authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the firearm or ammunition—

"(A) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10;

"(B) is an unserviceable firearm, other than a firearm as defined in section 5845(b) of the Internal Revenue Code of 1986 (not readily restorable to firing condition), imported or brought in as a curio or museum piece;

"(C) is not—

"(i) a firearm (as defined in section 5845(a) of the Internal Revenue Code of 1986); or

"(ii) subject to the prohibition of section 922(v) of this title; and if the Secretary has denied an application to import a firearm pursuant to subparagraph (i), it shall be unlawful to import any frame, receiver, or barrel of such firearm which would be prohibited if assembled; or

"(D) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition.

"(2) Within 30 days after the Secretary receives an application therefor, the Secretary shall permit the conditional importation or bringing in of a firearm or ammunition for examination in connection with making a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this section.

(b) CONFORMING AMENDMENT.—Section 922(c) of such title is amended by striking "925(d)(3)" and inserting "925(d)(1)(C)".

AMENDMENT NO. 1605

On page 31, between lines 3 and 4, insert the following:

(d) LIMITATIONS ON TRADE AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall not enter into any treaty or any other international agreement that, in whole or in part, has the purpose or effect of transferring the jurisdiction or authority of a Federal court to decide cases under United States law.

AMENDMENT NO. 1606

On page 41, between lines 16 and 17, insert the following:

(d) ADDITIONAL LIMITATIONS ON APPLICATION OF TRADE AGREEMENT APPROVAL PROCEDURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974, as modified by section 3(b)(3), shall apply to any trade agreement or bill to implement any trade agreement that has the purpose or effect of transferring the jurisdiction or authority of a Federal court to decide cases under United States law.

AMENDMENT NO. 1607

On page 26, between lines 18 and 19, insert the following:

(4) LIMITATIONS ON PROVISIONS COVERED BY TRADE AGREEMENT APPROVAL PROCEDURES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974, as modified by paragraph (3), shall not apply to any provision in an implementing bill that is an extraneous provision and an amendment to an extraneous provision shall be in order.

(B) EXTRANEOUS PROVISION.—For purposes of this paragraph, the term "extraneous provision" means a provision in an implementing bill that—

(i) is not necessary to implement a trade agreement;

(ii) does not otherwise relate to the implementation or enforcement of a trade agreement;

(iii) is not necessary in order to comply with the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 1608

On page 48, strike line 3 and insert the following:

SEC. 10. JOINT UNITED STATES-CANADA COMMISSION ON AGRICULTURAL COMMODITIES.

(A) ESTABLISHMENT.—There is established a Joint United States—Canada Commission on Agricultural Commodities to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the United States and Canada with respect to the production, processing, and sale of agricultural commodities, with particular emphasis on—

(1) fair and open market access and competition for all agricultural commodities especially—

(A) cattle and beef;

(B) wheat and feed grains;

(C) potatoes; and

(D) timber and forest products;

(2) transportation differences; and

(3) market-distorting direct and indirect subsidies.

(b) COMPOSITION.—

(1) IN GENERAL.—The Commission shall be composed of—

(A) 5 members representing the United States including—

(i) 2 members appointed by the Majority Leader of the Senate;

(ii) 2 members appointed by the Speaker of the House of Representatives; and

(iii) 1 member appointed by the Secretary of Agriculture;

(B) 5 members representing Canada, appointed by the Government of Canada; and

(C) 4 nonvoting members appointed by the Commission to serve as advisers to the Commission, including university faculty, State and Federal veterinarians, trade experts, and other members.

(3) APPOINTMENT.—Members of the Commission shall be appointed not later than 30 days after the date of enactment of this Act.

(c) REPORT.—Not later than 1 year after the first meeting of the Commission, the Commission shall submit a report to Congress and the Government of Canada that identifies, and recommends means of resolving, differences between the United States and Canada with respect to the production, processing, and sale of agricultural commodities.

SEC. 11. DEFINITIONS.

THE AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

HUTCHISON (AND OTHERS)

AMENDMENT NO. 1609

Mrs. HUTCHISON (for herself, Mr. LOTT, Mr. McCAIN, Mr. JEFFFORDS, and Mr. SANTORIOU) proposed an amendment to the bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes; as follows:
Congressional Record — Senate
November 7, 1997

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE OF SECTIONS.

(a) Short Title.—This Act may be cited as the “Amtrak Reform and Accountability Act of 1997”.

(b) Amendment of Title 49, United States Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) Table of Sections.—The table of sections for this Act is as follows:

Sec. 2. Findings.

Sec. 1. Short title; amendment of title 49; table of sections.

Sec. 2. Findings.

TITLE I—REFORMS

Subtitle A—Operational Reforms

Sec. 101. Basic system.

Sec. 102. Mail, express, and auto-ferry transportation.

Sec. 103. Route and service criteria.

Sec. 104. Additional qualifying routes.

Sec. 105. Transportation requested by States, authorities, and other persons.

Sec. 106. Amtrak computer.

Sec. 107. Through service in conjunction with intercity bus operations.

Sec. 108. Rail and motor carrier passenger service.

Sec. 109. Passenger choice.

Sec. 110. Application of certain laws.

Subtitle B—Procurement

Sec. 121. Contracting out.

Subtitle C—Employee Protection Reforms

Sec. 131. Rapid Labor Act Procedures.

Sec. 132. Service discontinuance.

Subtitle D—Use of Railroad Facilities

Sec. 141. Railway Labor Act Procedures.

Sec. 142. Service discontinuance.

Sec. 143. Liability limitation.

Sec. 144. Retention of facilities.

TITLE II—FISCAL ACCOUNTABILITY

Sec. 201. Amtrak financial goals.


Sec. 203. Amtrak Reform Council.

Sec. 204. Sunset trigger.

Sec. 205. Senate procedure for consideration of restructuring and liquidation plans.

Sec. 206. Access to records and accounts.

Sec. 207. Tax Exemption.

Sec. 208. Exemption from taxes.

Sec. 209. Limitation on use of tax refund.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

Sec. 302. Authorization of appropriations—TITLE IV—MISCELLANEOUS

Sec. 401. Status and applicable laws.

Sec. 402. Waste disposal.

Sec. 403. Assistance for upgrading facilities.

Sec. 404. Demonstration of new technology.

Sec. 405. Program master plan for Boston-New York main line.


Sec. 407. Definitions.

Sec. 408. Northeast Corridor cost dispute.


Sec. 410. Interstate rail compacts.

Sec. 411. Composition of Amtrak board of directors.

Sec. 412. Educational participation.

Sec. 413. Report to Congress on Amtrak bankruptcy.

Sec. 414. Amtrak.—This Congress of lobbying relationships.

SEC. 2. FINDINGS.

The Congress finds that—

(1) intercity rail passenger service is an essential component of a national intermodal passenger transportation system;

(2) Amtrak is facing a financial crisis, with growing and substantial debt obligations severely limiting its ability to cover operating costs and jeopardizing its long-term viability;

(3) immediate action is required to improve Amtrak’s financial condition if Amtrak is to survive;

(4) all of Amtrak’s stakeholders, including labor, management, and the Federal government, must participate in efforts to reduce Amtrak’s costs and increase its revenues;

(5) increasing revenues will likely require Amtrak to operate in a businesslike manner in order to manage costs and maximize revenues;

(6) Amtrak should ensure that new management flexibility produces cost savings without compromising safety;

(7) Amtrak’s management should be held accountable to ensure that all investment by the Federal Government and State governments is used effectively to improve the quality of service and the long-term financial health of Amtrak;

(8) Amtrak and its employees should provide quickly with proposals to modify collective bargaining agreements to make more efficient use of labor and to reallocate savings which are necessary to reduce Federal financial assistance;

(9) Amtrak and intercity bus service providers should work cooperatively and develop coordinated intermodal relationships promoting seamless transportation services which enhance travel options and increase operating efficiencies;

(10) Amtrak’s Strategic Business Plan calls for the establishment of a dedicated source of capital funding for Amtrak in order to ensure that Amtrak will be able to fulfill the goals of maintaining—

(A) a national passenger rail system; and

(B) a system that can meet Federal operating assistance; and

(11) Federal financial assistance to cover operating losses incurred by Amtrak should be eliminated by the year 2002.

TITLE I—REFORMS

SUBTITLE A—OPERATIONAL REFORMS

SEC. 101. BASIC SYSTEM.

(a) Operation of Basic System.—Section 24701 is amended to read as follows:

“§ 24701. Operation of basic system

‘Amtrak shall provide intercity rail passenger transportation within the basic system. Amtrak shall strive to operate as a national rail passenger transportation system which provides access to all areas of the country and ties together existing and emerging regional rail passenger corridors and other intermodal passenger service.’.”

(b) Improving Rail Passenger Transportation.—Section 24702 and the item relating thereto in the table of sections for chapter 247 are repealed.

(c) Discontinuance.—Section 24706 is amended—

(1) by striking “90 days” and inserting “180 days” in subsection (a)(1);

(2) by striking “24707(a) or (b) of this title,” in subsection (a) and inserting “or discontinuing service over a route”;

(3) by inserting “or assume” after “agree to share” in subsection (a)(1); and

(4) by striking “24707(a) or (b) of this title” in subsections (a)(2) and (b)(1) and inserting “paragraph (1)”.

(d) Cost and Performance Review.—Section 24707 and the item relating thereto in the table of sections for chapter 247 are repealed.

(e) Special Contractor Transportation.—Section 24708 and the item relating thereto in the table of sections for chapter 247 are repealed.

(f) Conforming Amendment.—Section 24312(a)(1) is amended by striking “, 24710(a),”.

SEC. 102. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) Repeal.—Section 24306 is amended—

(1) by striking the last sentence of subsection (a); and

(2) by striking subsection (b) and inserting the following:

“(b) Authority of Others To Provide Auto-Ferry Transportation.—State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. Amtrak or a rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.”

SEC. 103. ROUTE AND SERVICE CRITERIA.

Section 24703 and the item relating thereto in the table of sections for chapter 247 are repealed.

SEC. 104. ADDITIONAL QUALIFYING ROUTES.

Section 24705 and the item relating thereto in the table of sections for chapter 247 are repealed.

SEC. 105. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

Section 24304 is amended by inserting “, separately or in combination,” after “and the private sector.”

SEC. 106. AMTRAK COMMUTER.

(a) Repeal of Chapter 245.—Chapter 245 and the item relating thereto in the table of chapters for subtitle V of such title are repealed.

(b) Conforming Amendment.—Section 24303(f) 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, 1981, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.”

(c) Trackage Rights Not Affected.—The repeal of chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities.

SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.

(a) In General.—Section 24305(a) 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 the 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 uses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

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

(b) Policy Statement.—Section 24305(d) is amended by adding at the end the following new paragraph:

“(3) Congress encourages Amtrak and motor common carriers of passengers to use

12030
the authority conferred in section 11342(a) of this title for the purpose of providing improved service to the public and economy of operation.'

SEC. 108. RAIL AND MOTOR CARRIER PASSENGER SERVICE.

(a) In General.—Notwithstanding any other provision of law (other than section 24305(a) of title 49, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal

SEC. 109. PASSENGER CHOICE.

Federal employees are authorized to travel on Amtrak for official business where total travel cost from office to office is competitive on a total trip or time basis.

SEC. 110. APPLICATION OF CERTAIN LAWS.

(a) Application of FOLA.—Section 24301(c) is amended by adding at the end thereof the following:

(b) Application of Federal Property and Administrative Services Act.—Section 303B(m) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(m)) shall apply in the possession or control of Amtrak.

SEC. 121. CONTRACTING OUT.

(a) Repeal of Ban on Contracting Out.—Section 6 of the Railway Labor Act (45 U.S.C. 156), with respect to each such notice.

(b) Amendment of Existing Collective Bargaining Agreement.—

(1) Collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees, that is under negotiation on the date of enactment of this Act, may contain a moratorium that extends more than 5 years from the date of expiration of the last moratorium.

(c) Special Effective Date.—Subsections (a) and (b) of this section shall take effect 10 days after the date of the enactment of this Act.

SEC. 161. LIABILITY LIMITATION.

In any action by a passenger, or damage to property of a passenger arising from or in connection with the provision of rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any railroad, or operator, any commuter authority or operator, any rail carrier, or any State, punitive damages, to the extent permitted by applicable State law, may be awarded in connection with any such claim only if the plaintiff establishes by clear and convincing evidence that the harm that is the subject of the action was the result or conduct carried out by the defendant with a conscious, flagrant disregard for the rights and safety of others. If, in any case wherein death was caused by the law of the place or omission complained of occurred, or has been construed to provide, for damages only punitive in nature, this paragraph shall not apply.

The aggregate allowable awards to all rail passengers, against all defendants, for

S12031

November 7, 1997

CONGRESSIONAL RECORD — SENATE
all claims, including claims for punitive damages, arising from a single accident or incident, shall not exceed $200,000,000.

"(b) CONTRACTUAL OBLIGATIONS.—A provider of rail passenger transportation may enter into contracts that allocate financial responsibility for claims.

"(c) MANDATORY COVERAGE.—Amtrak shall maintain liability coverage through insurance and self-insurance of at least $200,000,000.

"(d) 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.

"(e) DEFINITION.—For purposes of this section—

"(1) the term 'claim' means a claim made against Amtrak, any high-speed rail-road authority or operator, any commuter authority or operator, any rail carrier, or any States; or

"(2) 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 States;

"(3) 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; and

"(4) the term 'rail carrier' includes a person providing passenger, freight, commuter, or railroad service, and an owner or operator of a privately owned rail passenger car.

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

"20103. Limitations on rail passenger transport liability.''.

SEC. 162. RETENTION OF FACILITIES.

Section 24130(b) is amended by inserting "or on January 1, 1997", after "1997".

TITLE II—FISCAL ACCOUNTABILITY

SEC. 201. AMTRAK FINANCIAL GOALS.

Section 24101(d) is amended by adding at the end thereof the following: "Amtrak shall prepare a financial plan to operate within the funding authorized by section 5702, United States Code, to reflect Amtrak's actual cost of performance as determined using generally accepted accounting principles for contracts. If identified, such contracts shall be detailed in the report of the independent assessment, as well as the methodology for preparation of bids to reflect Amtrak's actual cost of performance."

SEC. 202. INDEPENDENT ASSESSMENT.

(a) INITIATION.—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall contract with an entity independent of Amtrak to conduct an independent assessment of the financial requirements of Amtrak through fiscal year 2002.

(b) ASSESSMENT CRITERIA.—The Secretary and Amtrak shall provide to the independent entity estimates of the financial requirements of Amtrak for the period described above, using as a base the fiscal year 1997 appropriation levels established by the Congress. The independent assessment shall be based on an objective analysis of Amtrak's funding needs.

"(c) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including Amtrak's—

"(1) cost allocation process and procedures; (2) expenses related to intercity rail passenger service, commuter service, and any other service Amtrak provides; (3) Strategic and other service, including Amtrak's projected expenses, capital needs, ridership, and revenue forecasts; and

"(4) Amtrak's assets and liabilities.

For purposes of paragraph (3), in the capital needs part of its Strategic Business Plan Amtrak shall distinguish between that portion of the capital required for the Northeast corridor and that required outside the Northeast corridor, and shall include rolling stock requirements, including capital leases, "state of good repair" requirements, and infrastructure improvements.

"(d) BIDDING PRACTICES.—(1) STUDY.—The independent assessment also shall determine whether, and to what extent, Amtrak has performed services at an amount less than the cost to Amtrak of performing such services with respect to the provision of intercity rail passenger transportation, or mail or express transportation. For purposes of this clause, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracts. If identified, such contracts shall be detailed in the report of the independent assessment, as well as the methodology for preparation of bids to reflect Amtrak's actual cost of performance.

"(2) REFORM.—If the independent assessment performed under this subparagraph reveals that Amtrak has performed services under 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, or mail or express transportation, then Amtrak shall revise its methodology for preparation of bids to reflect its cost of performance.

"(e) DUE DILIGENCE.—The independent assessment shall be made no later than 180 days after the contract is awarded, and shall be submitted to the Council established under section 203, the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

SEC. 203. AMTRAK REFORM COUNCIL.

(a) ESTIMINATION.—There is established an independent commission to be known as the Amtrak Reform Council.

(b) MEMBERS.—(1) IN GENERAL.—The Council shall consist of 11 members, as follows:

(A) The Secretary of Transportation.

(B) Two individuals appointed by the President, of which—

(i) one shall be a representative of a rail labor organization; and

(ii) one shall be a representative of rail management.

(C) Three individuals appointed by the Majority Leader of the United States Senate.

(D) One individual appointed by the Minority Leader of the United States Senate.

(E) Three individuals appointed by the Speaker of the United States House of Representatives.

"(F) One individual appointed by the Minority Leader of the United States House of Representatives.

"(2) APPOINTMENT CRITERIA.—Appointments under paragraph (1) shall be made within 30 days after the date of enactment of this Act.

"(b) EXPERTISE.—Individuals appointed under subparagraphs (C) through (F) of paragraph (1)—

"(1) may not be employees of the United States;

"(ii) shall not be board members of employees of Amtrak;

"(iii) shall not be a representative of rail labor organizations or rail management; and

"(iv) shall have technical qualifications, professional standing, and demonstrated expertise in the field of corporate management, finance, rail or other transportation operations, labor, economics, or the law, or administrative or managerial expertise relevant to the Council.

"(3) TERM.—Members shall serve for terms of 5 years. If a vacancy occurs other than by the death of any member, the Council shall appoint to fill the vacancy shall be appointed in the same manner as, and shall serve only for the unexpired portion of the term for which, that individual's predecessor was appointed.

"(4) CHAIRMAN.—The Council shall elect a chairman from among its membership within 15 days after the effective date of this Act.

"(a) on the date on which all members of the Council have been appointed under paragraphs (2)(A); or

"(B) 45 days after the date of enactment of this Act.

"(b) MAJORITY REQUIRED FOR ACTION.—A majority of the members of the Council present and voting is required for the Council to take action. No person shall be elected chairperson of the Council who receives fewer than 5 votes.

"(c) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide such administrative support to the Council as it needs in order to carry out its duties under this section.

"(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) MEETINGS.—Each meeting of the Council, other than a meeting at which proprietary information is to be discussed, shall be open to the public.

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

"(g) DUTIES.—

"(1) EVALUATION AND RECOMMENDATION.—The Council—

"(A) shall evaluate Amtrak's performance; and

"(B) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reform and restructuring.

"(2) SPECIFIC CONSIDERATIONS.—In making its evaluation and recommendations under paragraph (1), the Council shall take into consideration all relevant performance factors, including—

"(A) Amtrak's operation as a national passenger rail system which provides access to all regions of the country and ties together existing and emerging rail passenger corridors;
(B) appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles; and

(C) management efficiencies and revenue enhancements, including savings achieved through labor and contracting negotiations.

(3) Monitoring of enactment of this Act, and implementation of the financial plan referred to in section 201 the Amtrak Reform Council finds that—

(a) the savings realized as a result of the agreement; and

(b) Considerations are allocated.

(4) ANNUAL REPORT.—Each year before the fifth anniversary of the date of enactment of this Act, the Council shall submit to the Congress a report that includes an assessment of Amtrak’s progress on the resolution or status of productivity issues; and makes recommendations for improvements and for any other steps the Council believes to be necessary or appropriate.

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary to enable the Council to carry out its duties.

(2) AMENDMENTS.—No amendment to the resolution disapproval resolution shall be offered at the time of its consideration.

(3) the level of Federal funds made available for carrying out the financial plan referred to in section 202; or

(4) Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.

(e) CONVENING OF CONFERENCE.—In the case of disagreement between the two Houses of Congress with respect to a liquidation disapproval resolution passed by both Houses, conferences should be promptly appointed and a conference promptly convened, if necessary.

(2) AMENDMENTS.—No amendment to the resolution disapproval resolution shall be offered at the time of its consideration.

SEC. 204. SUNSET TRIGGER.

(a) IN GENERAL.—If at any time more than 2 years after the enactment of this Act and implementation of the financial plan referred to in section 201 the Amtrak Reform Council finds that—

(1) Amtrak’s business performance will prevent it from meeting the financial goals set forth in section 201; or

(2) Amtrak will require operating grant funds pursuant to the date of enactment of this Act, then the Council shall immediately notify the President, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(1) CONVENING OF CONFERENCE.—In the case of disagreement between the two Houses of Congress with respect to a liquidation disapproval resolution passed by both Houses, conferences should be promptly appointed and a conference promptly convened, if necessary.

(b) FACTORS CONSIDERED.—In making a finding under paragraph (a), the Council shall take into account—

(1) Amtrak’s performance;

(2) the findings of the independent assessment referred to in section 202;

(3) the level of Federal funds made available for carrying out the financial plan referred to in section 202; or

(4) Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.

(c) DECISION PLAN.—Within 90 days after the Council makes a finding under subsection (a)—

(1) it shall develop and submit to the Congress an action plan for a restructured and rationalized national intercity rail passenger system; and

(2) Amtrak shall develop and submit to the Congress an action plan for a restructured and rationalized national intercity rail passenger system; and

(3) Amtrak shall develop and submit to the Congress an action plan for a restructured and rationalized national intercity rail passenger system.

(1) CONVENING OF CONFERENCE.—In the case of disagreement between the two Houses of Congress with respect to a liquidation disapproval resolution passed by both Houses, conferences should be promptly appointed and a conference promptly convened, if necessary.

(b) FACTORS CONSIDERED.—In making a finding under paragraph (a), the Council shall take into account—

(1) Amtrak’s performance;

(2) the findings of the independent assessment referred to in section 202;

(3) the level of Federal funds made available for carrying out the financial plan referred to in section 202; or

(4) Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.

(1) CONVENING OF CONFERENCE.—In the case of disagreement between the two Houses of Congress with respect to a liquidation disapproval resolution passed by both Houses, conferences should be promptly appointed and a conference promptly convened, if necessary.

(b) FACTORS CONSIDERED.—In making a finding under paragraph (a), the Council shall take into account—

(1) Amtrak’s performance;

(2) the findings of the independent assessment referred to in section 202;

(3) the level of Federal funds made available for carrying out the financial plan referred to in section 202; or

(4) Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.

(c) DECISION PLAN.—Within 90 days after the Council makes a finding under subsection (a)—

(1) it shall develop and submit to the Congress an action plan for a restructured and rationalized national intercity rail passenger system; and

(2) Amtrak shall develop and submit to the Congress an action plan for a restructured and rationalized national intercity rail passenger system.

(2) Restructuring plan.—The term ‘restructuring plan’ means a plan to provide for a restructured and rationalized national intercity rail passenger transportation system.

(d) RULES OF SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a liquidation disapproval resolution; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional rights of the Senate to determine the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 206. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 is amended by adding at the end the following new subsection:

(a) 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 payments which Amtrak required of the State.

(b) SEC. 207. OFFICERS’ PAY.

Section 24303(b) is amended by adding at the end the following:

The preceding sentence shall not apply for any fiscal year for which no Federal assistance is provided to Amtrak.

SEC. 208. EXEMPTION FROM TAXES.

(a) IN GENERAL.—Subsection (1) of section 2303 is amended—

(1) by striking so much of paragraph (1) as precedes “exempt” and inserting the following:

“(1) IN GENERAL.—Amtrak, a carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary .”;

(2) by striking “tax or fee imposed” in paragraph (1) and all that follows through
"levied on it": and inserting "tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsid- iary of Amtrak, or on persons traveling in an intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the car- rige of mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom"; (3) by striking the last sentence of para- graph (3) and inserting the following: (4) by striking "(2) The" in paragraph (2) and inserting "(3) JURISDICTION OF UNITED STATES DISTRICT COURT.—The"; and (5) by inserting after paragraph (1) the fol- lowing: (2) PHASE-IN OF EXEMPTION FOR CERTAIN EXISTING TAXES AND FEES.— (a) YEARS BEFORE 2000.—Notwithstanding paragraph (1), Amtrak is exempt from any tax or fee referred to in paragraph (1) that Amtrak was required to pay as of September 10, 1982, during calendar years 1997 through 1999, only to the extent specified in the following table: (b) TAXES ASSESSED AFTER MARCH, 1989.—Amtrak shall be exempt from any tax or fee referred to in subparagraph (A) that is as- sesed on or after April 1, 1999.; (b) EFFECTIVE DATE.—The amendments made by subsection (a) do not apply to sales and use taxes imposed or levied by a State to the extent those taxes were imposed under Federal or State law. (c) AMENDMENT.—Section 24104(a) is amended to read as fol- lows: ''(a) IN GENERAL.—there are authorized to be appropriated to the Secretary of Trans- portation— (1) $1,138,000,000 for fiscal year 1998; (2) $1,058,000,000 for fiscal year 1999; (3) $1,223,000,000 for fiscal year 2000; and (4) $899,000,000 for fiscal year 2001; and (5) $855,000,000 for fiscal year 2002, for the benefit of Amtrak for capital expenditure under chapters 243 and 247 of this title, operating expenses, and payments described in subsection (e)(1)(A) through (C). In fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Ac- countability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabil- ity purposes under section 2221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their bene- ficiaries.''

TITLE IV—MISCELLANEOUS

SEC. 401. STATUS AND APPLICABLE LAWS. Section 24301 is amended— (1) by striking "rail carrier under section 10102" in subsection (a)(1) and inserting "railroad carrier under section 2102(b) and chapters 261 and 262"; 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. (1) for any purpose other than the financ- ing of qualified expenses (as that term is de- fined in section 24902(a)); (2) to offset other amounts used for any purpose other than the financing of such ex- penses; (3) by inserting the following: ‘‘(2) E FFECTIVE DATE .—The amendment made by subsection (a) do not apply to sales and use taxes imposed or levied by a State to the extent those taxes were imposed under Federal or State law. (c) AMENDMENT.—Section 24104(a) is amended to read as fol- lows: ‘‘(a) IN GENERAL.—there are authorized to be appropriated to the Secretary of Trans- portation— (1) $1,138,000,000 for fiscal year 1998; (2) $1,058,000,000 for fiscal year 1999; (3) $1,223,000,000 for fiscal year 2000; and (4) $899,000,000 for fiscal year 2001; and (5) $855,000,000 for fiscal year 2002, for the benefit of Amtrak for capital expenditure under chapters 243 and 247 of this title, operating expenses, and payments described in subsection (e)(1)(A) through (C). In fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Ac- countability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabil- ity purposes under section 2221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their bene- ficiaries.’’

(2) E FFECTIVE DATE .—The amendment made by this subsection takes effect in the first fiscal year for which Amtrak receives no Federal subsidy.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978. The preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.

(2) AMENDMENT.— (a) EFFECTIVE DATE.—The Inspector General Act of 1978 and the Inspector General Act of 1977 are amended by striking "Amtrak".

(2) E FFECTIVE DATE .—The amendments made by this subsection take effect in the first fiscal year for which Amtrak receives no Federal subsidy.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978. The preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.

(c) FEDERAL SUBSIDY.— (1) ASSESSMENT.—In any fiscal year for which Amtrak requests Federal assistance, the Inspector General of the Department of Transportation shall review Amtrak's oper- ations and conduct an assessment similar to the assessment required by section 2402(a). The Inspector General shall report the results of the review and assessment to— (A) the President; (B) the Secretary of Transportation; (C) the United States Senate Committee on Appropriations; and (D) the United States House of Representa- tives Committee on Transportation and Infra- structure.

(2) REPORT.—The report shall be sub- mitted, to the extent practicable, before any such committee reports legislation author- izing or appropriating funds for Amtrak for capital acquisition, development, or oper- ating expenses.

(3) SPECIAL EFFECTIVE DATE.—This subsection takes effect 1 year after the date of enactment of this Act.

SEC. 410. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of inter- city 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, in- cluding— (A) the construction and rehabilitation of maintenance facilities; (B) the purchase of locomotives; and (C) operational improvements, including communications, signals, and other systems. (b) Financing.—An interstate compact es- tablished by States under subsection (a) may provide that, in order to carry out the comp- act, the States may— (1) accept contributions from a unit of State or local government; (2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the Na- tional 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 (C) obtain financing by other means permitted under Federal or State law.

SEC. 411. COMPOSITION OF AMTRAK BOARD OF DIRECTORS.

Section 24302(a) is amended— (1) by striking 3 in paragraph (1)(C) and inserting "4"; and (2) by striking clauses (1) and (11) of paragraph (1)(C) and inserting the following: (I) a representative of rail labor in consultation with affected labor organizations. (II) one chief executive officer of a State, and one chief executive officer of a municipality, selected from among the chief executive officers of States and municipalities with an interest in rail transportation, each of whom may select an individual to act as the officer’s representative at board meet- ings;"
Mr. CRAIG submitted an amendment intended to be proposed by him to the bill (S. 538) to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes; as follows:

Paragraph 1(c)(1) of the Committee amendment is modified to read as follows:

"(1) TRANSFER.—(A) Subject to subparagraph (B) of this paragraph, the Secretary shall transfer to Burley, through an agreement among Burley, the Minidoka Irrigation district, and the Secretary, in accordance with and subject to law of the State of Idaho, all natural flow, waste, seepage, return flow, and groundwater rights held in the name of the United States:

(1) for the benefit of the Minidoka Project or specifically for the Burley Irrigation District; and

(2) that are for use on lands within the Burley Irrigation District; and

(3) which are set forth in contracts between the United States and Burley or in the decree of June 20, 1913 of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the case of Twin Falls Canal Company v. Charles N. Foster, et al., and commonly referred to as the "Foster decree".

"(B) Any rights that are presently held for the benefit of lands within the Minidoka Irrigation District and the Burley Irrigation District shall be allocated in such manner so as to neither enlarge nor diminish the respective rights of either district in such water rights as are contracts between Burley and the United States.

"(C) The transfer of water rights in accordance with this paragraph shall not impair the integrated operation of the Minidoka Project, affect any other adjudicated rights, or result in any adverse impact on any other project water user."

THE SAVINGS ARE VITAL TO EVERYONE'S RETIREMENT ACT OF 1997

(A) seeking the enactment and effective enforcement by foreign countries of laws that—

(1) recognize and adequately protect against the effects of exploitative child labor; and

(2) provide protection against unfair competition; and

(B) providing for strong enforcement of laws against exploitative child labor through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

Grassley Amendment No. 1612 (Ordered to lie on the table.)

Mr. LOTT (for Mr. Grassley) proposed an amendment to the bill (H.R. 1377) to amend title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1101 et seq.) by adding at the end the following:

"OUTREACH TO PROMOTE RETIREMENT INCOME SAVINGS

SEC. 516. (a) IN GENERAL.—The Secretary shall maintain an ongoing program of outreach to the public designed to effectively promote retirement income savings by the public.

(b) METHODS.—The Secretary shall carry out the requirements of subsection (a) by means which shall ensure effective communication to the public, including publication of public service announcements and establishment of a site on the Internet.

(c) INFORMATION TO BE MADE AVAILABLE.—All information to be made available by the Secretary as part of the program of outreach required under subsection (a) shall include the following:

(1) a description of the vehicles currently available to individuals and employers for creating and maintaining retirement income savings, specifically including information explaining to employers, in simple terms, the characteristics and operation of the different retirement savings vehicles, including the steps to establish such vehicle, and

(2) information regarding matters relevant to establishing retirement income savings, such as—

(A) the forms of retirement income savings,

(B) the concept of compound interest,

(C) the importance of commencing savings early in life,

(D) savings principles,

(E) the importance of prudence and diversification in investing,

(F) the importance of the timing of investments, and

(G) the impact on retirement savings of life's uncertainties, such as living beyond one's expectations.

(D) ESTABLISHMENT OF SITE ON THE INTERNET.—The Secretary shall establish a
permanent site on the Internet concerning retirement income savings. The site shall contain at least the following information:

(1) a means for individuals to calculate their estimated retirement savings; and

(2) a description in simple terms of the different retirement savings arrangements available to both individuals and employers (specifically including small employers), including information on the amount of money that can be placed into a given vehicle, the tax treatment of the money, the amount of accumulation possible through different typical investment options and investment elections, and a directory of resources of more descriptive information;

(3) materials explaining to employers in simple terms, the characteristics and operation of the different retirement savings arrangements for their workers and what the basic legal requirements are under this Act and the Internal Revenue Code of 1986, including the steps to establish each such arrangement;

(4) copies of all educational materials developed by the Department of Labor, and by other Federal agencies and nonprofit organizations that provide additional detail on retirement income savings arrangements and related topics on savings or investing;

(5) links to other sites maintained on the Internet by Federal agencies and nonprofit organizations that provide additional information to individuals on planning for retirement, including information on the adequacy of retirement income savings.

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 514 the following new items:

Sec. 515. Delinquent contributions.

Sec. 516. Outreach to promote retirement income savings.

SEC. 4. NATIONAL SUMMIT ON RETIREMENT SAVINGS.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 3 of this Act, is amended by adding at the end the following new section:

"National Summit on Retirement Savings.—Not later than July 15, 1998, the President shall convene a National Summit on Retirement Income Savings at the White House or other Federal facilities by the President and the Speaker and the Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate. Such a National Summit shall be convened thereafter in 2001 and 2005 or on or after September 1 of each year involved. Such a National Summit shall:

(1) increase the public awareness of the value of personal savings for retirement;

(2) increase the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

(3) identify the problems workers have in setting aside adequate savings for retirement;

(4) identify barriers which employers, especially small employers, face in assisting their workers in accumulating retirement savings;

(5) examine the impact and effectiveness of individual employers to promote personal savings for retirement among their workers and to promote participation in company savings options;

(6) develop specific and comprehensive recommendations for the legislative and executive branches of the Government and for private sector action as may be appropriate for promoting private pensions and individual retirement savings; and

(7) to develop recommendations for the coordination of Federal and local retirement income savings initiatives among the Federal, State, and local levels of government and for the coordination of such initiatives.

(b) SCOPE OF NATIONAL SUMMIT.—The scope of the National Summit shall consist of issues relating to individual and employment-based retirement income savings and shall not include issues relating to the old-age, survivors, and disability insurance program under title II of the Social Security Act.

(c) NATIONAL SUMMIT PARTICIPANTS.—

(1) IN GENERAL.—To carry out the purposes of the National Summit, the National Summit shall bring together:

(A) representatives of individuals working in the fields of employee benefits and retirement savings;

(B) Members of Congress and officials in the executive branch;

(C) representatives of State and local governments;

(D) representatives of private sector institutions, including individual employers, and shall be concerned about promoting the issue of retirement savings and facilitating savings among American workers; and

(E) members of the general public.

(2) STATUTORILY REQUIRED PARTICIPATION.—The participants in the National Summit shall include the following individuals or their representatives:

(A) the Speaker and the Minority Leader of the House of Representatives;

(B) the Majority Leader and the Minority Leader of the Senate;

(C) the Chairman and ranking Member of the Committee on Education and the Workforce of the House of Representatives;

(D) the Chairman and ranking Member of the Committee on Labor and Human Resources of the Senate;

(E) the Chairman and ranking Member of the Special Committee on Aging of the Senate;

(F) the Chairman and ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Senate and House of Representatives; and

(G) the parties referred to in subsection (b).

(3) ADDITIONAL PARTICIPANTS.—

(A) IN GENERAL.—There shall be not more than 200 additional participants. Of such additional participants—

(i) one-half shall be appointed by the President, in consultation with the elected leaders of the President's party in Congress (either the Speaker of the House of Representatives or the Minority Leader of the House of Representatives, and either the Majority Leader or the Minority Leader of the Senate); and

(ii) one-half shall be appointed by the elected leaders of Congress of the party to which the President belongs (one-half of that allotment to be appointed by either the Speaker of the House of Representatives or the Minority Leader of the House of Representatives, and the other half of that allotment to be appointed by either the Majority Leader or the Minority Leader of the Senate).

(4) APPOINTMENT REQUIREMENTS.—The additional participants described in subparagraph (A) shall be—

(i) appointed not later than January 31, 1998;

(ii) selected without regard to political affiliation or past partisan activity; and

(iii) representative of the diversity of thought in the fields of employee benefits and retirement income savings.

(5) PRESIDING OFFICERS.—The National Summit shall be presided over equally by representatives of the executive and legislative branches.

(d) NATIONAL SUMMIT ADMINISTRATION.—

(1) ADMINISTRATION.—In administering this section, the Secretary shall—

(A) request the cooperation and assistance of such Federal departments and agencies and other parties referred to in subsection (b) as may be appropriate in the carrying out of this section;

(B) furnish all reasonable assistance to State agencies, area agencies, and other appropriate organizations to enable them to organize and conduct conferences in conjunction with the National Summit;

(C) make available for public comment a proposed agenda for the National Summit that reflects to the greatest extent possible the purposes for the National Summit set out in this section;

(D) prepare and make available background materials for the use of participants in the National Summit that the Secretary considers necessary; and

(E) appoint and fix the pay of such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapters 3 and 5, subchapter III of chapter 33 of such title relating to classification and General Schedule pay rates.

(2) DUTIES.—The Secretary shall, in carrying out the responsibilities and functions of the Secretary under this section, and as part of the National Summit, ensure that—
"(a) the National Summit shall be conducted in a manner that ensures broad participation of Federal, State, and local agencies and private organizations, professionals, and others involved in retirement income savings and provides a strong basis for assistance to be provided under paragraph (1)(b);

"(b) the agenda prepared under paragraph (1)(c) for the National Summit is published in the Federal Register; and

"(c) the personnel appointed under paragraph (1)(c) shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities.

"(5) AUTHORIZATION OF APPROPRIATIONS.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated for fiscal years beginning on or after October 1, 1997, such sums as are necessary to carry out this section.

"(B) Authorization to accept private contributions.—In order to facilitate the National Summit, the Secretary may accept private contributions, in the form of money, supplies, or services, to defray the costs of the National Summit.

"(1) Financial obligation for fiscal year 1998.—The financial obligation for the Department of Labor for fiscal year 1998 shall not exceed the lesser of—

"(i) one-half of the costs of the National Summit; or

"(ii) $250,000.

The private sector organization described in subsection (b) and contracted with by the Secretary shall be obligated for the balance of the cost of the National Summit.

"(k) Authorization to enter into contracts.—The Secretary may enter into contracts to carry out the Secretary’s responsibilities under this section. The Secretary shall enter into a contract on a sole-source basis to ensure the timely completion of the National Summit in fiscal year 1998.

"(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act, as amended by subsection (a), is amended by inserting after the item relating to section 516 the following new item:

"Sec. 517. National Summit on Retirement Savings.

NOTICE OF HEARING CANCELLATION

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the public that the hearing on the national Summit on Retirement Savings has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources, to take place Saturday, November 15, 1997 in Homestead, Florida, has been postponed until further notice.

For further information, please contact Jim O’Toole of the Committee staff at (202) 224-5161.

AUTHORITY FOR COMMITTEE TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, November 7, 1997, to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FAST-TRACK TRADE LEGISLATION

Mr. MCCAIN. Mr. President, during the debate over the North American Free Trade Agreement, I quoted President Thomas Jefferson who wrote, in 1785, to his fellow Virginian, James Monroe: "I would say to every nation on earth, by treaty, your people shall trade freely with us, and ours with you."

In that same spirit, the 103d Congress passed the North American Free Trade Agreement and the nations of Canada, the United States, and Mexico began to open their borders. The resulting rising tide has already begun to lift the economic well-being of all Americans.

We now begin a similar debate over the President’s request for fast-track trade negotiating authority. This gives me another opportunity to emphasize my commitment to free and open trade and pledge that I will work hard to enact the President’s request. I am pleased that the proposal coming from the Finance Committee has attracted such broad bipartisan support.

My colleagues need to understand how important fast track is. Fast track provides that Congress will consider trade agreements within mandatory deadlines, with limited debate and without amendment. Its power has been held by every President for over 20 years, both Republicans and Democrats.

In his book, “American Trade Politics,” Professor I.M. Destler, noted that fast track rose from Congress’ natural inclination to shift responsibility for negotiating liberal trade agreements to the President while still maintaining its constitutional authority over foreign policy.

By delegating responsibility to the executive and by helping fashion a system that protected legislators from one-sided restrictive pressures, Congress made it possible for successive presidents to maintain and expand the liberal trade order.

In other words, the fast-track mechanism is the result of years of practical experience by our predecessors. And from it, the United States has been a leader in opening markets throughout the world. Implementation of the Uruguay round, establishment of the World Trade Organization, and unification of the markets of NAFTA countries are just a few of the successes achieved in the form of expanded trade relationships with our trading partners.

Unfortunately, far too many Americans have been misled into believing that free trade agreements are bad for the working men and women in our country. A late July NBC News/Wall Street Journal poll which simply asked if you would support fast track to negotiate more free trade agreements, a full 61 percent said “No.” But these figures are beginning to change.

For too long, those who would build walls around our borders have pointed to the isolated cases of job disruptions to argue that trade only means job loss. Nothing could be further from the truth.

Trade Representative Charlene Barshefsky testified recently how in our booming economy more than 11 million Americans now work in jobs supported by exports and that these jobs pay 13 to 16 percent above the national average wage. Exports have increased dramatically across the country with 47 of 50 States registering significant export growth over the last 4 years.

Exports from California are up 45 percent, Michigan—68 percent, Illinois—64 percent, Ohio—42 percent, Texas—40 percent, Nebraska—54 percent, North Dakota—76 percent, and Montana—52 percent. Exports from Florida, Rhode Island, Louisiana, and West Virginia have increased more than 30 percent. States from New York to Utah also have posted double digit increases.

Instead of the giant sucking sound warned by many opponents of free trade, one of the first consequences of NAFTA was that production of some auto plants from Mexico to the United States.

In my home State, increased trade has resulted in an enormous growth in exports and increased wealth for Arizona families. We exported goods totaling $10.5 billion in 1996, up 93 percent from 1992. Total exports from Arizona to NAFTA countries alone increased by 52 percent between 1993 and 1996. Even exports to the European Union, which is not a member of NAFTA, increased 54 percent during this period.

These increases would be meaningless but for one important economic truth: exports mean jobs. Today, the unemployment rate is at one of the lowest points in the last 20 years. An article in the Wall Street Journal about job growth in the St. Louis area and around the Nation stated:

...here ... it is evident that, with a buoyant economy slashing unemployment to a quarter-century low and U.S. exports booming, Mr. Clinton will surely win by the time the issue is resolved this fall ...

The article goes on:

...
In the St. Louis area alone, more than 1,200 companies are now exporting, up from 600 five years ago. As many as three companies flourish by exporting, a sentiment majority favoring more trade is forming in much of the country. One recent poll found 78% of respondents favoring expanded trade in a “on a reciprocal basis.”

With the end of the Cold War legislation, we have missed a number of opportunities to be involved in trade agreements throughout the world. The Southern Cone Common Market, known as MERCOSUR, is expanding to set up a region that will not include the United States. The Government of Chile has already concluded trade agreements with Canada and Mexico. In Asia, ASEAN is setting up a free trade area without United States’ participation. The EU has begun to set up agreements in the Western Hemisphere, and is currently negotiating trade agreements with Chile and Mexico.

Despite these missed opportunities, the United States can still continue its pre-eminent leadership role on the world economic stage. We need to complete the negotiations on Chile’s accession to NAFTA, to begin building the Free Trade Area for the Americas, and to put forth long-term commitment to eliminate barriers to trade with other Asia Pacific nations in the Asia Pacific economic cooperation forum. Some Members of Congress have even proposed negotiating free trade agreements in trading partnerships such as the European Union or Sub-Saharan African countries.

The Clinton administration has noted that future multilateral negotiations may also require congressional implementation. For example, negotiations to further liberalize trade in services and agriculture and to establish new rules for subsidies are likely to begin by the year 2000. Moreover, the United States and other governments have expressed interest in participating in multilateral negotiations on issues related to labor and environmental standards, competition policy, and rules for foreign investment. The success of these negotiations will hinge on the President’s fast track authority.

Finally, I think that it is important to recognize the message being sent by the recent decline in the world’s stock markets. Those who argue that we should only look inward and forgo opportunities in global markets around the world fail to recognize that we are now moving toward a single world economy. Dramatic market declines in Hong Kong are felt on Wall Street, in South America, and in Europe. It is important that we not listen to the sirens song of protectionism at this moment in history. Instead, our Nation must signal its support of free trade by providing fast-track legislation. Fast track will promote open trade and create wealth around our planet. The benefits are obvious.

The editorial pages of American newspapers have almost uniformly called for swift enactment of fast track. These newspapers observed long ago that global trade negotiations do not reflect America’s values, and without a free-trade agreement, it would not be possible for American businesses to compete in the global marketplace.

I have long argued that free trade is good for the United States because it is the best way to help the American people and their country. The consequences of high tariffs, the penalties of trade “quotas” and tariffs only raise the cost of doing business for American businesses selling to foreign markets and result in higher prices to consumers. Capitalism is not a zero-sum game.

And, finally, USA Today states: Congressional dithering over trade agreements is the kiss of death. Let the President negotiate. I could not agree more.

The commonsense perception of the negative consequences of high tariffs is well understood by Americans who have engaged in the great tariff debates of the last century. It was understood by many of our Founding Fathers, by committed free traders in the 19th century, and by supporters of free trade today who argue persistently that tariffs are unfair taxes on an already overtaxed public and an impediment to prosperity.

There are, of course, other arguments at stake that transcend partisan economic values. Under the benefits of NAFTA, Mexico has moved dramatically away from statism, protectionism, and the reflexively anti-American, anticapitalist left wing policies that have kept Mexico so firmly rooted in the Third World. Had we rejected NAFTA and denied Mexico the benefits of enlightened engagement with the world, we may very well have provoked a return to those policies which are so inimical to our own interests.

I have long argued that free trade agreements will help ensure that many, many people are able to live in a free and prospering environment.

In conclusion, I urge my colleagues not to reject this golden opportunity to solidify the global free trade regime that we have created. Instead of heeding the cries of protectionists and throwing our country down a path of eventual economic ruin, we should vote to continue prosperity from Wall Street to Main Street America.

THE HAWAII HOUSING AUTHORITY

- Mr. INOUYE. Mr. President, the Public Housing Management Assessment Program was established under the National Affordable Housing Act of 1990 to ensure that public housing functions as a well-managed enterprise on a uniform, nationwide basis. The PHMAP was designed to institute a system of accountability that would help the U.S. Department of Housing and Urban Development manage and evaluate management operations of housing authorities nationwide. PHMAP scores are based on ranking in seven areas: vacancy rate and unit turnaround time, modernization, rents uncollected, workload, inspection of units and systems, financial management, resident services, and community building.

The Hawaii Housing Authority is ranked the 28th largest authority of 4,000 housing authorities in the country. Last month, HUD announced that the HHA received a 92.5 score and high-performer status for its management program under PHMAP. This enables the State of Hawaii to continue to receive its share of Federal funding, and allows HHA maximum flexibility in using those federal funds.

I would like to congratulate Hawaii Gov. Benjamin J. Cayetano, Ms. Sharon R. Yamada, executive director of the Hawaii Housing Authority, and the outstanding achievement. I proudly commend the staff of HHA for their dedication, hard work, and detailed attention to serving their housing customers.

PUBLICATION OF THE SWISS BANKS’ DORMANT ACCOUNT LIST

- Mr. D’AMATO. Mr. President, I rise today briefly to discuss the publication of the list of dormant accounts in Swiss banks.

On October 29, 1997, the Swiss Bankers Association published its second list of dormant accounts. The list contains some 3,700 names of account holders that have not been heard from since May 9, 1945, the conclusion of the Second World War. This is the second time the Swiss Banks Association has published such a list, the first time being on July 23, 1997. On that occasion, a great number of names appeared on that list that had either Nazis or those that were unable to obtain their accounts despite repeated attempts to do so.
There can be no disagreement that high quality child care and early childhood development services are absolutely essential to the well-being of our children and our families. In fact, recent research findings in early brain development of children’s growth and future emotional and mental health is determined by early learning and care. This research emphasizes the urgent need for well-trained reliable child care-givers for even the youngest of children. The importance of continued Federal support for child care programs. Whether these programs are called child care, early childhood development, or early childhood education they all must provide the nurturing and stimulation children need to develop fully, to enter school ready to learn, and to grow into capable and responsible adults.

While quality of care is the most important consideration for parents choosing a child care provider for their family, many parents must take into consideration the high cost of child care in this country. According to the 1995 Census, middle class families earning approximately $36,000 a year spend 12 percent of their annual income in child care costs. For low income families earning $15,000 or less a year pay approximately 25 percent of their household income on care for their children. For these parents child care is an enormous financial burden.

In my own State of Maryland, many parents are struggling to hold jobs and at the same time provide quality care for their children. While the State of Maryland is a leader in day care financing, in 1994, there were approximately 4,000 children on the waiting list for child care assistance. Many of these children’s parents must daily live with the fear that their child care situation is inadequate or that their carefully patched together child care arrangements will fall apart. We can—and we must—do better.

The Federal Government has a crucial responsibility to support and protect society’s youngest members. As a nation we must work to empower low-income parents so that they may meet their children’s needs by providing access to affordable, quality child care. As a member of the Senate, I have co-sponsored previous legislation to address these pressing issues including the Child Care and Development Block Grant, and I have continued to work with my colleagues to ensure that Federal investments in the care and development of young children yield concrete results.

The White House Child Care Conference has provided us with a strong foundation on which to build and expand our Nation’s child care programs, and has already begun to yield tangible results. Proposals resulting from the White House conference include the creation of a national child care provider scholarship fund to improve training, education, and compensation for child care providers, and a National Crime Prevention and Privacy Compact to increase the efficiency and effectiveness of background checks on child care providers. These proposals are useful first steps to bolster Federal child care programs and address issues of quality, accessibility, and affordability of reliable child care.

Mr. President, it is imperative to remember that children represent the future of this Nation. Unless we provide them opportunities to obtain the knowledge and skills needed to function successfully in an increasingly complex world, we not only imperil the futures of our children—we imperil the future of our Nation. We must continue to invest in the future of our children by renewing our commitment to quality child care, and I urge my colleagues to join me in this effort.

**ROCOGNITION OF BEVERLY CATHCARD**

- Mr. BOND. Mr. President, on Tuesday, November 18, 1997, Beverly Cathcard will be honored at the American Royal Event in Kansas City, MO, in recognition of her lifetime devotion to the equine community throughout the State of Missouri.

Beverly’s Hidden Valley Stables have been the beginning of several area equestrians who have ridden for enjoyment or for the love of the sport and competition. Her horses have won such prestigious races as the Morgan Grand National Horse Show, the American Royal, UPHA Chapter Five Horse Show and many other local, regional, and national level events. She has been in charge of the children’s horse show at the American Royal and has served on the State and local boards of directors for the Missouri Horse Shows Association and the Longview Horse Park Board as well as many others.

Beverly represents the kind of spirit, honor, and integrity that belong in the equestrian community. November 18 will be a great occasion for the American Royal and I join them in paying tribute to Beverly Cathcard.

**COACH EDDIE ROBINSON: A TRUE AMERICAN HERO**

- Mr. BREAU. Mr. President, the conclusion of the football season will mark the end of the most extraordinary and successful coaching career in college football history. Eddie Robinson of Grambling State University, in my home State of Louisiana, will retire as that school’s head coach after 56 amazing years in that position. Coach Robinson enters retirement at the pinnacle of his profession, holding the record as the most successful college football coach in history with an impressive 408 victories and only 162 losses to his credit.

Fifty-six years ago, when Coach Robinson came to what was then Louisiana Negro Normal, the school’s formative
football program rested entirely on his shoulders. Unlike college coaches of large contracts and lucrative television deals, Coach Robinson had to build his program from the ground up—literally. During those small workouts, the new coach sold hamburgers so that he could afford to rent a bulldozer that could clear a field on which his team could practice and play. Once, he persuaded the members of his team to pick cotton so that a farmer's son, who happened to be the school's top running back, could join the team.

In subsequent years, Coach Robinson built Grambling football into one of the most successful and well-known football programs in the country. Today, Coach Robinson and his Grambling Tigers are household names across the country. Throughout the National Football League, the team that Eddie built is known as one of the best grooming grounds for the NFL stars of the future. More than 300 of his players have gone on to careers in professional football.

In 1971 alone, 43 former Grambling players made the NFL training camp rosters. Four of his players—Willie Brown, Willie Davis, Charlie Joiner, and Buck Buchanan—are members of the Pro Football Hall of Fame. And another former player, Doug Williams, became the first black quarterback to win a Super Bowl.

Mr. President, these are some of the accomplishments of Coach Robinson's extraordinary career. But they don't tell the whole story of the amazing life of this former member of the Nation. That is because it is Coach Robinson's example off the football field that has proved just as inspirational.

As a devoted husband and father and an exemplary citizen, Eddie Robinson symbolizes what is best about our country. As those of us who know him can attest, he is the very embodiment of the values of integrity, dignity, loyalty, humility, dedication, and excellence. As some Americans still do, he has labored to save the vessel, and through himself, from the flames. As head of the Forrestal's Combat Information Center, Carl was likely better positioned to evaluate and respond to the threats that would have to be met and the methods the Navy could use to succeed in support of Navy aircraft.

During prep basketball games, the new football program rested entirely on his shoulders. Unlike college coaches of large contracts and lucrative television deals, Coach Robinson had to build his program from the ground up—literally. During those small workouts, the new coach sold hamburgers so that he could afford to rent a bulldozer that could clear a field on which his team could practice and play. Once, he persuaded the members of his team to pick cotton so that a farmer's son, who happened to be the school's top running back, could join the team.

In subsequent years, Coach Robinson built Grambling football into one of the most successful and well-known football programs in the country. Today, Coach Robinson and his Grambling Tigers are household names across the country. Throughout the National Football League, the team that Eddie built is known as one of the best grooming grounds for the NFL stars of the future. More than 300 of his players have gone on to careers in professional football.

In 1971 alone, 43 former Grambling players made the NFL training camp rosters. Four of his players—Willie Brown, Willie Davis, Charlie Joiner, and Buck Buchanan—are members of the Pro Football Hall of Fame. And another former player, Doug Williams, became the first black quarterback to win a Super Bowl.

Mr. President, these are some of the accomplishments of Coach Robinson's extraordinary career. But they don't tell the whole story of the amazing life of this former member of the Nation. That is because it is Coach Robinson's example off the football field that has proved just as inspirational.

As a devoted husband and father and an exemplary citizen, Eddie Robinson symbolizes what is best about our country. As those of us who know him can attest, he is the very embodiment of the values of integrity, dignity, loyalty, humility, dedication, and excellence. As some Americans still do, he has labored to save the vessel, and through himself, from the flames. As head of the Forrestal's Combat Information Center, Carl was likely better positioned to evaluate and respond to the threats that would have to be met and the methods the Navy could use to succeed in support of Navy aircraft.
active membership on the boards of the Boston chapters of the Naval Academy Alumni Association, the New England Advisory Committee of Business Executives for National Security, and the Patriots Squadron of the Association of Naval Aviation.

Mr. President, as a Naval Academy graduate and former naval aviator myself, I must concede that my respect for the service and professionalism of my friend Carl may be partially accounted for by my personal attachment to the service between his naval career and my own, although his subsequent decision to enter the private sector perhaps demonstrated more foresight than my own choice to enter politics and make my living at public expense.

But do not take my word as evidence of Carl’s exemplary service to his country. The World War II Victory Medal, the National Defense Service Medal, the United Nations Service Medal, the Navy Occupation Service Medal, the Korean Service Medal, the Korean Presidential Unit Citation, and the Vietnam Service Medal, all of which were awarded to Commander Buzzell during his naval career, stand as proof positive of his dedication to the core values that distinguish our servicemembers to the same degree today as when Carl enlisted in 1946, 1 year after victory in a most terrible war had confirmed the resilience of our ideals and the promise of the American Century.

Mr. President, Carl Buzzell lived a life whose end deeply saddens all of us who know of his loyal service to this Nation. May his legacy long stand in testament to the virtues of a life dedicated to honor, country, and family.

RECOGNITION OF GIRL SCOUT GOLD AWARD RECIPIENTS

Mr. Johnson. Mr. President, I want to take this opportunity today to recognize Hilary A. Holmes of Girl Scout Troop 7756. Hilary is an outstanding young woman who has received the Girl Scout Gold Award from the Nyoda Girl Scout Council in Huron, SD. The Girl Scout Gold Award is the highest achievement award in U.S. Girl Scouting. This award exemplifies her outstanding feats in the areas of leadership, community service, career planning, and personal development.

Hilary is one of just 20,000 Gold Award recipients since the creation of the program in 1980. In order to receive this award, Hilary completed the many Gold Award requirements. She earned three interest project patches: the Career Exploration Pin, the Senior Girl Scout Leadership Award and the Senior Gold Award. Also, she created and executed a Girl Scout Gold Award project which included service to area flood victims.

Mr. President, I feel Hilary deserves public recognition for her tremendous service to her community and her country. I offer my congratulations to her for her hard work and effort in reaching this milestone.

STRAIGHT-A STUDENTS

Mr. Abraham. Mr. President, I would like to take this opportunity to congratulate 4th grader Dallas Julianna Smolarek, 2nd grader Candice Vaughn Smolarek, and kindergartner Brandon Tyler Smolarek for their outstanding academic success in the recent school year. All three students received report cards and are on their way to success in school and all their personal endeavors.

We all agree over the importance of a good education, and I am pleased to see such fine young students maintaining a strong desire to do their best in their abilities. No doubt a role model for their classmates, Dallas, Candice, and Brandon have assumed academic leadership paralleled by few others. On behalf of the U.S. Senate, congratulations to them and best wishes for their future success.

RETIREMENT OF PAUL W. JOHNSON, AS CHIEF OF THE NATURAL RESOURCES CONSERVATION SERVICE OF THE DEPARTMENT OF AGRICULTURE

Mr. Harkin. Mr. President, this week marks the end of Iowa native Paul Johnson’s remarkable 4-year tenure as Chief of the Natural Resources Conservation Service at the Department of Agriculture. As a long-time farmer and conservationist, Paul brought to NRCS a bold vision of private lands as a national resource to be managed in harmony with the environment.

During the past 4 years, Paul guided his agency through a major reorganization, from the Soil Conservation Service to the Natural Resources Conservation Service, and has shaped the agency’s programs and policies to reflect new national priorities for conservation of all natural resources. Paul’s leadership has inspired a new commitment to conservation both within USDA and across the country.

Paul’s influence was obvious in the development of the landmark conservation title of the 1986 Farm Bill, which included among many important provisions the new Environmental Quality Incentives Program and the Wildlife Habitat Incentives Program. The creation and implementation of these programs were the hallmark of the energy, creativity, and commitment that he brought to NRCS, and of the legacy he leaves behind.

The agency’s eloquent publication, “A Geography of Hope,” is a visionary statement of the NRCS mission and testimony to Paul’s farm roots and passion for the land. For 23 years on his farm in Decorah, IA, Paul has raised corn, hay, and Christmas trees, and had a dairy herd and sheep.

In our home State of Iowa, Paul is highly regarded as a Renaissance architect of environmental legislation. As a representative in the Iowa General Assembly from 1984 to 1990, he authored the Iowa Groundwater Protection Act, the Iowa Resource Enhancement and Protection Program, the Iowa Energy Efficiency Act and the Iowa Integrated Farm Management Program. For his leadership in the State he was named conservation legislator of the year by several organizations and was named to the Iowa Conservation Hall of Fame by the Wildlife Society.

Paul holds B.S. and M.S. degrees in forestry from the University of Michigan, where he also pursued doctoral studies in forestry. He taught forestry in Ghana for two years, and has been visiting professor of environmental policy at Luther College. Paul worked for the USDA Forest Service in the Pacific Northwest and also has studied and consulted on forestry, agriculture, environment, and energy issues in Honduras, Costa Rica, Sweden, and the former Soviet Union.

Paul served on the Board of Agriculture of the National Academy of Sciences from 1986 to 1994, where he was involved in major studies in agriculture, forestry, and conservation. He also has served as an assistant commissioner for his local soil conservation district.

Paul brings both a global perspective and a local sensibility to conservation. While I am sorry to see him leave NRCS, I look forward to his return to Iowa, where he will continue to enrich our State. I would like to extend congratulations on a job well done, and I wish Paul and his wife Pat the best on their return home.

TRIBUTE TO SOUTHWEST MISSOURI STATE UNIVERSITY

Mr. Bond. Mr. President, I stand before you today to pay tribute to a truly outstanding university in my home State of Missouri, Southwest Missouri State University [SMSU]. SMSU was one of 135 schools in 42 States selected to the John Templeton Foundation Honor Roll, a designation recognizing colleges and universities that emphasize character building as an integral part of the college experience.

Being the only public institution in Missouri to earn the 1997-98 honor roll distinction, SMSU is also one of the eight State-funded schools to receive the award nationwide. Schools competing for the honor roll were judged on 5 criteria and out of 2,208 4-year accredited undergraduate institutions only the top few were chosen. One of the categories where SMSU stood out was in community service. During the 1996-97 school year the SMSU campus, including the faculty and students, volunteered more than 69,500 hours.

It is an honor for the entire State of Missouri to have a university like SMSU, whose service and character-building programs have earned it this recognition. This year SMSU’s President, Dr. John Keiser, for his commitment to excellence and hope for continued success in the future.
CENTENNIAL CELEBRATION OF THE CHESTER-WALLINGFORD CHAPTER OF THE AMERICAN RED CROSS

Mr. SANTORUM. Mr. President, I rise today to recognize the Chester-Wallingford chapter of the American Red Cross. The third oldest Red Cross chapter in the United States, this organization will, in 1996, celebrate 100 years of continuous service to the community.

With 400 volunteers and 4 staff members, the Chester-Wallingford Chapter carries out the Red Cross’s mission of “providing relief to victims of disasters and helping people prevent, prepare for, and respond to emergencies.” Following disasters, the Red Cross supplies victims with groceries, clothing, temporary housing, transportation, and medicine. Blood drives are another important initiative. Every 2 seconds, somebody needs a blood transfusion.

The Chester-Wallingford chapter proudly continues to satisfy this need by providing thousands of gallons of blood to area hospitals. As members of our Nation’s Armed Forces serve overseas, the Red Cross facilitates communication between the soldiers and their families. Other public services provided by this organization include first aid, CPR, and swimming lessons.

The Chester-Wallingford chapter has helped soldiers and veterans of WWI, WWII, Korea, Vietnam, and Desert Storm in times of need. The Red Cross has contributed financial assistance to servicemen and servicewomen for emergency travel, health needs, and in some cases, burial assistance. Likewise, dedicated workers and volunteers have helped many veterans settle benefit claims. Finally, the Chester-Wallingford chapter has provided numerous supportive services to patients in VA hospitals.

Mr. President, I commend the Chester-Wallingford chapter of the American Red Cross for its commitment to the people of southeastern Pennsylvania. I ask my colleagues to join me in extending the Senate’s best wishes for continued success to the staff and volunteers as they prepare to celebrate the chapter’s centennial.

CAPITAL AREA TRANSPORTATION AUTHORITY GALA

Mr. ABRAHAM. Mr. President, today, I rise to commemorate the people of the Capital Area Transportation Authority (CATA) on the opening of the new CATA Transportation Center in Lansing, MI. Such an undertaking is the dream of many of the individuals in the community having dedicated a great portion of their time and talent toward seeing this idea become a reality. I, along with the citizens of Lansing and the surrounding communities, join in thanks for the work of CATA in offering something public in the community having dedicated a great portion of their time and talent toward seeing this idea become a reality. I, along with the citizens of Lansing and the surrounding communities, join in thanks for the work of CATA in offering something public in the community having dedicated a great portion of their time and talent toward seeing this idea become a reality.

I would like to take this opportunity to thank my Senate colleagues for their support of my request for earmarked funding for the CATA Transportation Center. In 1996, our request for $3 million in funding was granted and, in the following year, another earmark for $1.2 million also became a reality.

Mr. President, on behalf of the U.S. Senate, allow me to give a heartfelt thanks to those at CATA for their hard work and dedication toward making the great State of Michigan even greater.

RECOGNIZING STONE AND THOMAS AS AN OUTSTANDING BUSINESS

Mr. ROCKEFELLER. Mr. President, I rise today in order to recognize Stone & Thomas, an outstanding business, for its continuous service to its customers and to the community having dedicated a great portion of their time and talent toward making the great State of Michigan even greater.

One month during their 150 years in business, and its longevity is a testament to the quality of service and merchandise which they are committed to.

Mr. President, since its founding in 1847 by Jacob Thomas and Elijah Stone, this remarkable business has been owned and operated by five generations of the same family. Currently, Stone & Thomas is run by W.S. Jones, the president, chief executive officer and the great-great-grandson of Elijah Stone. Mr. Jones, like the four generations before him, has continued the creed of outstanding service which Mr. Stone & Mr. Thomas pledged themselves to. Furthermore, Mr. Jones, like those before him, has continued to improve and expand upon an already exceptional business.

All told, Stone & Thomas has employed and continues to employ thousands of citizens of West Virginia. They are presently responsible for over 1,500 jobs in my State, as well as several hundred jobs in Ohio, Kentucky, and Virginia. And just this week, Mr. President, they celebrated the opening of another customer-friendly store in Charleston, WV, which is expected to bring work to 70 more West Virginians.

Mr. President, Stone & Thomas has accomplished so much during its 150 years in business. Because of its diligent efforts to satisfy the customer it has grown to become West Virginia’s largest independent retailer, as well as one of the top 100 in the Nation.

Because of their outstanding commitment to customer service; because of their longstanding record as a fair, honest, and friendly business; and because of their superior contributions to the economies of West Virginia and three other States, I pay special tribute to Stone & Thomas.

TROY COMMUNITY COALITION

Mr. ABRAHAM. Mr. President, today I rise to pay tribute and express my heartfelt thanks to those who have made the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse such a successful program. The hard work and dedication of the coalition’s staff and volunteers was recently recognized by the Community Anti-Drug Coalitions of America “Best Coalition” designation. This award recognizes drug abuse prevention organizations which have strong programs, substantial outcome results, and community support.

The Troy Community Coalition is a non-profit organization dedicated to
improving the quality of life for all who live or work in Troy. This goal has been successfully met through the countless ways in which they have encouraged individuals to lead lives free from the abuse of alcohol and drugs.

Mr. President, on behalf of the U.S. Senate, I would like to thank the Troy Community Coalition for the hard work and effort they have put into making the great State of Michigan even greater.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Transportation</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Miscellaneous</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Total</th>
<th>U.S. dollar equivalent or U.S. currency</th>
</tr>
</thead>
<tbody>
<tr>
<td>David W. Cote:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>4,867</td>
<td>986.35</td>
<td>4,867</td>
<td></td>
<td></td>
<td></td>
<td>986.35</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,633.35</td>
<td></td>
</tr>
</tbody>
</table>

RICHARD G. LUGAR, Chairman, Committee on Agriculture, Nutrition, and Forestry, Oct. 21, 1997.


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Transportation</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Miscellaneous</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Total</th>
<th>U.S. dollar equivalent or U.S. currency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator Jeff Bingaman:</td>
<td>Russia</td>
<td>Dollar</td>
<td>2,100.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,100.00</td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>5,803.35</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,803.35</td>
<td></td>
</tr>
<tr>
<td>Madeleine Leininger:</td>
<td>Russia</td>
<td>Dollar</td>
<td>2,100.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,100.00</td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>5,803.35</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,803.35</td>
<td></td>
</tr>
<tr>
<td>Robert A. Simons:</td>
<td>Russia</td>
<td>Dollar</td>
<td>2,100.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,100.00</td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>5,803.35</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,803.35</td>
<td></td>
</tr>
<tr>
<td>Gary W. Glass:</td>
<td>Russia</td>
<td>Dollar</td>
<td>2,100.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,100.00</td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>5,803.35</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,803.35</td>
<td></td>
</tr>
<tr>
<td>Patrick J. V. Farnen:</td>
<td>United States</td>
<td>Dollar</td>
<td>2,100.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,100.00</td>
<td></td>
</tr>
<tr>
<td>Switzerland</td>
<td>Dollar</td>
<td>3,647.05</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,647.05</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>11,581.25</td>
<td></td>
</tr>
</tbody>
</table>

STROM THURMOND, Chairman, Committee on Armed Services, Oct. 30, 1997.


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Transportation</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Miscellaneous</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Total</th>
<th>U.S. dollar equivalent or U.S. currency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Martin McInnis:</td>
<td>Germany</td>
<td>Dollar</td>
<td>1,534.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,534.00</td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>1,123.25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,123.25</td>
<td></td>
</tr>
<tr>
<td>Senator Strom Thurmond:</td>
<td>Germany</td>
<td>Dollar</td>
<td>753.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>753.00</td>
<td></td>
</tr>
<tr>
<td>Hong Kong</td>
<td>Dollar</td>
<td>788.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>788.00</td>
<td></td>
</tr>
<tr>
<td>Robert J. Shults:</td>
<td>China</td>
<td>Dollar</td>
<td>753.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>753.00</td>
<td></td>
</tr>
<tr>
<td>Hong Kong</td>
<td>Dollar</td>
<td>788.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>788.00</td>
<td></td>
</tr>
<tr>
<td>Richard Quick:</td>
<td>China</td>
<td>Dollar</td>
<td>753.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>753.00</td>
<td></td>
</tr>
<tr>
<td>Hong Kong</td>
<td>Dollar</td>
<td>788.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>788.00</td>
<td></td>
</tr>
<tr>
<td>Lawrence Mole, Jr.:</td>
<td>China</td>
<td>Dollar</td>
<td>753.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>753.00</td>
<td></td>
</tr>
<tr>
<td>Hong Kong</td>
<td>Dollar</td>
<td>788.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>788.00</td>
<td></td>
</tr>
<tr>
<td>John DeCosta:</td>
<td>China</td>
<td>Dollar</td>
<td>753.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>753.00</td>
<td></td>
</tr>
<tr>
<td>Hong Kong</td>
<td>Dollar</td>
<td>788.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>788.00</td>
<td></td>
</tr>
<tr>
<td>John Miller:</td>
<td>China</td>
<td>Dollar</td>
<td>753.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>753.00</td>
<td></td>
</tr>
<tr>
<td>Hong Kong</td>
<td>Dollar</td>
<td>788.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>788.00</td>
<td></td>
</tr>
<tr>
<td>Melissa Nickolitskappa:</td>
<td>China</td>
<td>Dollar</td>
<td>753.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>753.00</td>
<td></td>
</tr>
<tr>
<td>Hong Kong</td>
<td>Dollar</td>
<td>788.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>788.00</td>
<td></td>
</tr>
</tbody>
</table>
CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997—Continued

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Garamendi</td>
<td>China</td>
<td>Dollar</td>
<td>753.00</td>
<td>753.00</td>
<td>753.00</td>
</tr>
<tr>
<td></td>
<td>Hong Kong</td>
<td>Dollar</td>
<td>788.00</td>
<td>788.00</td>
<td>788.00</td>
</tr>
<tr>
<td></td>
<td>Japan</td>
<td>Dollar</td>
<td>753.00</td>
<td>753.00</td>
<td>753.00</td>
</tr>
<tr>
<td></td>
<td>Turkey</td>
<td>Dollar</td>
<td>128.00</td>
<td>128.00</td>
<td>128.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>1128.45</td>
<td>1128.45</td>
<td>1128.45</td>
</tr>
<tr>
<td></td>
<td>Hong Kong</td>
<td>Dollar</td>
<td>788.00</td>
<td>788.00</td>
<td>788.00</td>
</tr>
<tr>
<td></td>
<td>China</td>
<td>Dollar</td>
<td>753.00</td>
<td>753.00</td>
<td>753.00</td>
</tr>
<tr>
<td></td>
<td>Turkey</td>
<td>Dollar</td>
<td>128.00</td>
<td>128.00</td>
<td>128.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>1128.45</td>
<td>1128.45</td>
<td>1128.45</td>
</tr>
<tr>
<td></td>
<td>Hong Kong</td>
<td>Dollar</td>
<td>788.00</td>
<td>788.00</td>
<td>788.00</td>
</tr>
<tr>
<td></td>
<td>China</td>
<td>Dollar</td>
<td>753.00</td>
<td>753.00</td>
<td>753.00</td>
</tr>
<tr>
<td></td>
<td>Turkey</td>
<td>Dollar</td>
<td>128.00</td>
<td>128.00</td>
<td>128.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>1128.45</td>
<td>1128.45</td>
<td>1128.45</td>
</tr>
</tbody>
</table>

Total | 18,765.00 | 5,546.35 | 24,311.35

Chairman, Committee on Armed Services, Oct. 30, 1997.


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert C. Cresenti</td>
<td>Hong Kong</td>
<td>Dollar</td>
<td>4,750.00</td>
<td>613.54</td>
<td>5,363.54</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>4,046.45</td>
<td>4,046.45</td>
<td>4,046.45</td>
</tr>
<tr>
<td>Patrick A. Mulloy:</td>
<td>Hong Kong</td>
<td>Dollar</td>
<td>5,700.00</td>
<td>736.24</td>
<td>6,436.24</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>2,240.45</td>
<td>2,240.45</td>
<td>2,240.45</td>
</tr>
</tbody>
</table>
| Total | 13,497.80 | 7,306.80 | 20,804.60

Chairman, Committee on Banking, Housing, and Urban Affairs, Oct. 21, 1997.


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alice Grassley</td>
<td>Hong Kong</td>
<td>Dollar</td>
<td>29,429.00</td>
<td>3,822.00</td>
<td>33,251.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>1,128.45</td>
<td>1,128.45</td>
<td>1,128.45</td>
</tr>
<tr>
<td>Jon Rosie Asser</td>
<td>Hong Kong</td>
<td>Dollar</td>
<td>29,429.00</td>
<td>3,822.00</td>
<td>33,251.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>1,128.45</td>
<td>1,128.45</td>
<td>1,128.45</td>
</tr>
</tbody>
</table>
| Total | 76,448.00 | 7,644.00 | 84,092.00

Chairman, Committee on the Budget, Oct. 22, 1997.


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Garman</td>
<td>Germany</td>
<td>Mark</td>
<td>2,386.17</td>
<td>1,100.00</td>
<td>3,486.17</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>1,001.25</td>
<td>1,001.25</td>
<td>1,001.25</td>
</tr>
</tbody>
</table>
| Total | 3,486.17 | 2,386.17 | 6,001.25


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asia Total</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>2,485.56</td>
<td>141.84</td>
<td>3,627.40</td>
<td>6,125.80</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>1,350.00</td>
<td>270.00</td>
<td>1,620.00</td>
<td>3,200.00</td>
</tr>
<tr>
<td>Singapore</td>
<td>Dollar</td>
<td>2,040.00</td>
<td>270.00</td>
<td>2,310.00</td>
<td>4,550.00</td>
</tr>
<tr>
<td>Japan</td>
<td>Yen</td>
<td>2,190.00</td>
<td>270.00</td>
<td>2,460.00</td>
<td>4,650.00</td>
</tr>
<tr>
<td>China</td>
<td>Yuan</td>
<td>2,190.00</td>
<td>270.00</td>
<td>2,460.00</td>
<td>4,650.00</td>
</tr>
<tr>
<td>Total</td>
<td>Dollar</td>
<td>6,860.00</td>
<td>1,050.00</td>
<td>7,910.00</td>
<td>15,770.00</td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Total</th>
<th>U.S. dollar equivalent or U.S. currency</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Breaux</td>
<td>United States</td>
<td>Dollar</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>1,398.50</td>
<td>..........................................</td>
</tr>
<tr>
<td>Peter Cleaveland</td>
<td>Georgia</td>
<td>Dollar</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>Frank Duckworth</td>
<td>Japan</td>
<td>Yen</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>Edward Feinn</td>
<td>China</td>
<td>Yuan</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>953.00</td>
<td>..........................................</td>
</tr>
<tr>
<td>Michael Griffin</td>
<td>Germany</td>
<td>Mark</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>Frank Jackson</td>
<td>Japan</td>
<td>Yen</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>Edward Levy</td>
<td>China</td>
<td>Yuan</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>Christopher Locks</td>
<td>Bissau</td>
<td>Cedi</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>Patrick McNerney</td>
<td>Germany</td>
<td>Mark</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>Michael Niles</td>
<td>Ghana</td>
<td>Cedi</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>Senegal</td>
<td>Dollar</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>Uganda</td>
<td>Dollar</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>Dan Shaprio</td>
<td>China</td>
<td>Dollar</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>Chris Walker</td>
<td>China</td>
<td>Cedi</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>Michael Westcott</td>
<td>Ghana</td>
<td>Cedi</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Total</th>
<th>U.S. dollar equivalent or U.S. currency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kim Hammond</td>
<td>England</td>
<td>Pound</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
<tr>
<td>Terence Lynn</td>
<td>Czech Republic</td>
<td>Dollar</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
<td>..........................................</td>
</tr>
</tbody>
</table>

JESSE HELMS,
Chairman, Committee on Foreign Relations, Oct. 31, 1997.
<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>U.S. dollar equivalent</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent</th>
<th>Foreign currency</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>Franc</td>
<td>6,776.0</td>
<td>1,180.0</td>
<td>1,300</td>
<td>221.67</td>
<td></td>
<td></td>
<td>8,106.0</td>
</tr>
<tr>
<td>England</td>
<td>Pound</td>
<td>1,340.0</td>
<td></td>
<td></td>
<td></td>
<td>2,257.95</td>
<td></td>
<td>3,597.95</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>643.2</td>
<td></td>
<td></td>
<td></td>
<td>1,340.0</td>
<td></td>
<td>1,983.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4,667.26</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>U.S. dollar equivalent</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent</th>
<th>Foreign currency</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Hand</td>
<td>Dollar</td>
<td>1,845.25</td>
<td>4,631.45</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6,486.70</td>
</tr>
<tr>
<td>Don Mitchell</td>
<td></td>
<td>2,916.25</td>
<td>4,631.45</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7,447.70</td>
</tr>
<tr>
<td>Alfred Conaway</td>
<td></td>
<td>1,970.00</td>
<td>6,617.95</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,597.95</td>
</tr>
<tr>
<td>Moebe</td>
<td></td>
<td>1,190.00</td>
<td></td>
<td></td>
<td>6,731.10</td>
<td></td>
<td></td>
<td>7,921.10</td>
</tr>
<tr>
<td>Randy Schriver</td>
<td></td>
<td>2,680.00</td>
<td></td>
<td></td>
<td>5,271.00</td>
<td></td>
<td></td>
<td>7,951.00</td>
</tr>
<tr>
<td>Peter Perzy</td>
<td></td>
<td>4,213.00</td>
<td></td>
<td></td>
<td>4,538.90</td>
<td></td>
<td></td>
<td>8,751.90</td>
</tr>
<tr>
<td>Bob Daves</td>
<td></td>
<td>2,290.00</td>
<td></td>
<td></td>
<td>5,178.20</td>
<td></td>
<td></td>
<td>7,468.20</td>
</tr>
<tr>
<td>Senator Pat Roberts</td>
<td></td>
<td>190.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>190.00</td>
</tr>
<tr>
<td>Senator Richard Shelby</td>
<td></td>
<td>2,480.00</td>
<td></td>
<td></td>
<td>5,793.45</td>
<td></td>
<td></td>
<td>8,273.45</td>
</tr>
<tr>
<td>Deputy</td>
<td></td>
<td>1,023.00</td>
<td></td>
<td></td>
<td>4,438.69</td>
<td></td>
<td></td>
<td>5,461.69</td>
</tr>
<tr>
<td>Stephen</td>
<td></td>
<td>257.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>257.00</td>
</tr>
<tr>
<td>Senator C. Fite</td>
<td></td>
<td>703.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>703.00</td>
</tr>
<tr>
<td>Senator J. Robert Kerrey</td>
<td></td>
<td>713.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>713.00</td>
</tr>
<tr>
<td>Senator Richard</td>
<td></td>
<td>575.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>575.00</td>
</tr>
<tr>
<td>Robert Daves</td>
<td></td>
<td>567.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>567.00</td>
</tr>
<tr>
<td>Christopher</td>
<td></td>
<td>1,963.00</td>
<td></td>
<td></td>
<td>4,961.25</td>
<td></td>
<td></td>
<td>6,924.25</td>
</tr>
<tr>
<td>Senator &amp; Other</td>
<td></td>
<td></td>
<td></td>
<td>50,723.45</td>
<td>103,587.81</td>
<td></td>
<td></td>
<td>154,311.26</td>
</tr>
</tbody>
</table>

2 Per diem constitutes lodging and meals.
3 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>U.S. dollar equivalent</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent</th>
<th>Foreign currency</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Hand</td>
<td>Dollar</td>
<td>2,326.65</td>
<td>527.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,853.65</td>
</tr>
<tr>
<td>Don Mitchell</td>
<td></td>
<td>1,292.00</td>
<td>930.45</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,222.45</td>
</tr>
<tr>
<td>Alfred Conaway</td>
<td></td>
<td>1,340.00</td>
<td>930.45</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,270.45</td>
</tr>
<tr>
<td>Moebe</td>
<td></td>
<td>368.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>368.00</td>
</tr>
<tr>
<td>Randy Schriver</td>
<td></td>
<td>930.45</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>930.45</td>
</tr>
<tr>
<td>Peter Perzy</td>
<td></td>
<td>76.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>76.00</td>
</tr>
<tr>
<td>Bob Daves</td>
<td></td>
<td>1,661.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,661.00</td>
</tr>
<tr>
<td>Senator Pat Roberts</td>
<td></td>
<td>76.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>76.00</td>
</tr>
<tr>
<td>Senator Richard Shelby</td>
<td></td>
<td>930.45</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>930.45</td>
</tr>
<tr>
<td>Senator C. Fite</td>
<td></td>
<td>76.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>76.00</td>
</tr>
<tr>
<td>Senator J. Robert Kerrey</td>
<td></td>
<td>1,511.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,511.00</td>
</tr>
<tr>
<td>Senator Richard</td>
<td></td>
<td>76.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>76.00</td>
</tr>
<tr>
<td>Robert Daves</td>
<td></td>
<td>4,531.25</td>
<td></td>
<td></td>
<td>125.70</td>
<td></td>
<td></td>
<td>4,656.95</td>
</tr>
<tr>
<td>Christopher</td>
<td></td>
<td>974.45</td>
<td></td>
<td></td>
<td>125.70</td>
<td></td>
<td></td>
<td>1,100.15</td>
</tr>
<tr>
<td>Senator &amp; Other</td>
<td></td>
<td></td>
<td></td>
<td>20,263.45</td>
<td>8,299.75</td>
<td></td>
<td></td>
<td>28,563.20</td>
</tr>
</tbody>
</table>

American Express
Chairman, Committee on Security and Cooperation in Europe, Sept. 25, 1997.


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>U.S. dollar equivalent</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent</th>
<th>Foreign currency</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator Frank Markowski</td>
<td>Dollar</td>
<td>21,582.53</td>
<td>2,787.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>24,369.53</td>
</tr>
</tbody>
</table>

Chairman, Committee on Veterans' Affairs, Oct. 17, 1997.

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency or U.S. dollar equivalent</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
</table>
| Senator Charles Robb:  
Hong Kong          | Dollar          | 22,777.25                                | 2,939.00      |              | 22,777.25 |
| Senator Diane Feinstein:  
Hong Kong          | Dollar          | 22,777.25                                | 2,939.00      |              | 22,777.25 |
| Senator Craig Thomas:  
Hong Kong          | Dollar          | 22,777.25                                | 2,939.00      |              | 22,777.25 |
| Deanna Tanner Okun:  
Hong Kong          | Dollar          | 29,484.25                                | 2,700.00      |              | 29,484.25 |
| Peter Cleveland:  
Hong Kong          | Dollar          | 29,484.25                                | 2,700.00      |              | 29,484.25 |
| Dan Brown:  
Hong Kong          | Dollar          | 29,484.25                                | 2,700.00      |              | 29,484.25 |
| Julia Hart:  
Hong Kong          | Dollar          | 29,484.25                                | 2,700.00      |              | 29,484.25 |
| Delegation expenses:  
Hong Kong          | Dollar          | 29,484.25                                | 2,700.00      |              | 29,484.25 |
| **Total**          |                 |                                          |               |              | 17,590.05 |

1 Expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

### CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b) FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM APR. 1 TO JUNE 30, 1997

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency or U.S. dollar equivalent</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
</table>
| Dot Symonston:  
France            | Franc           | 5,190.70                                  | 952.99        |              | 5,190.70 |
| **Total**          |                 |                                          |               |              | 952.99 |


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency or U.S. dollar equivalent</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
</table>
| Senator Trent Lott:  
Scotland          | Pound           | 1,229.12                                  | 736.00        |              | 1,229.12 |
| England           | Pound           | 601.20                                    | 360.00        |              | 601.20 |
| Belgium           | Franc           | 7,488                                    | 219.00        |              | 7,488 |
| Hungary           | Forint          | 91,647                                   | 497.00        |              | 91,647 |
| Senator Ernest F. Hollings:  
Scotland          | Pound           | 1,229.12                                  | 736.00        |              | 1,229.12 |
| England           | Pound           | 601.20                                    | 360.00        |              | 601.20 |
| Belgium           | Franc           | 10,177                                   | 285.00        |              | 10,177 |
| Hungary           | Forint          | 80,100                                   | 445.00        |              | 80,100 |
| Senator Don Gaetz:  
Scotland          | Pound           | 1,229.12                                  | 736.00        |              | 1,229.12 |
| England           | Pound           | 601.20                                    | 360.00        |              | 601.20 |
| Senator Joseph I. Lieberman:  
Scotland          | Pound           | 1,229.12                                  | 736.00        |              | 1,229.12 |
| England           | Pound           | 601.20                                    | 360.00        |              | 601.20 |
| Belgium           | Franc           | 8,388                                    | 233.00        |              | 8,388 |
| Hungary           | Forint          | 124,380                                  | 601.00        |              | 124,380 |
| United States:  
Dollar           |                |                                          |               |              | 1,895.95 |
| Senator Trent Lott:  
Scotland          | Pound           | 1,229.12                                  | 736.00        |              | 1,229.12 |
| England           | Pound           | 601.20                                    | 360.00        |              | 601.20 |
| Belgium           | Franc           | 6,012                                    | 184.00        |              | 6,012 |
| Hungary           | Forint          | 81,540                                   | 453.13        |              | 81,540 |
| Senator Bill Frist:  
Scotland          | Pound           | 544.48                                   | 332.00        |              | 544.48 |
| England           | Pound           | 541.20                                   | 330.00        |              | 541.20 |
| Belgium           | Franc           | 5,940                                    | 265.00        |              | 5,940 |
| Hungary           | Forint          | 84,360                                   | 456.00        |              | 84,360 |
| United States:  
Dollar           |                |                                          |               |              | 2,493.00 |
| Senator Chuck Hagel:  
Scotland          | Pound           | 536.64                                   | 326.00        |              | 536.64 |
| England           | Pound           | 601.20                                   | 360.00        |              | 601.20 |
| Belgium           | Franc           | 5,900                                    | 250.00        |              | 5,900 |
| Hungary           | Forint          | 91,647                                   | 497.00        |              | 91,647 |
| United States:  
Dollar           |                |                                          |               |              | 2,961.00 |
| Gary S. Stipa:  
Scotland          | Pound           | 1,229.12                                  | 736.00        |              | 1,229.12 |
| England           | Pound           | 601.20                                    | 360.00        |              | 601.20 |
| Belgium           | Franc           | 8,316                                    | 231.00        |              | 8,316 |
| Hungary           | Forint          | 91,647                                   | 497.00        |              | 91,647 |
| Lloyd J. Ogilvie:  
Scotland          | Pound           | 1,229.12                                  | 736.00        |              | 1,229.12 |
| England           | Pound           | 601.20                                    | 360.00        |              | 601.20 |
| Belgium           | Franc           | 7,164                                    | 199.00        |              | 7,164 |
| Hungary           | Forint          | 91,647                                   | 497.00        |              | 91,647 |
| Stew Bents:  
Scotland          | Pound           | 1,229.12                                  | 736.00        |              | 1,229.12 |
| England           | Pound           | 601.20                                    | 360.00        |              | 601.20 |
### CONSENT AND AGREEMENTS

The Senate agreed to the following:

- **A Statement of Mentorship**
  - Senator Tim Hutchinson
  - Sally Walsh

- **A Statement of Support**
  - Randy Schuermann
  - Dino L. Carluccio

- **A Statement of Commitment**
  - Randy Schuermann

### APPROPRIATED FUNDS FOR FOREIGN TRAVEL

**Consolidated Report of Expenditure of Foreign Currencies and Appropriated Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22 U.S.C. 1754(b), for Travel Authorized by the Majority Leader from June 28 to July 5, 1997—Continued**

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>Franc</td>
<td>8,388</td>
<td>230.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,388</td>
</tr>
<tr>
<td>Hungary</td>
<td>Franc</td>
<td>76,660</td>
<td>217.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>76,660</td>
</tr>
<tr>
<td>Susan Iny</td>
<td>Pound</td>
<td>1,195.72</td>
<td>716.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,195.7</td>
</tr>
<tr>
<td>England</td>
<td>Pound</td>
<td>601.20</td>
<td>360.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>601.20</td>
</tr>
<tr>
<td>Belgium</td>
<td>Franc</td>
<td>8,748</td>
<td>243.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,748</td>
</tr>
<tr>
<td>Hungary</td>
<td>Franc</td>
<td>77,760</td>
<td>432.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>77,760</td>
</tr>
<tr>
<td>Sam B. Nunn</td>
<td>Pound</td>
<td>1,212.42</td>
<td>726.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,212.4</td>
</tr>
<tr>
<td>England</td>
<td>Pound</td>
<td>576.15</td>
<td>345.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>576.15</td>
</tr>
<tr>
<td>Belgium</td>
<td>Franc</td>
<td>8,748</td>
<td>243.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,748</td>
</tr>
<tr>
<td>Hungary</td>
<td>Franc</td>
<td>76,860</td>
<td>427.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>76,860</td>
</tr>
<tr>
<td>Sally Walsh</td>
<td>Pound</td>
<td>1,299.12</td>
<td>736.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,299.1</td>
</tr>
<tr>
<td>England</td>
<td>Pound</td>
<td>601.20</td>
<td>360.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>601.20</td>
</tr>
<tr>
<td>Belgium</td>
<td>Franc</td>
<td>8,748</td>
<td>243.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,748</td>
</tr>
<tr>
<td>Hungary</td>
<td>Franc</td>
<td>76,860</td>
<td>427.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>76,860</td>
</tr>
<tr>
<td>Randy Schuermann</td>
<td>Pound</td>
<td>1,299.12</td>
<td>736.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,299.1</td>
</tr>
<tr>
<td>England</td>
<td>Pound</td>
<td>601.20</td>
<td>360.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>601.20</td>
</tr>
<tr>
<td>Belgium</td>
<td>Franc</td>
<td>8,748</td>
<td>243.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,748</td>
</tr>
<tr>
<td>Hungary</td>
<td>Franc</td>
<td>76,860</td>
<td>427.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>76,860</td>
</tr>
<tr>
<td>Delegation expenses:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scotland</td>
<td>Pound</td>
<td>1,299.12</td>
<td>736.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,299.1</td>
</tr>
<tr>
<td>England</td>
<td>Pound</td>
<td>601.20</td>
<td>360.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>601.20</td>
</tr>
<tr>
<td>Belgium</td>
<td>Franc</td>
<td>8,748</td>
<td>243.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,748</td>
</tr>
<tr>
<td>Hungary</td>
<td>Franc</td>
<td>76,860</td>
<td>427.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>76,860</td>
</tr>
<tr>
<td>Eric Winkle</td>
<td>Pound</td>
<td>1,299.12</td>
<td>736.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,299.1</td>
</tr>
<tr>
<td>England</td>
<td>Pound</td>
<td>601.20</td>
<td>360.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>601.20</td>
</tr>
<tr>
<td>Belgium</td>
<td>Franc</td>
<td>8,748</td>
<td>243.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,748</td>
</tr>
<tr>
<td>Hungary</td>
<td>Franc</td>
<td>76,860</td>
<td>427.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>76,860</td>
</tr>
<tr>
<td>Russia-Herzegovina</td>
<td>Franc</td>
<td>77,760</td>
<td>432.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>77,760</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>25,550.13</td>
<td>1,799.95</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>39,972.86</td>
<td>72,022.9</td>
</tr>
</tbody>
</table>

1 Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 174, agreed to May 25, 1977.

### CONGRESSIONAL RECORD — SENATE

November 7, 1997

**MARINE CORPS—LAW ENFORCEMENT FOUNDATION**

- Mr. LEAHY. Mr. President, I rise to pay tribute to a small organization whose existence shows that a few determined individuals can make a difference. I am referring to the Marine Corps—Law Enforcement Foundation, which was formed in February 1995 by five former Marines who decided over lunch one day to help the children of Marines and Federal law enforcement employees.

  Less than 3 years after forming, this organization has given away nearly $1.5 million to more than 150 children. The group focuses on the educational and special needs of children who have no where else to turn. They have paid for a hearing aid for a young son at a Marine whose insurance did not cover it. They provided a wheelchair to a ninth grader injured playing football. They gave $250,000 to children whose parents were Federal employees killed or injured in the 1985 Oklahoma City bombing.

  Mr. President, I know several of the founding members of this foundation personally, and I want to say that I was not surprised to hear about the success of their collaboration. As Edmund Burke once said, “Great men are the guideposts and landmarks in the state.” We can all learn something from them.

  I ask that an article from the Newark Star Ledger about the foundation be printed in the Record.

  The article follows:
TRIBUTE TO THE NATION’S LONGSHORE WORKERS

- Mr. KENNEDY. Mr. President, the recent dispute between the Federal Maritime Commission and Japanese cargo vessel owners over the operation of Japan’s docks has given Congress and the country a new lesson in the important role of United States longshore workers. Day in and day out, away from the limelight, they work long hours under back-breaking conditions. In so many ways, these hard-working men and women symbolize the American work ethic. A recent article in the Wall Street Journal compared the productivity of American longshore workers favorably with that of their Japanese counterparts. The article noted that “American dockworkers will unload 24 hours a day, taking 30 percent less time for about half the price.” The recent trade dispute has helped these workers obtain the recognition they deserve for their invaluable work in keeping commerce moving at our nation’s ports.

According to recent figures, 1.7 tons of cargo a year are handled by longshore workers in the United States, with a value of nearly $900 billion.

As the Senate debates important questions of international trade and fair competition, I welcome this opportunity to pay tribute to these skilled, tireless, and courageous workers who do so much to support the Nation’s economy and our trade with other countries. U.S. longshore workers across the Nation deserve America’s gratitude—they have certainly earned it.

REFINANCING BOND FINANCED SECTION 8 HOUSING PROPERTIES

- Mr. MACK. Mr. President, I rise to address a matter regarding the refinancing of section 8 assisted properties whose bonds are financed with a financial adjustment factor (FAF). In order to save section 8 housing assistance payment funds, the Congress through the enactment of the McKinney Homelessness Assistance Act encouraged owners of FAF properties to refinance their bonds with lower interest rates. The recap- tured section 8 savings were equally shared between the bond issuing housing agencies and HUD. As the refinancing agencies were required to use their share of the savings for affordable housing purposes. In the recently enacted VA, HUD appropriations legislation, a provision was included to encourage owners to enhance their properties by providing the owners a 15-percent share of the savings.

It has come to my attention that there may be some question as to whether the fiscal year 1998 VA, HUD appropriations act would allow an owner or an issuer to refinance a FAF property which was previously refinanced. We reviewed this matter while developing the amendments to this version of S. 502. However, upon review of the appropriations legislation, it appears unnecessary to include statutory language to clarify this matter. I would like to ask Senator BOND, the chairman of the VA, HUD Appropriations Subcommittee, if he could confirm my interpretation of the issue.

Mr. BOND. I thank the Senator for raising this issue. It is the intent of the appropriations legislation to allow a second refinancing to save section 8 funds. I am hopeful that owners working in cooperation with the bond issuers will voluntarily refinance their FAF properties, where existing laws and bond documents permit. Owners and bond issuers will hopefully take advantage of the historically low interest rates and refinance their properties.

Mr. MACK. I thank my colleague for his assistance in this matter.

RECOGNIZING THE 50TH WEDDING ANNIVERSARY OF JULIAN AND LILLIAN WALLACE

- Mr. REID. Mr. President, I rise today to pay tribute to two Nevadans whose lives serve as an inspiration not only to all Nevadans but to this Nation and to this distinguished body. Fifteen years ago, Julian and Lillian Wallace founded an advocacy group in Las Vegas called Seniors United. Their mission was to tap into the unmined potential of Nevada’s small but growing senior population and ensure that Nevada retirees were informed and had a voice in the political process on all levels of government. Each month for the past 15 years they have put together an informative newsletter and a monthly briefing for Nevada seniors. They stood as some of my strongest allies in the fight to stop the unfair source tax which allowed States to go after the pension incomes of former residents. As Nevada has grown and changed and the number of seniors and retirees has increased, Seniors United has become one of the most formidable groups in the State. Lillian
and Julian's success with Seniors United comes from a simple idea—empowerment. They believe that an informed democracy is a powerful democracy. They never hesitate to hold their elected officials feet to the fire and demonstrate on a daily basis that an active and involved citizenry is definitely not a function of age. Perhaps their greatest assets are those attributes which have helped them stay married for 50 years: compassion, patience and loyalty. On January 17, 1998, Lillian and Julian Wallace will celebrate their 50th wedding anniversary. I ask all my colleagues to join with me today to recognize these two Nevadans for their dedication and devotion not only to their marriage but also to making this country better for all citizens.

SUPPORT OF FAST-TRACK REAUTHORIZATION

Mr. LUGAR. Mr. President, I would like to voice my support for the pending fast-track reauthorization legislation. As chairman of the Senate Committee on Agriculture, Nutrition and Forestry, I would like to begin by stressing the importance of fast track to U.S. agriculture. In 1996, agricultural exports reached a record $60 billion, but import barriers, export subsidies and state trading enterprises continue to distort world commodity markets. These distortions put America's farmers and agribusiness operators at a disadvantage. We must reduce these trade barriers and allow our industry to freely supply the world's markets.

I ask that a letter in support of fast track from all living Secretaries of Agriculture, dating from President Kennedy's administration, be printed in the RECORD.

Last year, my State of Indiana exported goods totaling $12.1 billion and these exports directly supported 66,000 Hoosier jobs. Current estimates indicate that $12 billion in additional Hoosier jobs will be created by Indiana's exports this year. Indiana's exports grew by an extraordinary 75 percent between 1992 and 1996. Since 1993, exports by Indianapolis firms increased 53 percent, South Bend's exports are up by 175 percent and Muncie's export growth leapt 114 percent. There Haute firms saw their exports rise 277 percent, the second highest rate of increase in the Nation. Indiana was the eighth largest agricultural exporter in 1996 with over $2 billion in exports. Because export related jobs pay on average more than nonexport related jobs, it is easy to conclude that exporting is a vital component to Indiana's economy.

The United States must continue to be the leader in knocking down tariff and nontariff trade barriers. This bill is critical to advancing trade liberalization and opening markets for all sectors. Approving fast track is the first step in achieving these goals.

Mr. President, I ask that a letter from President Clinton regarding a proposed congressional oversight group be inserted in the RECORD. I agree with the President that more can be done regarding the strengthening the current congressional advisory group. Specifically, for each new trade negotiation the administration would consult with and appoint an bipartisan congressional oversight group for that particular round of negotiations. The group would provide advice to the U.S. Trade Representative and be charged with general oversight. Second, the U.S. Trade Representative will work with congressional leaders, within 60 days of enactment, to develop guidelines for interaction between Congress and the administration on trade negotiations. The guidelines would address such issues as the timing of written and oral briefings regarding U.S. objectives, the status of the negotiations, the role of the group during actual negotiations, and access to information obtained during negotiations. The United States must be well prepared for the next round of World Trade Organization talks on agriculture in 1999 and the establishment of a congressional oversight group would be a positive beginning for this process.

Since 1974, Congress has granted every President fast-track negotiating authority. America's economic future increasingly lies with our ability to sell our goods and services around the globe. Without fast track, the United States will be sidelined in future trade negotiations. Fast track was the creation of the General Agreement on Tariffs and Trade [GATT] in 1947, the United States has been the leader in knocking down trade barriers and opening up markets. As we prepare to celebrate the 50th anniversary of the GATT, the United States can either be engaged and play an active role in further trade liberalization or allow our competitors to stake claim to a larger portion of world markets.

The letters follow:

Hon. Richard Lugar,
Chairman, Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Washington, DC
Hon. Tom Harkin,
Ranking Member, Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Washington, DC
Hon. Bob Smith,
Chairman, Committee on Agriculture, U.S. House of Representatives, Washington, DC
Hon. Charles Stenholm,
Ranking Member, Committee on Agriculture, U.S. House of Representatives, Washington, DC

Dear Gentlemen: The U.S. food and agricultural system is one of the nation's greatest success stories. American agriculture competitiveness produces, handles, processes, services, trades and transports food and fiber that the world wants to buy. Agricultural trade has contributed significantly to U.S. farm income, created jobs and strengthened American economic and political interests. For those reasons, agricultural trade has been a top priority for every administration in recent memory.

Having served as the Secretaries of Agriculture to Presidents of both political par
ties, we have witnessed how U.S. agriculture has benefited from trade liberalization made possible by previous fast-track authorities. With the implementation of NAFTA and GATT, U.S. agriculture had another $20 billion in value, hitting an all-time high of $60.3 billion in 1996. U.S. agriculture also has enjoyed a consistent trade surplus, with our exports exceeding our imports by over $20 billion in value, hitting an all-time high of $60.3 billion in 1996. U.S. agriculture also has enjoyed a consistent trade surplus, with our exports exceeding our imports by over $20 billion in value.
I have since looked into this idea and want to draw your attention to a structure that has been in place for a while that is quite similar to the NATO group. In 1974, Congress established the Congressional Advisers for Trade Policy and Negotiations, a trade policy and negotiations oversight body that remains in place today. This is a bipartisan group of Congressional advisers, initiated by the leadership, that is accredited to our trade delegations and kept informed on matters affecting trade policy, including on-going negotiations. I am including with this letter a summary of how the procedure works.

I am fully committed to ensuring that the Congressional trade advisor system works effectively to ensure that Congress is both informed and consulted as we develop and implement U.S. trade policy. I am convinced that the Administration benefits significantly when Congress plays an active and continuing role in formulating our trade policies and objectives. For that reason, the Administration bill and both the Senate and House bills, which I support, include specific language designed to enhance the effectiveness of the Congressional trade advisor system.

While the bills pending in the House and Senate seek to reinvigorate the Congressional Advisers mechanism, I believe that more can be done. Therefore, I would propose the inclusion of an additional title in the fast track bill entitled “Congressional Oversight Groups” that would:

a. Establish for each trade negotiation that the Administration notifies to the Congress under fast track, a specific “Congressional Oversight Group” for that negotiation. The group would be selected by the leadership from among the existing congressional trade advisers, and would be tasked with oversight of, and providing advice to the Trade Representative regarding, the negotiation.

b. Instruct the Trade Representative to work with the Senate and House leadership to develop, within 60 days of enactment, guidelines for interaction between the Administration and Congressional Oversight Groups. The guidelines would be structured to ensure a useful and timely flow of information between the Administration and the Congressional Oversight Group, including at an early stage between the Oversight group and the Trade Representative to discuss the Administration’s objectives and the Group’s views.

I hope that you will give serious consideration to this proposal. I would welcome any thoughts that you and other Members may have.

Sincerely,

BILL CLINTON

CHRISTINA A. SNYDER, JUDICIAL NOMINEE FOR THE U.S. DISTRICT COURT IN THE CENTRAL DISTRICT OF CALIFORNIA

MRS. BOXER. Mr. President, the U.S. Senate showed its overwhelming support today for Christina Snyder, one of the most highly regarded legal minds to sit on the Federal bench of the Central District of California. My unwavering confidence in Ms. Snyder arises from respect for her background, education and career. I am very pleased she has been confirmed.

Ms. Snyder is a native of the Los Angeles area, having grown up in the Montebello community in East Los Angeles. She studied in the public elementary schools of Montebello and Orange County, and was valedictorian of her high school class. She later studied at the University of California at Los Angeles, before transferring to Pomona College where she earned her undergraduate degree. She earned her law degree at the University of Southern California, as a result of her strong commitment to public service as one of the founding members of Public Counsel, a public interest law firm of the Los Angeles County and Beverly Hills Bar Associations. She also served as the California Bar designee on the Board of Directors of the Western Center for Law and Poverty.

Moreover, she has demonstrated a strong commitment to community service as one of the founding members of Public Counsel, a public interest law firm of the Los Angeles County and Beverly Hills Bar Associations. She also served as the California Bar designee on the Board of Directors of the Western Center for Law and Poverty.

Again, I am pleased to speak in favor of Ms. Snyder and feel she is a valuable addition to the Federal bench.

Funds for Road Expansion to Transport Hazardous Waste

MRS. HUTCHISON. Mr. President, I ask that the text of a concurrent resolution passed by the Texas Legislature, be printed in the RECORD.

The text of the concurrent resolution follows:

House Concurrent Resolution No. 202

WHEREAS, Compliance with international disarmament treaties to eliminate the proliferation of nuclear arms and confuse weapons of mass destruction has created new challenges for the United States related to the dismantling and cleanup of nuclear missiles; and

WHEREAS, The development, production, and disassembly of nuclear weapons produces transuranic waste, a highly radioactive conglomeration of contaminated laboratory gloves, tools, dried sludge, and other substances from testing and production facilities; and

WHEREAS, To create a safe and environmentally responsible method for permanently disposing of transuranic waste, the United States Department of Energy (DOE) has designed the Waste Isolation Pilot Plant (WIPP) in southern New Mexico that will set the standard for deep geologic disposal of defense-related radioactive waste; and

WHEREAS, The transuranic waste to be deposited at the WIPP facility will be shipped through the United States, a major thoroughfare for radio active materials coming from South Carolina, Tennessee, Illinois, and Ohio; and

WHEREAS, Routes 66 and 285, which is a major thoroughfare for radio active materials coming from South Carolina, Tennessee, Illinois, and Ohio; and

WHEREAS, According to a study commissioned by the Texas Department of Transportation, the portion of the route, which begins in Pecos, Texas, and continues into New Mexico, is a treacherous and narrow two-lane road; and

WHEREAS, The State of New Mexico, in a permit application to protect the safety of its citizens, has dedicated part of the impact funds received from the DOE for housing the WIPP to widen its section of U.S. 285; this development will exacerbate the dangers on the road that has already been the scene of one accident involving an empty WIPP transport truck; and

WHEREAS, There are currently no federal funds allocated for the State of Texas to take the necessary safety precautions by widening the section of U.S. 285 running through our State; the safety of United States citizens residing in the Lone Star State is no less important than that of our neighbors to the northwest; now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby respectfully request the Congress of the United States to allocate funds for road expansion in Texas along the designated route for transporting hazardous waste to the WIPP project; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States, to the Governor of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

INDEPENDENCE DAY OF LEBANON CELEBRATION

Mr. ABRAHAM. Mr. President, I rise today in commemoration of the Lebanese Independence Day Celebration hosted by the Consul General of Lebanon and Mrs. Hassan Muslimani. The nation of Lebanon achieved its independence in 1943. A democratic nation, it is a leader in its region. Lebanon was a founding member of the League of Arab States which helps to further the goals and interests of the region. Globally, Lebanon has also played a great part in the United Nations, a founding member, and also in the drafting of the Universal Declaration of Human Rights. The nation of Lebanon has faced many challenges, but continues to preserve regardless of foreign and regional obstacles.

Lebanese Americans play an important role in the United States as well. I am always proud of this community’s efforts to foster regional goodwill. These efforts will go far in enhancing and promoting the Lebanese American community’s image and understanding. Recently, the United States’ travel ban to Lebanon was lifted; efforts to foster relationships of goodwill. These efforts will go far in enhancing and promoting the Lebanese American community’s image and understanding. Recently, the United States’ travel ban to Lebanon was lifted; efforts to foster relationships of goodwill. These efforts will go far in enhancing and promoting the Lebanese American community’s image and understanding. Recently, the United States’ travel ban to Lebanon was lifted; efforts to foster relationships of goodwill. These efforts will go far in enhancing and promoting the Lebanese American community’s image and understanding. Recently, the United States’ travel ban to Lebanon was lifted; efforts to foster relationships of goodwill. These efforts will go far in enhancing and promoting the Lebanese American community’s image and understanding. Recently, the United States’ travel ban to Lebanon was lifted; efforts to foster relationships of goodwill. These efforts will go far in enhancing and promoting the Lebanese American community’s image and understanding. Recently, the United States’ travel ban to Lebanon was lifted; efforts to foster relationships of goodwill. These efforts will go far in enhancing and promoting the Lebanese American community’s image and understanding.
THE RECOVERY NETWORK

・ Mrs. FEINSTEIN. Mr. President, a California company has embarked on an effort that I believe demonstrates how entrepreneurship and public service can go hand in hand.

The Recovery Network is a new national television program dedicated to helping people recover from the devastating disease of addiction. This Santa Monica-based network is the first of its kind and the only broadcast network in the world devoted entirely to substance abuse recovery and prevention.

It is estimated that more than 130 million Americans suffer from or are affected by alcoholism, drug abuse, eating disorders, depression, gambling and other addictions. The Recovery Network offers a lifeline of help to millions of those in need offering group recovery sessions, information on 12-step recovery programs, a 24-hour 800-number help line, discussion shows designed for children of alcoholics and parents with problems, and information on the pharmacological effects of alcohol and other addictive substances. Recovery Network serves not only those in need of help, but also the friends, families, teachers, and professionals seeking guidance and tools to effect change.

Another important part of the Recovery Network is the localized programming effort. "Neighborhood Recovery" enables local community groups to offer their services through cable programming. Organizations like Californians for Drug-Free Youth, and the Miami Coalition for a Safe and Drug-Free Community can reach out to people in their specific area offering information on local meetings and other resources.

I believe this type of public service programming is exactly what Congress envisioned when it passed the Cable Communications Act in 1976 to provide the widest possible diversity of information sources and service to the public and "** assure that cable systems are responsive to the needs and interest of the local community."

Community cable became a permanent fixture on the American landscape in 1948. Its purpose was to service remote communities with a master antenna providing a clear television broadcast signal. Three years later, 70 cable systems serviced 14,000 homes nationwide. Since then, cable television has become a vital service to citizens in every city and town in the United States, serving more than 67 million households nationwide.

People suffering from alcohol and drug addiction have found the Recovery Network there to help when they were most in need:

One young couple from Ohio who was traveling and struggling to maintain their sobriety early in recovery happened upon the Recovery Network on their hotel television. They said "** we turned you on unknowingly, and it was like an AA meeting right in our hotel room. It really helped us refocus on what is important, and that is AA and staying sober."

An Indiana viewer wrote "I just want to say thank you for the programs and the light at the end of the tunnel that they showed me." A Michigan man wrote "Thank you for making such a big difference in my life."

A California woman wrote "When I can't make a meeting, I know you're there for me."

Recovery Network has become a leader in delivering effective programming which provides solutions to these problems in the privacy of the home and in offering positive lifestyle choices as an alternative.

The Recovery Network is supported by every major drug abuse prevention and recovery organization in the Nation, including the Community Anti-Drug Coalitions of America, the National Drug Prevention League, National Association of State Alcohol and Drug Abuse Directors and the National Parents Resource Institute for Drug Education.

Mr. President, I am proud that the Recovery Network is a product of the State of California, and wish them much success in their endeavors.

TRIBUTE TO DONN TIBBETTS, UNION LEADER STATE HOUSE BUREAU CHIEF, ON HIS RETIRED

・ Mr. SMITH of New Hampshire. New Hampshire's media corps will suffer a great loss in January 1998 when Don Tibbetts steps down after 25 years as The Union Leader newspaper's Concord, New Hampshire Bureau Chief. Don is a New Hampshire institution, and will be missed by all of us who call him our friend.

Don's career in journalism has spanned nearly 50 years—first as a broadcaster and then, since April 3, 1972, as a reporter and columnist for the Loeb newspapers. He has covered the often-colorful politics of the Granite State, writing the well-known "Under the State House Dome" column. As Dean of the State House press corps, he has been a leader in chronicling presidential primaries, state elections, nine governors, and the State Legislature—the largest in the nation. He has traveled to national conventions for the Democrat and Republican parties, interviewed presidents, and even sat down to talk with me on many occasions! My interviews with Donn always left us sharing a laugh—and the resulting stories were always fair, thorough, and forthright, as is always Donn's style.

Don's knowledge and expertise about New Hampshire politics is second to none. He is the author of "The Closest U.S. Senate Race in History," a book about the highly contested historic election for New Hampshire's U.S. Senate seat in 1974 between John Durkin and Louis Wyman—an election that was won by one vote, with a subsequent second election being held the following year.

Donn's accomplishments—from sports disk jockey to television host to political columnist—have brought him many accolades from distinguished individuals across the country. The late William Loeb, frank publisher of the Union Leader, said Donn is "a man of great integrity." Former New Hampshire Governor John Sununu said of Donn: "Nobody is fairer and nobody is more of a credit to their profession than Donn. . . ."

Donn is originally from Manchester, and then went on to attend Lasalle Military Academy in Long Island, and the University of New Hampshire. He served 28 years in the military and the reserves with the same honor and distinction he has brought to his career as a journalist. He has been a community and civic leader, as well as a dedicated husband, father and grandfather.

One young couple from Ohio who was

impressed by "** we turned you on unknowingly, and it was like an AA meeting right in our hotel room. It really helped us refocus on what is important, and that is AA and staying sober."

An Indiana viewer wrote "I just want to say thank you for the programs and the light at the end of the tunnel that they showed me." A Michigan man wrote "Thank you for making such a big difference in my life."

A California woman wrote "When I can't make a meeting, I know you're there for me."

Recovery Network has become a leader in delivering effective programming which provides solutions to these problems in the privacy of the home and in offering positive lifestyle choices as an alternative.

The Recovery Network is supported by every major drug abuse prevention and recovery organization in the Nation, including the Community Anti-Drug Coalitions of America, the National Drug Prevention League, National Association of State Alcohol and Drug Abuse Directors and the National Parents Resource Institute for Drug Education.

Mr. President, I am proud that the Recovery Network is a product of the State of California, and wish them much success in their endeavors.

TRIBUTE TO DONN TIBBETTS, UNION LEADER STATE HOUSE BUREAU CHIEF, ON HIS RETIREMENT

・ Mr. SMITH of New Hampshire. New Hampshire's media corps will suffer a great loss in January 1998 when Don Tibbetts steps down after 25 years as The Union Leader newspaper's Concord, New Hampshire Bureau Chief. Don is a New Hampshire institution, and will be missed by all of us who call him our friend.

Don's career in journalism has spanned nearly 50 years—first as a broadcaster and then, since April 3, 1972, as a reporter and columnist for the Loeb newspapers. He has covered the often-colorful politics of the Granite State, writing the well-known "Under the State House Dome" column. As Dean of the State House press corps, he has been a leader in chronicling presidential primaries, state elections, nine governors, and the State Legislature—the largest in the nation. He has traveled to national conventions for the Democrat and Republican parties, interviewed presidents, and even sat down to talk with me on many occasions! My interviews with Donn always left us sharing a laugh—and the resulting stories were always fair, thorough, and forthright, as is always Donn's style.

Don's knowledge and expertise about New Hampshire politics is second to none. He is the author of "The Closest U.S. Senate Race in History," a book about the highly contested historic election for New Hampshire's U.S. Senate seat in 1974 between John Durkin and Louis Wyman—an election that was won by one vote, with a subsequent second election being held the following year.

Donn's accomplishments—from sports disk jockey to television host to political columnist—have brought him many accolades from distinguished individuals across the country. The late William Loeb, frank publisher of the Union Leader, said Donn is "a man of great integrity." Former New Hampshire Governor John Sununu said of Donn: "Nobody is fairer and nobody is more of a credit to their profession than Donn. . . ."

Donn is originally from Manchester, and then went on to attend Lasalle Military Academy in Long Island, and the University of New Hampshire. He served 28 years in the military and the reserves with the same honor and distinction he has brought to his career as a journalist. He has been a community and civic leader, as well as a dedicated husband, father and grandfather.

Donn, I wish you all the best for a wonderful retirement. You are a man of character, commitment and dignity. We will all miss you.

IMF AND US FINANCIAL ASSISTANCE TO INDONESIA

・ Mr. FEINGOLD. Mr. President, I rise today to express my concern about the current financial crisis in Indonesia and the decision of the United States and the international financial community to provide bailout assistance.

As you know, Mr. President, the International Monetary Fund announced on October 31 that it was putting together a $23 billion aid package for Jakarta. This money will allow Indonesia to defend its currency, which has depreciated severely in the last few months. The IMF, the World Bank, the Asian Development Bank, and the Indonesian government will together provide this $23 billion in financing.

In addition to the IMF package, several countries, including the United States, are offering “second-line” loan guarantees that Indonesia can use if needed. The Administration has guaranteed a $3 billion loan to Indonesia as part of the Treasury Department’s exchange stabilization fund. This fund is the same one used to loan $20 billion to Mexico during the peso crisis of 1994 and 1995.

Mr. President, I understand that the Administration hopes the $23 billion IMF financing will be enough for Indonesia to overcome the present crisis and that Jakarta will not need to draw on the $3 billion “second-line” loan from the United States. Nevertheless,
American taxpayer money is being put on the line both through the direct loan guarantee and indirectly through the US contributions to the IMF, the World Bank, and the Asian Development Bank. While there is clearly a need to help avoid a financial collapse in Indonesia that could spill over into other areas of Asia and even to the United States, the US taxpayer has a right to know what kind of government they are helping to support.

Mr. President, many of Indonesia’s present economic problems are the result of rampant corruption and nepotism in the country. Indonesia is ruled by a single man, President Suharto, and his relatives and friends traditionally enjoy many business perks. Using their connections, this group has engaged in highly risky and speculative business deals that have exacerbated the present financial crisis. The Financial Times reports that of the 16 insolvent banks that Indonesia has been forced to close since last week, three are owned by Suharto’s children, relatives, and business associates. The link between the financial crisis and Indonesia’s present political system, where power rests in the hands of Suharto’s inner circle, is inescapable.

The IMF has placed tough economic conditions on Indonesia to receive a major loan. To qualify for this funding, Indonesia must enact serious financial reforms, dismantle monopolies, and liberalize its trading regime. The IMF has also asked for greater transparency in Indonesia’s business environment and meaningful market reforms. While I believe that the IMF and the United States should use the opportunity of this bailout to make all assistance conditional on Indonesia undertaking specific and verifiable measures to ensure that a newly structured system in Indonesia will be free from corruption and graft.

In addition, I strongly feel that Indonesia’s need for financial support gives us an opportunity to seek for long-needed political reforms. So long as Indonesia is run by a corrupt elite, its economy will never reach its full potential. The present authoritarian system has bred political instability that will ultimately limit Indonesia’s economic potential. I read with alarm about the many riots and hundreds of deaths that occurred in Indonesia during the May elections. This is the result of a system that works for the benefit of President Suharto and his family.

Finally, I am concerned about the role of the military in Indonesia, which has sustained a brutal occupation of East Timor for more than 20 years. President Suharto’s government maintains more than 20,000 armed troops in East Timor. Just because President Suharto’s government has boosted the economy in recent years does not mean it has the right to murder and torture Indonesians and East Timorese. Economic success does not excuse you from answering to your own citizens.

Political tension in Indonesia will only subside after President Suharto initiates real democratic change and, for example, allows all parties to compete equally in the political process. Indonesian authorities try to argue that greater democracy will lead to instability and impede economic development. But, Mr. President, clearly the problem in Indonesia is not too much democracy, but too little.

Mr. President, I urge the administration to use the influence it has in the IMF and the other international financial institutions to ensure that this $23 billion package contains demands for real anti-corruption and political reform measures at the very least, such conditions must be placed on the $3 billion direct loan the US has offered.

These issues—of transparency, of human rights, and of good governance—are too important for the United States to ignore as we bail Indonesia out of this mess.

DELAY OF DR. DAVID SATCHER’S CONFIRMATION AS SURGEON GENERAL AND ASSISTANT SECRETARY FOR HEALTH

Mr. Kennedy. Mr. President, I want to express my concern at the delay in the vote on the nomination of David Satcher to be Surgeon General and Assistant Secretary for Health. I understand that the Senate Finance Committee has placed holds on the nomination.

Dr. Satcher is an excellent choice for these positions. He is a respected family doctor, respected scholar, and respected public health leader. For the past 4 years, he has ably led the Centers for Disease Control and Prevention, the agency responsible for protecting the Nation’s health and preventing disease, injury, and premature death.

In 1992, under Dr. Satcher’s leadership, CDC developed and implemented a very successful childhood immunization initiative. Before the initiative, only a little more than half the Nation’s children—35 percent—were immunized. Today, the figure is 78 percent, and vaccine-preventable childhood diseases are now at record lows.

Dr. Satcher has also led CDC efforts to deal more effectively with infectious diseases and food-borne illnesses. We applaud the extraordinary and rapid response needed to combat outbreaks of disease and protect public safety. Under Dr. Satcher, CDC is implementing a new strategy against infectious diseases and a new early warning system to deal with food-borne illnesses.

Prior to his appointment to CDC, Dr. Satcher was president of Meharry Medical College in Nashville, the Nation’s largest private historically black institution for educating health care professionals and biomedical researchers. He previously served as professor and chairman of the Department of Community Medicine and Family Practice at the Morehouse School of Medicine in Atlanta. He also has been a faculty member at the UCLA School of Medicine and the King/Drew Medical Center in Los Angeles, and interim dean of the Drew Postgraduate Medical School.

Dr. Satcher’s range of skills and experience will enable him to make a significant commitment to improving public health make him extremely well qualified to be the country’s principal official on health care and health policy issues—America’s Doctor. He’s an excellent choice to be Surgeon General and Assistant Secretary for Health.

Dr. Satcher’s nomination has received broad bipartisan support. He’s been endorsed by a large number of health provider groups, including the American Medical Association, the American Nurses Association, numerous academic health centers, and public health organizations.

Despite these endorsements, a few detractors have emerged and I want to take a few moments to address their concerns.

Some colleagues have questioned Dr. Satcher’s views on abortion. This was not an issue at his confirmation hearing, but some Senators are using the controversial and unconstitutional “Partial-Birth Abortion Ban Act” to attack his credibility.

Dr. Satcher believes—as do most Americans—that abortions should be safe, legal, and rare. His position reflects the views of 70% of the American public and is consistent with Supreme Court decisions.

In fact, Dr. Satcher supports a ban on late-term abortions. But he shares President Clinton’s view that “if there are risks for severe health consequences for the mother, then the decision [to have an abortion] should not be made by the government, but by the woman in conjunction with her family and physician.”

Dr. Satcher’s position on this issue is shared by the American College of Obstetricians and Gynecologists, the American Medical Women’s Association, the American Nurses Association, and the American Public Health Association.

Some in the Republican leadership have raised this issue in an attempt to defeat an outstanding nominee. Instead of resolving the late-term abortion issue months ago, they would rather play politics with Dr. Satcher’s nomination and the lives and health of American women.

The nation faces significant public health challenges. Our national infant mortality rate is at a record low, but it is still higher than that of many countries. Despite recent declines in the teenage birth rate, the U.S. rate is still the highest in the industrial world.

Similarly, in the case of childhood immunization, the rate nationwide may be the highest ever, but in many communities, less than half of 2-year-olds are adequately immunized.

The country needs a medical leader whom people can trust to advise them...
on their health care. For over two years, the Office of Surgeon General has been vacant. It is irresponsible to put partisanship ahead of public health and safety.

Dr. Satcher is an excellent choice to be the Surgeon General. He deserves to be confirmed to working closely with him, and I urge the Senate to move expeditiously to approve this nomination, so that we can deal more effectively with the country’s important health challenges. I am confident that Dr. Satcher will serve this country well.

DRUG DIRECTOR USE OF BIDEN DRUG BUDGET CERTIFICATION AUTHORITY

• Mr. BIDEN. Mr. President, I rise to offer some remarks on Drug Director Barry McCaffrey’s decision to decertify the Department’s proposed antidrug budget for fiscal 1999. At the outset, let me state that I support General McCaffrey’s decision to request that the Defense Department increase its budget request by $140 million for the Department’s antidrug initiative. The General identified $212 million to boost antidrug task forces on the border to help implement the United States-Mexico Declaration signed by Presidents Clinton and Zedillo in May, 1997; $75 million for the Andean Region; $30 million for National Guard drug efforts on the southern border; and $12 million to target drug trafficking criminal activity in the Caribbean.

Even beyond the specifics of this issue, I am greatly heartened by the fact that General McCaffrey has chosen to exercise this important budget-setting authority. I must admit that I have been frustrated that, until General McCaffrey acted, no drug director had ever used this authority—not William Bennett, not Robert Martinez, and not Lee Brown.

Let me also be up-front with my colleagues, one of the reasons I so strongly favor this decision is because I wrote this authority into law. For more than a decade, I debated with the Reagan administration and my colleagues to establish the Office of National Drug Control Policy. One of the reasons my legislation was so bitterly opposed for so long was because I put some real teeth into this legislation. And, of all the teeth, it is this budget authority which is the sharpest of all.

Let me also explain to my colleagues that this so-called Bidden Drug Budget Authority not only gives the Drug Director the authority to decertify the drug budget requests of the drug agencies, but it is crystal clear what must happen next. Just read the law: If the Drug Director exercises this authority, “the head of the Department or Agency shall comply with such a request.”

It does not get much clearer than that.

To make one more point—now before the Senate we have legislation to reauthorize the Drug Director’s office. Yesterday, the Judiciary Committee reported the bipartisan Hatch-Biden reauthorization bill. A bill cosponsored by Senators Thurmond, Coverdell, D'Amato and Feinstein.

It is my hope that not only will the full Senate pass this legislation before we adjourn, but also that the leadership of the House reject the unproductive and partisan approach it adopted a few weeks ago to override the bipartisan Hatch-Biden bill.

Nothing puts the need for a Drug Director in starker focus than General McCaffrey’s action on the Defense Department drug budget. My colleagues should need no other example—though there are many others—to recognize the importance of having a Drug Director.

I urge my colleagues to support the General’s decision on the Defense Department drug budget. I urge my colleagues to take the concrete step it is within our power to do—pass the law to keep the Drug Office in place.

NEIGHBORHOOD REINVESTMENT CORPORATION

• Mr. KERRY. Mr. President, decent, and affordable housing in healthy neighborhoods for all Americans remains a persistent and serious challenge. One federal initiative that is an exemplar of good housing policy and a wise investment is the Neighborhood Reinvestment Corporation. Chartered by Congress in 1978 as a public, non-profit corporation, the Neighborhood Reinvestment Corporation’s purpose is to increase affordable housing and home ownership opportunities while revitalizing low and moderate income neighborhoods that are in decline. That purpose is carried out in partnership with community-based, non-profit organizations in 44 states, the District of Columbia, and Puerto Rico. These organizations bring together neighborhood residents, local governments, and the business community to garner diverse resources to carry out neighborhood resident-generated housing and community development plans.

At least one measure of the effectiveness of the Neighborhood Reinvestment Corporation and its network of local partners is the kind of return on the investment. The federal appropriation to the Neighborhood Reinvestment Corporation for fiscal year 1998 was $60,000,000 which leveraged another $500,000,000 in resources for housing and community development.

The Neighborhood Reinvestment Corporation is one of three components of an innovative model of federal-local and public-private partnerships. NeighborWorks® is the network of local non-profit organizations that carry out the development work in neighborhoods. The Neighborhood Reinvestment Corporation provides grants and technical assistance to the NeighborWorks® member organizations, and conducts extensive training for neighborhood residents and local organization staff. The third component is Neighborhood Housing Services of America, a national non-profit secondary market that provides financial services to the NeighborWorks® network.

Neighborhood reinvestment requires holistic thinking and action in multiple directions, but basic to neighborhood stability is improving the aging housing stock in urban neighborhoods and maintaining housing affordability are key objectives of the Neighborhood Reinvestment Corporation and the NeighborWorks® network. Helping low and moderate income homeowners obtain financing and qualified contractors to rehabilitate their homes is a staple activity of NeighborWorks® member organizations. Rehabilitating existing homes on behalf of low and moderate income first-time home buyers adds new stakeholders to neighborhoods. Increasing the supply of affordable rental housing helps to further meet the housing needs of neighborhood residents.

Residents of Neighborhood Reinvestment Corporation member organizations are mutual housing associations, innovative experiments in an alternative form of home ownership that is proving to be very successful. Mutual housing is permanent housing that assures affordability and tenure for low and moderate income people in a housing system over which the residents have considerable control. Mutual housing development and units are owned by mutual housing associations. Residents do not directly buy or sell their units, but are represented on the association board of directors. As members of the association and based on their occupancy agreements, the residents in mutual housing are considered in most states to have a personal ownership interest in the property. Affordability, protection from displacement, democratic participation in the management of the housing, and a resident stake in the sustained health of the neighborhood are all attributes of mutual housing living. Exploring diverse forms of housing, such as mutual housing associations, can help point the way to improving housing affordability for low income people.

The success of the Neighborhood Reinvestment Corporation and NeighborWorks® partnership is the training developed and conducted by the Neighborhood Reinvestment Training Institute. Residents, local organization board members, and local organization staff participate in extensive training in leadership development, engagement of residents in neighborhood organizations, conflict resolution, coalition building, organization management, resource development, and much more. This training is replicated in many parts of the country and the lessons learned put to work in local communities.
We are seeing results in communities across the country. In my state of Massachusetts, the Twin Cities Community Development Corporation serves the cities of Fitchburg and Leominster. Terri Murray, the Twin Cities CDC Executive Director, says that “top down” neighborhood revitalization isn’t going to succeed and the training is invaluable to building strong resident led organizations. The turnaround they are experiencing in declining neighborhoods like the Cleghorn section of Fitchburg is attributed to a combination of the dedication of neighborhood residents, the marshaling of increased municipal services, and the leveraging of private and public grants and loans including federal HOME funds. Becoming a member of NeighborWorks® and thus a beneficiary of Neighborhood Reinvestment Corporation enjoys bipartisan support in programs.

The Neighborhood Reinvestment Corporation resources has served to support the capacity of the Twin Cities Community Development Corporation, strengthening their housing rehabilitation, home ownership, and small business/micro-enterprise development programs.

The Neighborhood Reinvestment Corporation enjoys bipartisan support in the Senate. Along with its partners, the NeighborWorks network, and Neighborhood Housing Services of America, the Neighborhood Reinvestment Corporation is to be commended for its fine work.

TRIBUTE TO BERNIE WHITEBEAR, WASHINGTON STATE CITIZEN OF THE DECADE

- Mrs. MURRAY. Mr. President, on October 31, 1997 Washington state Governor Gary Locke declared the month of October “Bernie Whitebear Month” and proclaimed Bernie Whitebear as a “Citizen of the Decade.” I would like to join the Governor, and the whole state of Washington in paying tribute to Bernie Whitebear.

Bernie Whitebear is a true leader for Native Americans in this region. It has been my pleasure to work with Bernie in seeking federal support for this project. Bernie has been working diligently to secure an Economic Development Administration grant for the People’s Lodge. I urge the EDA to give the grant proposal of United Indians for the People’s Lodge their utmost consideration.

Bernie Whitebear is a true leader for Native Americans in Seattle and a genuine asset to our community in the greater Seattle area. I personally appreciate the always-prettysmile and the pleasure to see Bernie’s warm face and bright smile come into my office. Bernie truly is a Citizen of the Decade.

HONORING NEW MEXICO MEDAL OF HONOR RECIPIENTS

- Mr. BINGAMAN. Mr. President, Veteran’s Day is an appropriate occasion to honor those who have served our Nation so nobly. I’d like to take this occasion to offer special recognition to New Mexico’s most distinguished veterans, our living Medal of Honor winners. Col. Robert Scott, who celebrates his 84th birthday this month, is a long-time resident of Santa Fe, NM, who received the Congressional Medal of Honor for his heroics during World War II. Cpl. Hiroshi Miyamura, from Gallup, NM, was honored for his bravery as an infantryman during the Korean war. Second Lt. Raymond Murphy, from Albuquerque, served heroically with the U.S. Marine Corps during that conflict.

WORLD WAR I

World War I gave us 119 Medal of Honor heroes, men like Eddie Rickenbacker and Sgt. Alvin York. But when the armistice was signed concluding the “war to end all wars” at the 11th hour of the 11th day of the 11th month in 1918, all America prayed that there would be no need to extend the honor of Medal of Honor recipient to future
generations, a distinction that could be achieved only as a result of U.S. involvement in a war.

Sadly, this would not be the case. Since that first “Veterans Day”, subsequent tyranny and human rights violations around the world have continued to test the commitment of our Nation’s men and women in uniform. In the horror and devastation of the battles to defend freedom and human dignity since World War I, more than 30 million Americans have risked everything. All who served were heroes in their own right, and to each of them we owe our thanks, our thoughts and our prayers this Veterans Day. Of this multitude of patriots, only 811 received the Medal of Honor. So incredible were their acts of courage that only 316 of them survived to wear this highest honor.

It is often said that the youth of our Nation today need real heroes, men and women of patriotism and integrity, examples of sacrifice and service that they can look up to and emulate. We who are of generations past can lament the loss of great Americans such as Sgt. York, Jimmie Doolittle, Audie Murphy, and other heroes of our childhood. And so today there are still many heroes and heroines in our land, men and women who embody the principles and character that have created and preserved the United States. Among those role models are millions of veterans that we honor today, and among those veterans of military service are 168 surviving Medal of Honor heroes. Today, as we honor all our Nation’s veterans, I would like to pay special homage to our New Mexican Medal of Honor winner.

On November 30, 1913, Robert Sheldon Scott was born here in the Nation’s capital. His family later moved to California where Bob Scott attended school before moving back to his hometown of New Mexico. Bob Scott answered his Nation’s call to duty to serve during World War II.

On June 30, 1943, Gen. Douglas MacArthur and Adm. William Halsey launched “Operation Cartwheel” - a bold two-pronged offensive to gain control of Rabul in the Pacific. On the day, Admiral Halsey landed the 43rd Infantry Division on the New Georgia in order to test the commitment of our Nation’s living Medal of Honor recipients, on the 30th day of this month, as a Second Lieutenant infantry platoon leader, deeds that I initiated at least in part from the conviction that “our troops, inspired to renewed effort by their leader and incomparable courage, swept across the plateau to capture the hill, and from this strategic position, four days later, captured Munda airstrip.”

Of his award, Mr. Scott recently wrote, “I was awarded the Medal of Honor in World War II for deeds one day as a Second Lieutenant infantry platoon leader, deeds that I initiated at least in part from the conviction that I ought to have enough guts to do what I was authorized to order a Sergeant or private soldier to try to do.”

Today, Bob Scott still lives in the town of his youth, Santa Fe, NM. He is one of four of my State’s living Medal of Honor heroes. The ninth oldest of the 168 living Medal of Honor recipients, on the 30th day of this month, he will celebrate his 84th birthday. Our Governor, the Honorable Gary Johnson, has declared that day to be “Colonel Robert Scott Day” throughout our State.

Other Medal of Honor recipients from New Mexico contributed similar deeds of valor. Corporal Miyamura of Gallup was with Company H holding a defensive position near Taejon-ni, Korea in April 1951. When the enemy began to overrun his position, Corporal Miyamura left his sheltered position and engaged the enemy in hand-to-hand combat, then returned to his position to tend to the wounded. Under additional ten-thousand-yard fire, he manned two machine-guns to provide covering fire while his squad withdrew. He killed more than 50 enemy soldiers before his ammunition was depleted and he was severely wounded.

Second Lt. Raymond Murphy served as a platoon commander of Company A, 1st Battalion, 5th Marines, 1st Marine Division in action against the enemy west of Panmunjom, Korea. Wounded by artillery fire, Lieutenant Murphy refused medical aid while leading his men through a withering barrage of enemy fire. Murphy rescued many of his fallen comrades and returned each time to lead the assault and provide cover for his troops. While all the wounded evacuated and the assaulting units began to desegregate, he remained behind with a carbine to cover the movement of friendly forces off the hill. After reaching the base of the hill, he organized a search party and again ascended the slope for a final check on missing Marines, locating and carrying the bodies of a machine-gun crew down the hill. Wounded a second time, he again refused medical assistance until he was certain that all of his men had been safely evacuated.

Sgt. Louis Richard Rocco of Albuquerque served in Vietnam as a medic northeast of Katum. While evacuating wounded comrades, Sergeant Rocco directed fire against the enemy to enable a helicopter to land and assist in the operation. In the battle, the helicopter was disabled by enemy fire and crashed. Sergeant Rocco continued to direct covering fire while personally extracting survivors from the helicopter and carrying them to safety through dense foliage and enemy fire.

It is said, “Poor is the nation that has no heroes or heroines, but beggar is the nation that has and forgets them.” On this day, our Nation has set aside to remember our veterans, as I stand before the same body that established the Medal of Honor, I offer this special salute to Col. Robert S. Scott, Cpl. Hiroshi H. Miyamura, 2d Lt. Raymond Murphy, and Sgt. Louis Richard Rocco—great citizens of the State of New Mexico and the Nation.

ASIAN ELEPHANT CONSERVATION ACT

- Mr. GRAHAM. Mr. President, on Wednesday, November 5, the Asian Elephant Conservation Act passed the Senate Environment and Public Works Committee with unanimous support. I am hopeful that this important bill, introduced by Senator JEFFORDS, will ensure that the children of the world will not miss out on these extraordinary mammals.

The Asian Elephant Conservation Act is constructed along the lines of the successful African Elephant Conservation Act. I have been heartened to learn that the African Elephant Act is producing positive results. I am hopeful that the Asian Elephant Conservation Act will likewise promote research, conservation, anti-poaching education, and protection of the animals. I feel strongly, however, that no funds allocated by these Acts are spent to promote illegal activities, such as trophy hunting. According to a 1996 nationwide poll, 84 percent of Americans support efforts to protect elephants, yet I have learned that some of the funds from the African Elephant Conservation Act have gone toward the promotion of elephant trophy hunting. There is ongoing debate about the success and appropriateness of US taxpayer dollars being used to support such activities, and I look...
forward to learning more about this troublesome issue in the coming months.

For the time being, however, I wish to ask my colleagues for quick support and passage of the Asian Elephant Conservation Act. I am honored to be a co-sponsor of the bill, and look forward to finding more ways to protect and conserve endangered species, both in the United States and abroad.

**APPOINTMENTS BY THE MAJORITY LEADER**

The **PRESIDING OFFICER**. The Chair, pursuant to Public Law 105–56, and on behalf of the majority leader, announces the appointment of the following individuals as members of the Panel to Review Long-Range Air Power: Samuel A. Adcock, of Virginia, and Merrill A. McPeak, of Oregon.

**JOINT REFERRAL OF NOMINATION**

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the nomination of Donald J. Barry, of Wisconsin, to be Assistant Secretary for Fish and Wildlife, sent to the Senate by the President on November 7, 1997, be referred jointly to the Committees on Energy and Natural Resources and Environment and Public Works.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

**UNANIMOUS-CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 101**

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate receives House Joint Resolution 101 making continuing appropriations through Sunday, the joint resolution be agreed to and the motion to reconsider be laid upon the table, all without further action or debate.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

**REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–32**

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 7, 1997, by the President of the United States: South Pacific Regional Environment Programme Agreement (Treaty Document No. 105–32). I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President’s message be printed in the Record.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The message of the President is as follows:

*To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Agreement Establishing the South Pacific Regional Environment Programme, done at Apia on June 16, 1993. The Department of State has certified that the Agreement is in the national interest. The Agreement was negotiated by the Department of State with respect to the Agreement is attached for the information of the Senate.

The South Pacific Regional Environment Programme (SPREP) has existed for almost 15 years to promote cooperation in the South Pacific region, to protect and improve the South Pacific environment and to ensure sustainable development in that region. Prior to the Agreement, SPREP had the status of an informal institution housed within the South Pacific Commission. When this institutional arrangement began to prove inefficient, the United States and the nations of the region negotiated the Agreement to allow SPREP to become an intergovernmental organization in its own right and enhance its ability to promote cooperation among its members.

The Agreement was concluded in June 1993 and entered into force in August 1995. Nearly every nation—except the United States—that has participated in SPREP and in the negotiation of the Agreement is now party to the Agreement. As a result, SPREP now enjoys a formal institutional status that allows it to deal more effectively with the pressing environmental concerns of the region. The United States and its territories can only participate in its activities as official observers.

The Agreement improves the ability of SPREP to serve the interests of American Samoa, the Commonwealth of the Northern Marianas Islands, and Guam. Its ratification is supported by our territories and will demonstrate continued United States commitment to, and concern for, the South Pacific region.

Under its terms, the Agreement entered into force on August 31, 1995. To date, Australia, Cook Islands, Federated States of Micronesia, Fiji, France, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Papua New Guinea, Solomon Islands, Tonga, and Western Samoa have become parties to the Agreement.

I recommend that the Senate give early and favorable consideration to the Agreement and give its advice and consent to ratification.

WILLIAM J. CLINTON,

**MEASURE READ THE FIRST TIME—S. 1414**

Mr. LOTT. Mr. President, I understand that S. 1414, which was introduced today by Senator McCaIN, is at the desk. I now ask for its first reading.

The **PRESIDING OFFICER**. The clerk will read.

The legislative clerk read as follows:

A bill (S. 1414) to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

**AMENDING TITLE I OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974**

Mr. LOTT. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 1377, and further that the Senate proceed to its immediate consideration.

The **PRESIDING OFFICER**. Without objection, it is so ordered. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 1377) to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

There being no objection, the Senate proceeded to consider the bill.

**AMENDMENT NO. 1612**

(Purpose: To amend the Employee Retirement Income Security Act of 1974 to promote retirement income savings through the establishment of an outreach program in the Department of Labor and periodic National Summits on Retirement Savings)

Mr. LOTT. Mr. President, Senator GRASSLEY has a substitute amendment at the desk, and I ask for its consideration.

The **PRESIDING OFFICER**. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT), for Mr. GRASSLEY, proposes an amendment numbered 1612.

Mr. LOTT. Mr. President, I ask unanimous consent that the text of the amendment be printed in today's Record under "Amendments Submitted."

Mr. GRASSLEY. Mr. President, almost 7 months ago, my colleague and I, Senator JOHN BREAUX, introduced S. 757, legislation identical to H.R. 1377. This legislation—the Savings Are Vital to Everyone's Retirement Savings Act or SAFER is now ready for passage in the Senate and ultimately signature of the President. While it took a little longer than I had hoped—it is still a timely and vital piece of legislation.

When I introduced the bill back in May, I cited some statistics on the dismal level of savings by individuals in this country. I said that only about the 40's to the early 50's had seen their savings levels drop by 6 percent from 1988 to 1994.
Well, these kinds of numbers are very consistent with new data recently released by the Employee Benefit Research Institute in its annual Retirement Confidence Survey. Slightly more than one-third of the people surveyed in 1997—just 27 percent—had an idea of what they would need to accumulate in order to retire and maintain their standard of living. And people are very afraid. A recent poll by USA Today indicated that 49 percent of people are afraid of not having enough money for retirement.

Clearly, people need help in learning how to achieve a secure retirement. The SAVER bill which is now before the Senate, will do that. The SAVER Act will direct the Department of Labor to maintain an ongoing public education campaign about the need to save for retirement. This campaign will include a broad scope of initiatives including service announcements, cover stories in the popular media, and disseminating educational materials.

Education has proven to be a powerful motivator for people to pay attention to their retirement savings. According to the Retirement Confidence Survey, of those employees who were provided educational programs and materials about the company pension plan, 45 percent said that it led them to begin planning earlier for retirement. Furthermore, 49 percent said that the educational programs and materials led them to reallocate their money among investment options offered.

The Department of Labor already has a good start on a public education initiative: this legislation will ensure that public education will continue beyond the current administration because this is a problem that will not go away.

The second important piece of this legislation is the creation of a national event—a national summit on retirement savings at the White House. This summit will be a truly bipartisan event—hosted by both the executive and congressional branch. The summit will bring together more than 200 experts in the field of pensions and retirement savings, elected officials, and representatives from the private sector and the public—all with the goal of raising the profile of the importance of saving and identifying barriers to saving and pension formation.

The first national summit will be held in the summer of 1998—just a short time from now. We will be able to get the summit organized due in large part to the continuing and steady support of a very effective group—the American Savings Education Council or ASEC. ASEC is unique in its origins and its mission. Its membership is made up of public and private sector employers, financial, educational, and service organizations; and government agencies.

The organization is committed to helping individuals understand what they need to do to prepare for retirement and to encourage savings for the future. ASEC has already made appearances in towns across the country to talk about retirement planning and has distributed a logical choice for a private partner to work with the public sector lead—the Department of Labor—to get the national summit on track for 1998.

I would like to commend Congressmen HARRIS FAWELL and DONALD PAYNE for introducing this legislation in the House. The support they generated was an important part of the successful consideration of this bill. I also want to acknowledge the co-sponsors in the Senate—Senator KERRY, Senator KYI, Senator HAGEL, Senator TIM HUTCHINSON, Senator ROBB, Senator COLLINS, and Senator COCHRAN.

Today’s workers need to be prepared for retirement—private savings can help minimize the risk that they will spend down their employer’s 401(k) or count on more pension benefits than they will actually receive from their employer. Help prepare for the costs of medical care through long-term care insurance—those that worry many of today’s retirees and their children. As we prepare for debate over the future of public retirement programs we must not overlook the role that private savings and an employer-based pension will play. The Government should play role in encouraging individuals to acquire knowledge that will help them achieve a secure standard of living when they are no longer able to work—SAVER is a critical first step in helping people achieve their hopes for retirement.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1612) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered as amended and passed as amended, that the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1377), as amended, was read a third time and passed.

CLONE PAGER AUTHORIZATION ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 166, S. 170.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 170) to provide for a process to authorize the use of clone pagers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased to sponsor S. 170, the Clone Pager Authorization Act, and urge its speedy passage. This bill would enable law enforcement officers to gain quicker and easier access to an important investigatory tool, called a clone pager, which has proven invaluable in gathering evidence against gang members, drug traffickers and organized crime members.

I was pleased to have helped improve this bill from the version introduced in the last congress. We included it in the juvenile crime bill, S. 15, that I sponsored along with other Democratic Members on the first day of this session which garnered the support of the Democratic leader designated among our top legislative priorities.

While pagers are, of course, used legitimately by millions of people, these devices are relied upon by gangsters and drug dealers to carry on their illicit business from roving offices that enable time to commit crimes no matter where they are at any time of day or night. Indeed, pagers are so popular among drug traffickers, these devices are considered a regular tool of the drug trade.

A clone pager is programmed identically to the pager used by a suspected criminal so that it displays the same numbers transmitted to, and displayed on, the suspect’s pager. A law enforcement officer using the clone pager is thereby able to receive the identical pager message at the same time as the targeted criminal.

How does this help law enforcement? When a drug dealer moves about conducting his illicit business, he can keep in constant touch with his criminal associates, including his drug suppliers and customers, by carrying a pager. Contacting the dealer wherever he may be is a simple matter of calling his pager. The drug dealer can then pull up to the nearest public telephone to return the call at the number displayed on his pager—often a number transmitted to, and displayed on, the suspect’s pager. A law enforcement officer to the telephone numbers used by the dealer’s suppliers and associates, and through those numbers, their locations.

To determine the telephone numbers of associates called by, or calling to, a criminal suspect’s land-line or cellular telephone, law enforcement officers use a pen register or trap and trace device. Yet, when criminals opt to conduct their business using pagers—often times to thwart police surveillance—law enforcement officers must obtain authority under the wiretap law to use a pager. For years, clone pagers have revealed essentially the same information about the telephone numbers of associates calling the suspect as do pen register and trap and trace devices, the procedures for wiretap authorization are more complicated and more time-consuming than those to obtain authority for
use of pen register and trap and trace devices. The additional procedural hurdles necessary to use clone pagers benefit only the criminal.

This bill would permit law enforcement to use a clone pager based on the same authority as that necessary to use a pen register or trap and trace device. In fact, certain of the requirements for wiretap authorization simply make no sense when the investigatory tool being authorized is a clone numeric pager.

Thus, courts confronted with defense motions to suppress evidence derived from clone pagers for failure to comply with wiretap procedures have concluded that certain statutory requirements for wiretaps do not apply. For example, since clone numeric pagers do not reveal the content of any conversation or even whether any conversation actually occurred, courts have found that it is impossible to minimize clone numeric pager interceptions as is required for wiretaps. Furthermore, since the numbers captured from clone numeric pagers are usually manually, rather than electronically or mechanically, recorded by law enforcement officers, courts have concluded that the recordation and sealing requirements of the wiretap law have limited utility and refused to suppress for failure to comply with these requirements. U.S. v. Szwarc, 806 F.2d 977, 984 (4th Cir. 1990).

Instead of providing fodder for defense motions, the time is long overdue for Congress to amend common sense and require law enforcement to follow more appropriate procedures—no more and no less—to obtain authorization to use clone numeric pagers.

This bill would conform the requirements for use of a clone pager to those for use of a pen register or trap and trace device. As one court recognized, "[u]nlike telephone wiretaps, duplicate paging devices reveal only numbers, not the context of conversation. In this way they are similar to pen registers." U.S. v. Tutino, supra, 883 F.2d at 1141. Specifically, the bill would authorize a Federal court to issue an order authorizing the use of a clone numeric display paging device, monitoring the three digits electronically or mechanically, recorded by law enforcement officers. The three digit records are captured from a paging device, not a pen register or trap and trace device.

These numbers usually are callback telephone numbers, but may also include other incidental or coded numbers. Such incidental or coded numbers are also captured by pen register or trap and trace devices. The capturing of incidental or coded numbers by pen registers prompted Congress to require in the 1994 Communications Assistance for Law Enforcement Act [CALEA] that technology "reasonably available" be used to restrict the recording or decoding of numbers to the "dialing or signaling information utilized in call processing." 18 U.S.C. § 3121(c).

Tone-only paging devices are already completely exempt from the wiretap law, as amended in 1986 by the Electronic Communications Privacy Act [ECPA]. The ECPA extended the protections of Title III of the Omnibus Crime Control and Safe Streets Act of 1968 ("Title III") to unauthorized interception of "electronic communications." My main purpose in sponsoring ECPA was, as the Senate Report indicates, "to update and clarify Federal privacy protections and standards in light of dramatic changes in new computer and telecommunications technologies." S. Rep. No. 541, 99th Cong., 2d Sess. 1, reprinted in 1986 U.S. Code Cong. & Admin. News 3555, 3555. Analogous display pagers, which visually display both numbers and letters, and sophisticated tone and voice pagers should, in my view, continue to be subject to the wiretap authorization procedures. The nature of the communication captured by numeric display pagers, however, is so akin to the information that is recorded by pen register and trap and trace devices, that the procedures and standards for their authorized use by law enforcement should be equalized.

As criminals use technological advances for their own ill purposes, Congress must continue, as we did with ECPA and CALEA, to give law enforcement the reasonable authority it needs to keep up, while protecting legitimate privacy interests. This bill does so, and I support its passage in this area, however. The judicial role in approving the use of pen register and trap and trace devices is severely limited and, in fact, relegates judges to merely a ministerial role. U.S. v. Fregos, 60 F.3d 1314, 1320 (8th Cir. 1995); U.S. v. Hallmark, 911 F.2d 399, 402 (10th Cir. 1990). In re Order Authorizing Installation of Pen Reg., 646 F. Supp. 1555, 1558-59 (M.D. Fla. 1994).

The courts' limited role is consistent with the identity of the applicant and investigating law enforcement agency, and second, certification from the applicant that the information sought is relevant to an ongoing investigation. See 18 U.S.C. §§ 3121-3127.

Significantly, the judge is not authorized to review, let alone question, the basis for the relevancy determination. If the appropriate certification is provided, the judge authorizes the use of a pen register or trap and trace device. This is an anomalous limitation on the judicial role. While relevance to an ongoing criminal investigation remains an appropriate basis for use of a pen register or trap and trace device, Congress should reexamine the limitation on judicial authority to review this determination. This remains unfinished business.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill appear at the appropriate place in the RECORD.

Mr. PRESIDENT, OFFFICER. Without objection, it is so ordered.

The bill (S. 170) was read a third time and passed, as follows:

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 "Clone Pager Authorization Act of 1996".

SEC. 2. WIRE AND ELECTRONIC COMMUNICATIONS.

(a) Definitions. --Section 2510(12) of title 18, United States Code, is amended—

(1) in subparagraph (B), by striking "or at the end;

(B) by striking "or a trap and trace device, or a clone pager"

(3) in section 3121—

(C) by striking "or a trap and trace device"; and

(D) by striking "or a trap and trace device, or a clone pager";

SEC. 3. AMENDMENT OF CHAPTER 206.

Section 206 of title 18, United States Code, is amended—

(1) in the chapter heading, by striking "AND TRAP AND TRACE DEVICES" and inserting "; TRAP AND TRACE DEVICES, AND CLONE PAGERS";

(2) in the chapter analysis—

(A) by striking "and trap and trace device";

(B) by striking "and trap and trace device"; and inserting "; trap and trace device, and clone pager";

(C) by striking "or a trap and trace device";

(D) by striking "or a trap and trace device"; and inserting "; a trap and trace device, or a clone pager";

In section 3121--

(A) in the section heading, by striking "and trap and trace device" and inserting "; trap and trace device, and clone pager";

(S. 170)
Fort Berthold Indian Reservation Act of 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 258, S. 1079.

The PRESIDING OFFICER. The bill will be held.

The legislative clerk read as follows:

A bill (S. 1079) to permit the leasing of mineral rights, in any case in which the Indian owners of an allotment that is located within the boundaries of the Fort Berthold Indian Reservation and held in trust by the United States have executed leases to more than 50 percent of the mineral estate of that allotment.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SEC. 1. LEASES OF ALLOTTED LANDS OF THE FORT BERTHOLD INDIAN RESERVATION.

(a) IN GENERAL.— Upon an application made under section 3122, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device, or a clone pager.

(b) Upon the request of an attorney for the Government or an officer of the Government, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device, or a clone pager.

(c) Upon the request of a party to the lease or agreement, upon—

(i) all owners of the undivided interest in the Indian land subject to the lease or agreement (including any interest owned by an Indian tribe); and

(ii) all other parties to the lease or agreement.

The proceeds derived from a lease or agreement that is approved by the Secretary under subparagraph (A) shall be distributed to all owners of the Indian land that is subject to the lease or agreement in accordance with the interest owned by each such owner.

(3) EXECUTION OF LEASE OR AGREEMENT BY SECRETARY.—The Secretary shall enter into the lease or agreement that affects individually owned Indian land on behalf of an Indian owner if—

(a) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(b) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

(4) PUBLIC AUCTION OR ADVERTISED SALE NOT REQUIRED.—It shall not be a requirement for the approval or execution of a lease or agreement under this subsection that the lease or agreement be offered for sale through a public auction or advertised sale.

(b) RULE OF CONSTRUCTION.—This Act supersedes the Act of March 3, 1909 (35 Stat. 783, chapter 263; 25 U.S.C. 396) only to the extent prescribed in subsection (a).

Mr. LOTT. I ask unanimous consent that the committee substitute be agreed to; the bill, as amended, be read three times, passed and the motion to reconsider be laid upon the table; and the amendment to the title be agreed to; that all statements relating thereto be printed in the Record at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1079), as amended, was passed.

The title was amended so as to read: A bill to permit the mineral leasing of Indian lands located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease.

John F. Kennedy Center Parking Improvement Act of 1997

Mr. LOTT. I ask unanimous consent that the Senate now proceed to the consideration of Calendar 89, H.R. 1747.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1747) to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes.

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. I want to express my appreciation to Senator Domenici for his cooperation in making the adoption of this legislation, which has been pending for quite some time, possible tonight.
I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1747) was deemed read the third time and passed.

HISPANIC CULTURAL CENTER ACT OF 1997

Mr. LOTT. I ask unanimous consent the Senate now proceed to the consideration of S. 1417 introduced earlier today by Senator DOMENICI.

The PRESIDING OFFICER. The motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD. The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1417) was read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD. The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeds to the consideration of the bill.

Mr. DOMENICI. Mr. President, Hispanics of the Southwest and New Mexico will be celebrating an important milestone next year. 1998 is the 400th anniversary of permanent Hispanic presence in New Mexico. In 1598, Juan de Oñate arrived in New Mexico and founded the second city of the United States, San Gabriel de los Españoles. This was the first permanent Spanish settlement in New Mexico. From New Mexico, Juan de Oñate traveled across the desert to California where he founded San Francisco in 1605.

On the occasion of the 400th anniversary of Spanish presence, New Mexico will be beginning a new era of Spanish pride and cooperation with other cultures. In New Mexico, we are very proud of our cultural relations between the Indian, Spanish, and Anglo people. It is now time to pay special tribute to the Spanish people of New Mexico, the Southwest, and the United States.

In preparing for the 400th anniversary celebrations, the State of New Mexico has invested over $17.7 million toward the establishment of phase I of the New Mexico Hispanic Cultural Center. In addition, the city of Albuquerque has donated $17.8 million. I believe the people of New Mexico have done an excellent job toward the establishment of phase I of the New Mexico Hispanic Cultural Center.

The Hispanic Performing Arts Center will be the southernmost facility on a cultural corridor that includes the Rio Grande Nature Center, the Albuquerque Aquarium, Botanical Gardens, and the Rio Grande Zoo. Historic Old Town Albuquerque is at the center of this cultural corridor.

Mr. LOTT. I ask unanimous consent the bill be deemed read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

Mr. LOTT. I ask unanimous consent the bill be deemed read the third time and passed, as follows:

\[ S. 1417 \]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. (a) SHORT TITLE.—This act may be cited as the Hispanic Cultural Center Act of 1997.

SEC. 2. CONSTRUCTION OF A CENTER FOR PERFORMING ARTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has an enriched legacy of Hispanic influence in politics, government, economic development, and cultural expression.

(2) The Hispanic culture in what is now the United States can be traced to 1538 when a Spanish expedition from Cuba to Florida was shipwrecked on the Texas coast.

(3) The Hispanic culture in New Mexico can be traced to 1598 when a Spanish Franciscan missionary, Fray Marcos de Niza, and his guide, Estevanico, traveled into present-day New Mexico in search of the fabulously wealthy city of Cibola and made contact with the people of Zuni.

(4) The Hispanic influence in New Mexico is particularly dominant and a part of daily living for all the citizens of New Mexico, who are a diverse composite of racial, ethnic, and cultural peoples. Don Juan de Oñate and the first New Mexican families established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

Based on the 1990 census, there are an additional 200,000 Hispanic persons living for all the citizens of New Mexico, who are a diverse composite of racial, ethnic, and cultural peoples. Don Juan de Oñate and the first New Mexican families established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

By the year 1605, the Hispanic presence in New Mexico was a diverse composite of racial, ethnic, and cultural peoples. Don Juan de Oñate and the first New Mexican families established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

I believe that authorizing Federal funding for the Hispanic Performing Arts Center will be a significant step toward this budding national treasure in its critical formative stages. I urge my colleagues to support the funding for the Hispanic Performing Arts Center in Albuquerque, NM, in honor of the 400th anniversary of Spanish culture, and in hopes of seeing the preservation and enhancement of this culture flourish into its 500th year.

Mr. LOTT. I ask unanimous consent the bill be deemed read the third time and passed, as follows:

\[ S. 1417 \]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. (a) SHORT TITLE.—This act may be cited as the Hispanic Cultural Center Act of 1997.

SEC. 2. CONSTRUCTION OF A CENTER FOR PERFORMING ARTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has an enriched legacy of Hispanic influence in politics, government, economic development, and cultural expression.

(2) The Hispanic culture in what is now the United States can be traced to 1538 when a Spanish expedition from Cuba to Florida was shipwrecked on the Texas coast.

(3) The Hispanic culture in New Mexico can be traced to 1598 when a Spanish Franciscan missionary, Fray Marcos de Niza, and his guide, Estevanico, traveled into present-day New Mexico in search of the fabulously wealthy city of Cibola and made contact with the people of Zuni.

(4) The Hispanic influence in New Mexico is particularly dominant and a part of daily living for all the citizens of New Mexico, who are a diverse composite of racial, ethnic, and cultural peoples. Don Juan de Oñate and the first New Mexican families established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

Based on the 1990 census, there are an additional 200,000 Hispanic persons living for all the citizens of New Mexico, who are a diverse composite of racial, ethnic, and cultural peoples. Don Juan de Oñate and the first New Mexican families established the first capital in the United States, San Juan de los Caballeros, in July of 1598.
(7) The New Mexico Hispanic Cultural Center is a living tribute to the Hispanic experience and will provide all citizens of New Mexico, the Southwestern United States, the entire nation, and around the world, an opportunity to learn about, partake in, and enjoy the unique Hispanic culture, and the New Mexico Hispanic Cultural Center will assure that this 400-year old culture is preserved.

(8) The New Mexico Hispanic Cultural Center will teach, showcase, and share all facets of Hispanic culture. Including literature, performing arts, visual arts, culinary arts, and language arts.

(9) The New Mexico Hispanic Cultural Center will provide a better cross-cultural understanding of the Hispanic culture and the contributions of individuals to the society in which they live.

(10) In 1993, the legislature and Governor of New Mexico created the Hispanic Cultural Division as a division within the Office of Cultural Affairs. One of the principal responsibilities of the Hispanic Cultural Division is to oversee the planning, construction, and operation of the New Mexico Hispanic Cultural Center.

(11) The mission of the New Mexico Hispanic Cultural Center is to create a greater appreciation and understanding of Hispanic culture.

(12) The New Mexico Hispanic Cultural Center will serve as a local, regional, national, and international site for the study and enhancement of Hispanic culture, expressing both the rich history and the forward-looking aspirations of Hispanics throughout the world.

(13) The New Mexico Hispanic Cultural Center will be a Hispanic arts and humanities showcase to display the works of national and international artists, and to provide a venue for educators, scholars, artists, children, elders, and the general public.

(14) The New Mexico Hispanic Cultural Center will provide a venue for presenting the historic and contemporary representations and achievements of the Hispanic culture.

(15) The New Mexico Hispanic Cultural Center will sponsor arts and humanities programs, including programs related to visual arts of all forms (including drama, dance, and fine arts) and contemporary research, literary arts, genealogy, oral history, publications, and special events such as, festivities, culinary arts demonstrations, film video productions, storytelling, presentations and education programs.

(16) Phase I of the New Mexico Hispanic Cultural Center complex is scheduled to be completed by August of 1996 and is planned to consist of an art gallery with exhibition space and a museum, administrative offices, a restaurant and gift shop, a gift shop, an amphitheater, a research and literary arts center, and other components.

(17) Phase II of the New Mexico Hispanic Cultural Center is planned to include a performing arts center (containing a 700-seat theater, a stage house, and a 300-seat film/video theater), a 150-seat black box theater, an art studio building, a culinary arts building, and a research and literary arts building.

(18) It is appropriate for the Federal Government to share in the cost of constructing the New Mexico Hispanic Cultural Center because Congress recognizes that the New Mexico Hispanic Cultural Center has the potential to serve as a premier facility for performing arts and a national repository for Hispanic arts and culture.

(19) DEFINITIONS.—In this section:

(1) Center means the Center for Performing Arts, within the complex known as the New Mexico Hispanic Cultural Center, which Center for the Performing Arts is a central facility in Phase II of the New Mexico Hispanic Cultural Center complex.

(2) Hispanic Cultural Division.—The term ‘Hispanic Cultural Division’ means the Hispanic Cultural Division of the Office of Cultural Affairs of the State of New Mexico.

(3) Secretary means the Secretary of the Interior.

(4) Construction Center.—The Secretary shall award a grant to New Mexico to pay for the Federal share of the costs of the design, construction, furnishing, and equipping of the Center for Performing Arts that will be located at a site to be determined by the New Mexican government within the complex known as the New Mexico Hispanic Cultural Center.

(b) Grant Requirements.—(1) In General.—In order to receive a grant awarded under subsection (c), New Mexico, acting through the Director of the Hispanic Cultural Division—

(A) shall submit to the Secretary, within 30 days of the date of entry into force of this section, a copy of the New Mexico Hispanic Cultural Center Program document dated January 1996; and

(b) shall exercise due diligence to expeditiously execute, in a period not to exceed 90 days after the date of entry into force of this section, the memorandum of understanding under paragraph (2) recognizing that time is of the essence for the construction of the Center because 1998 marks the 400th anniversary of the first permanent Spanish settlement in New Mexico.

(2) Memorandum of Understanding.—The memorandum of understanding described in paragraph (1) shall provide—

(A) the date of completion of the construction of the Center;

(B) that Antoine Predock, an internationally recognized architect, shall be the recognized architect for the construction of the Center; or any other architect subsequently named by the state;

(C) that the Director of the Hispanic Cultural Division shall award the contract for architectural engineering and design services in accordance with the New Mexico Procurement Code;

(D) that the contract for the construction of the Center—(i) shall be awarded pursuant to a competitive bidding process; and

(ii) shall be awarded not later than 3 months after the solicitation for bids for the construction of the Center.

(3) Federal Share.—The Federal share of the costs described in subsection (c) shall be 50 percent.

(4) Non-Federal Share.—The non-Federal share of the costs described in subsection (c) shall be in cash or in kind fairly evaluated, including plant, equipment, or services. The non-Federal share shall include any contributions of real property or non-Federal funds received under a grant awarded under subsection (c) that the Director of the Hispanic Cultural Division has determined to be made available to the Secretary for the purpose of this Act.

(e) Use of Funds for Design, Construction, Furnishing, and Equipment.—The funds received under a grant awarded under subsection (c) shall be used only for the design, construction, management, inspection, furnishing, and equipment of the Center.

(f) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section a total of $17,800,000 for fiscal year 1998 and succeeding fiscal years. Funds appropriated pursuant to this authorization shall remain available until expended.

AUTHORIZING TESTIMONY, PRODUCTION OF DOCUMENTS AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 147 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:


The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the civil case of First American Corporation, et al. versus Sheikh Zayed Bin Sultan Al-Nahyan, et al., pending in the District Court for the District of Columbia, presents claims arising out of the former business relationships between First American Bank and the Bank of Credit and Commerce, International, known as BCCI.

BCCI's business dealings were the subject of extensive hearings by the Subcommittee on Terrorism, Narcotics, and International Operations, of the Committee on Foreign Relations, between 1988 and 1992. Senator John Kerry, who chaired the sub-committee, and former Senator Hank Brown, who was the ranking member, prepared a lengthy report documenting their findings.
The Foreign Relations Committee has received a request for a former counsel to the subcommittee, Jack Blum, to testify in this civil action about responses that the Subcommittee received to its requests for information in the course of its investigation. The Committee believes that it is appropriate to authorize the testimony requested on this subject. This resolution would accordingly authorize Mr. Blum to testify about this subject, but the resolution authorizes no other testimony by any Member or employee.

The committee has also received a request for committee records in connection with this case. In keeping with prior Senate practice, this resolution will not authorize the wholesale production of committee records, but authorizes the chairman and ranking member of the Foreign Relations Committee to produce, on a case-by-case basis, copies of selective committee records from this subcommittee investigation as a strong basis for the request has been shown and the Senate’s privileges permit.

Finally, the resolution authorizes the Senate legal counsel to provide representation in connection with the requests for testimony and documents in this proceeding.

Mr. LOTT. I ask unanimous consent that the preambe be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 147) was agreed to.

The preambe was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 147

Whereas, in the case of First American Corp., et al. v. Sheikh Zayed Bin Sultan Al-Nahyan, et al., 93-398, any case pending in the United States District Court for the District of Columbia, the plaintiff has requested testimony from Jack Blum, a former employee on the staff of the Committee on Foreign Relations, and the production of documents of the Committee on Foreign Relations;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§2388(b)(a) and 2808a(a)(2), the Senate may direct its counsel to represent Members, committees, subcommittees, and committees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responses;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will provide a basis of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Jack Blum is authorized to testify in the case of First American Corp., et al. v. Sheikh Zayed Bin Sultan Al-Nahyan, et al., except concerning matters for which a privilege should be asserted, and the chairman and ranking minority member of the Committee on Foreign Relations, acting jointly, are authorized to produce records of the Committee, the records of the Subcommittee on Terrorism, Narcotics, and International Operations into the Bank of Credit and Commerce, International.

Resolved, That the Senate Legal Counsel is authorized to represent Jack Blum, the Committee on Foreign Relations, and any present or former employee of the Senate, in connection with First American Corp., et al. v. Sheikh Zayed Bin Sultan Al-Nahyan, et al.

Resolved, That it is the sense of the Senate that the assistance provided by Russia to Iran has accelerated the pace of Iran’s ballistic missile program and may enable Tehran to complete development of a missile, called the Shahab-3, that will have sufficient range to strike United States forces in the region and Israel in as little as 12 to 18 months. In addition, Iran is also receiving Russian assistance with the development of a second missile, called the Shahab-4, that would have enough range to reach Central Europe and could be deployed in as little as 3 years.

The resolution adopted today expresses the sense of the Congress that the President should demand that the Russian Government take concrete actions to stop governmental and nongovernmental entities in the Russian Federation from providing missile technology and technical advice to Iran, in violation of the Missile Technology Control Regime.

Resolved, That if the Russian response is inadequate, the United States should impose sanctions on the Russian entities in accordance with Executive Order 12938 on the Prohibition of Weapons of Mass Destruction, and reevaluate cooperative activities with Russia.

(1) the President should demand that the Government of Russia take concrete actions to stop governmental and nongovernmental entities in the Russian Federation from providing missile technology and technical advice to Iran, in violation of the Missile Technology Control Regime;

(2) if the Russian response is inadequate, the United States should impose sanctions on the Russian entities in accordance with Executive Order 12938 on the Prohibition of Weapons of Mass Destruction, and reevaluate cooperative activities with Russia;

(3) the threshold under current law allowing for the waiver of the prohibition on the release of foreign assistance to Russia should be raised; and

(4) our European allies should be encouraged to take steps in accordance with their own laws to stop such proliferation.

Mr. KLY Mr. President, I rise today to thank my colleagues for their support of Senate Concurrent Resolution 48, which was adopted by unanimous consent.

This resolution is important because over the past few months a series of increasingly troubling reports have been published indicating that Iran continues to develop a wide variety of equipment and material useful in the design and manufacture of ballistic missiles, including special metals, a wind tunnel, and missile design software.

These press accounts are corroborated by an unclassified CIA report to Congress released in June titled, “The Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions,” which states that, “Russia supplied a variety of ballistic missile-related goods to foreign countries [in late 1996], especially Iran.”

These reports clearly make the point that the assistance provided by Russian organizations is the critical factor in Iran’s missile program and that the Russian Government should be pressed to provide the safeguards to prevent the assistance of Iran’s ballistic missile program and may enable Tehran to complete development of a missile, called the Shahab-3, that will have sufficient range to strike United States forces in the region and Israel in as little as 12 to 18 months. In addition, Iran is also receiving Russian assistance with the development of a second missile, called the Shahab-4, that would have enough range to reach Central Europe and could be deployed in as little as 3 years.

The resolution adopted today expresses the sense of the Congress that the President should demand that the Russian Government take concrete actions to stop governmental and nongovernmental entities in the Russian Federation from providing missile technology and technical advice to Iran, in violation of the Missile Technology Control Regime.

This legislation does not require new sanctions, but rather calls on the administration to enforce the substantial
Seven weeks ago, the Committee on Environment and Public Works unanimously reported out S. 1173, better known as ISTEA II. I am proud of the committee’s efforts to come to an agreement on a very difficult piece of legislation. As the report to the Senate was completed, we prepared to complete action on the bill before the end of the calendar year. Regrettably, a number of unrelated events having nothing to do with ISTEA has prevented us from completing work this year on a 6-year reauthorization bill.

As the prospects have dimmed for the enactment of a 6-year bill this year, it is clear that we cannot go home before taking care of a number of concerns. This past Tuesday, November 4, the Committee on Environment and Public Works Subcommittee on Transportation and Infrastructure held a hearing on how many of these concerns were brought to light. First of all, if Congress does nothing, a number of States will be hard-pressed to survive through the spring on their existing unobligated balances. Second, States are restricted in using their unobligated balances across Federal-aid highway, highway safety, and transit categories. Third, a number of Federal transportation safety programs, as well as the Federal transit program, have no funds to carry over into this fiscal year. Finally, without any relief, the Federal Highways Program could be forced to shut down in January, which could result in 3,600 employees being furloughed.

Despite the gloomy reports of what could happen if Congress fails to act, there is a solution. Senators BOND, WARNER, BAUCUS, and I have a measure that addresses the needs of the States, the safety programs, the Federal-aid highway program, and transit. First of all, the bill before us will keep the nation’s transportation infrastructure running until we enact the long-term reauthorization bill. It gives States the flexibility they need to continue transportation planning and construction activities. Each State is guaranteed at least 50 percent of the previous year’s spending limitation to spend on any transportation project or program. To keep the States on equal footing, however, no state may spend more than 75 percent of its 1997 spending limitation. Second, States will have flexibility to spend their unobligated balances on any highway, safety, or transit program category. To prevent important environmental programs such as the Congestion Mitigation and Air Quality Improvement Program (CMAQ) from being unfairly disadvantaged, however, the Secretary of Transportation would restore the transferred funds back to these programs when the new reauthorization bill is enacted.

Third, the bill provides funding for key ISTEA safety and transit programs. The Motor Carrier Safety Assistance Program, the State and Community Safety Grant Program, the National Driver Register, Operation Lifesaver, and the Alcohol-impaired Driving Countermeasures Program, will continue to run. Also, the Federal transit discretionary and formula programs will receive the funds they need. Fourth, the bill provides funds for the Federal Highway Administration to continue operating and assisting the States with their transportation programs.

Before closing, let me comment on what the bill before us does not do. Unlike the 6-month extension bill that was approved by the House earlier this month, this bill does not provide States with contract authority for 1 year’s worth of highway construction. Our bill gives the States until May 1 of next year to obligate the funds provided in this bill. The trouble with including funds that will not run out until next November is that there will be no pressure to enact permanent ISTEA legislation until that time, and if Congress does nothing, the States will be hard-pressed to survive through the spring on their existing unobligated balances. Moreover, this measure avoids the contentious fight we would have over apportionment formulas and funding categories if we were to take up the House bill.

The bill before us is by no means perfect, but it is the optimal approach to the situation. Our hopes for an ideal outcome were dashed when we were unable to complete the work on the reauthorization bill. This measure keeps the State and Federal transportation programs running, it ensures that no highway contractors are put out of work, and it continues funding for vital safety and transit programs. Most important, it will keep the momentum going to enact a 6-year bill early next year. And it does all of this without a battle over the formulas.

Again, I want to commend Senator Baucus and Senator Bond for their determination in moving this measure forward. I also want to thank Senators WARNER and BAUCUS for their excellent work. I urge all of my colleagues to join us in supporting this important measure.

Mr. ABRAHAM. Mr. President, I appreciate the hard work done by the Environment and Public Works Committee, and the compromise it represents. However, I believe the proposal sent over by the House in H.R. 2516 represented a superior short-term reauthorization proposal. Hopefully, many of these funding elements may find their way into the final ISTEA reauthorization proposal.

Mr. President, I would simply like to gain assurance from the Chairman of this Committee and the Public Works Committee that passage of his short-term proposal in no way obligates the Senate or its Members to support of any specific funding level or formula, and that it is simply a stop-gap measure for us to carry over to a final long-term authorization bill.

Mr. CHAFFEY. Mr. President, I can definitely assure the Senator from
Michigan that passage of this short-term bill in no way implies acceptance of any long-term funding level or formula.

Mr. ABRAHAM. Mr. President, I thank the chairman for his assurances, and look forward to working with him in crafting the following legislation on ISTEA that will sufficiently rectify the onerous position in which donor States, like Michigan, find themselves.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, that the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

Mr. LEVIN. Mr. President, reserving the right to object.

I ask unanimous consent that the unanimous-consent request that is pending be amended in order that an amendment of mine, amendment No. 1376, be in order.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, with all due respect to my good friend from Michigan, I must object.

The PRESIDING OFFICER. Objection heard.

Mr. LEVIN. Reserving the right to object, I have a further inquiry of my good friend from Montana. Would it be fair to say that the adoption of this short term bill would in no way prejudice efforts later on in the next session of Congress to have consideration of amendments, such as No. 1376, and other formulas which are more equitable to many of our States that have not, in our view, been treated equitably.

Mr. BAUCUS. I say to my friend that this measure about to be passed is formula neutral. It in no way would prejudice the amendment to be offered at a later date by the Senator from Michigan, or other amendments offered by other States who wish to accomplish objectives for their States as well.

Mr. WARNER. Mr. President, I think the Senator has made it very clear that he was referring to ISTEA I in 1991, was he not?

Mr. LEVIN. I am not referring to ISTEA I bill.

Mr. BAUCUS. The Senator is referring to next year.

Mr. LEVIN. I thank the Chairman.

Mr. CHAFEE. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (S. 1454) was considered read the third time, and passed, as follows:

S. 1464

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 “Surface Transportation Extension Act of 1997.”

SEC. 2. ADVANCE AUTHORIZATIONS.

(a) IN GENERAL.—The Secretary of Transportation referred to in this Act as the “Secretary” shall apportion funds made available under the amendment made by subsection (d), (i) to any State for which the State’s unobligated balance of October 1, 1997, of Federal-aid highway apportionments subject to any limitation on obligations is less than 50 percent of the State’s total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; and

(ii) in an amount sufficient to increase the State’s unobligated balance, as of October 1, 1997, of apportionments described in paragraph (1) to an amount equal to 50 percent of the State’s total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

(b) ELIGIBLE USE OF APPORTIONMENTS.—A State may obligate funds apportioned under subsection (a) (including amounts apportioned under section 133(d) of title 23, United States Code, or clause 311 of title 49, United States Code).

(c) REPAYMENT FROM SURFACE TRANSPORTATION PROGRAM APPORTIONMENT.—The Secretary shall reduce the amount that would, but for this section, be apportioned to a State under section 104(b)(3) of title 23, United States Code, for fiscal year 1998 under a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act by the amount of any authorization of contract authority provided to a State under subsection (a).

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) is amended by adding at the end the following:

“(d) ADVANCE AUTHORIZATIONS.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2 of the Surface Transportation Efficiency Act of 1997 $506,273,000 for the period of January 1, 1998, through January 8, 1998.

“(e) AUTHORIZATION OF CONTRACT AUTHORITY—.

“(1) AUTHORIZATION.—Notwithstanding section 157(e) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 157 of title 23, United States Code, not to exceed $14,000,000 for the period of January 1, 1998, through January 8, 1998.

“(2) ALLOCATION.—The Secretary shall allocate the amounts authorized under paragraph (1) to each State in the ratio that—

“A. the amount of obligation authority for fiscal year 1997 under section 157 of that title bears to;

“B. the amounts allocated to all States for fiscal year 1997 under section 157 of that title.

“(f) CONTRACT AUTHORITY.—Funds authorized under subsections (d) and (e) shall be available for obligation one hundred eighty days after the date of enactment of this Act by the amount of any authorization of contract authority provided to a State under subsection (a).

“(g) FUNDING BASELINE.—Notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907) and the effect of funding provided under this Act or an extension made by this Act, the baseline prepared by the Congressional Budget Office and the Office of Management and Budget for fiscal years 1998 through 2003 for mandatory contract authorizations is hereby included in the concurrence resolution on the budget for fiscal year 1998.

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for fiscal year 1998, a State may transfer any funds apportioned to the State for any program under section 104 (including amounts apportioned under section 104(b)(3) or set aside or suballocated under section 133(d), 144, or 402 of title 23, United States Code, granted to the State for any program under chapter 311 of title 49, United States Code, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to the surface transportation program under section 133 of title 23, United States Code, other than paragraphs (1) and (2) of section 133(d) of that title, shall not be subject to section 133(d) and any transfer of funds for any program transferred after the date of enactment of this Act, the Secretary shall restore any funds

(1) IN GENERAL.—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary shall restore any funds...
that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) AUTHORITY FOR RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which unobligated funds authorized may be restored to the Federal-aid highway program.

(d) GUIDANCE.—The Secretary may issue guidance for use in carrying out this section.

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) EXPENSES OF FEDERAL HIGHWAY ADMINISTRATION.—

(1) AUTHORITY TO BORROW.—

(A) FROM UNOBLOGED FUNDS AVAILABLE FOR DISCRETIONARY ALLOCATIONS.—If unobligated balances of funds deducted by the Secretary under section 104(a) of title 23, United States Code, for administrative and research expenses of the Federal-aid highway program are insufficient to pay those expenses for fiscal year 1998, the Secretary may borrow not to exceed $60,000,000 for those expenses from unobligated funds available to the Secretary for discretionary allocations.

(B) REQUIREMENT TO REMBURSE.—Funds borrowed under subparagraph (A) shall be reimbursed from amounts made available to the Secretary under section 104(a) of title 23, United States Code, as soon as practicable after the date of enactment of a law authorizing the Federal-aid highway program enacted after the date of enactment of this Act.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—In addition to funds made available under paragraph (1), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative and research expenses of the Federal-aid highway program $151,000,000 for fiscal year 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) USE OF CERTAIN ADMINISTRATIVE FUNDS FOR PERIOD ENDING MARCH 31, 1998.—(A) Section 106(a) of title 23, United States Code, is amended by inserting "as of January 1, 1998," before "as of March 31, 1998, after "1997.''

(b) APPORTIONMENT OF APPROPRIATIONS.—Section 106(b) of the Federal-aid Highway Act of 1991 (105 Stat. 2172) is amended—

(1) by striking "1992 and" and inserting "1992 and";

(2) by inserting before the period at the end the following: ";"; and

(3) in the first sentence of subsection (b)—

(A) by striking "1996" and" inserting "1996"; and

(B) by inserting after the period at the end the following: ";"; and

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) FEDERAL LANDS HIGHWAYS.—Section 103(a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) in subparagraph (A)—

(A) by striking "1992 and" and inserting "1992 and";

(B) by inserting after the period at the end the following: "; and $500,000 for the period of October 1, 1997, through March 31, 1998";

(2) in subparagraph (B)—

(A) by striking "1996, and" and inserting "1996, and";

(B) by inserting before the period at the end the following: "; and $500,000 for the period of October 1, 1997, through March 31, 1998";

(3) in subparagraph (C)—

(A) by striking "1995, and" and inserting "1995, and";

(B) by inserting before the period at the end the following: "; and $550,000 for the period of October 1, 1997, through March 31, 1998".

(b) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 104(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended by adding at the end the following:

"(e) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 104(h) of title 23, United States Code, is amended by inserting " and $200,000 for the period of October 1, 1997, through March 31, 1998"; and

(c) CERTAIN ALLOCATED PROGRAMS.—

(1) HIGHWAY USE TAX Evasion.—Section 106(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended by striking ", and $7,000,000 for the period of October 1, 1997, through March 31, 1998''.

(2) SCIENCE AND TECHNOLOGY PROGRAM.—Section 105(c)(d) of the Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended by striking "1992 and" and inserting "1992 and"

(3) by inserting before the period at the end the following: "; and $42,000,000 for the period of October 1, 1997, through March 31, 1998''.

(4) EDUCATION AND TRAINING PROGRAM.—Section 104(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended by striking "1992 and" and inserting "1992 and"

(5) INTELLIGENT TRANSPORTATION SYSTEMS.—Section 106(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended by adding at the end the following:

"(e) INTELLIGENT TRANSPORTATION SYSTEMS.—Section 106(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended by striking "1992" and inserting "1992"; and

(6) by inserting before the period at the end the following: "; and $500,000 for the period of October 1, 1997, through March 31, 1998''.

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) NATIONAL HIGHWAY SAFETY PROGRAMS.—Section 3005(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2077) is amended—

(1) by striking "1996, and" and inserting "1996, and";

(2) by inserting after the period at the end the following: "; and $7,500,000 for the period of October 1, 1997, through March 31, 1998''.

(b) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.—(c) D Writer Register.—Section 5038(a)(1) of title 49, United States Code, is amended—

(1) by striking "1994, and" and inserting "1994, and"

(2) by inserting "and" after "1997, the following:

"(5) in paragraph (5), by striking "not more" each place it appears and inserting "Not more"; and

(3) by adding at the end the following:

"(7) Not more than $25,000,000 for the period of October 1, 1997, through March 31, 1998''.

SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.

Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraphs (1) through (5), by striking "not more" each place it appears and inserting "Not more"; and

(2) by adding at the end the following:

"(6) Not more than $25,000,000 for the period of October 1, 1997, through March 31, 1998''.

SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

Title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087–2140) is amended by adding at the end the following:

"(a) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by inserting ', and for the period of October 1, 1997, through March 31, 1998 after "1997''.

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), by inserting 'and for the period of October 1, 1997, through March 31, 1998,' after "1997''.

(2) by adding at the end the following:

"(b) SPECIAL RULE FOR OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—The Secretary shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro rata basis to reflect the partial fiscal year 1998 funding made available by section 5338(b)(1)(F).''.

(c) AUTHORIZATION.—Section 5338 of title 49, United States Code, is amended—

(1) in subsection (a)—
"(A) in paragraph (1), by adding at the end the following: 

"(P) $1,349,395,000 for the period of October 1, 1997, through March 31, 1998;" and  
"(B) in paragraph (2), by adding at the end the following:  

"(P) $389,000,000 for the period of October 1, 1997, through March 31, 1998;  

(2) in subsection (h)(1), by adding at the end the following:  

"(P) $1,110,605,000 for the period of October 1, 1997, through March 31, 1998;  

(3) in subsection (c), by inserting 'and not more than $1,500,000 for the period of October 1, 1997, through March 31, 1998, after '1997;'  

("(4) in subsection (e), by inserting 'and not more than $1,500,000 for the period of October 1, 1997, through March 31, 1998, after '1997;'  

(5) in subsection (h)(1), by inserting and $3,000,000 is available for section 5317 for the period of October 1, 1997, through March 31, 1998; after '1997';  

(6) in subsection (j)(5)—  

"(A) in subparagraph (B), by striking 'and' at the end;  

"(B) in subparagraph (C), by striking the period at the end and inserting '; and'  

"(C) by adding at the end the following:  

"(D) the lesser of $1,500,000 or an amount that the Secretary determines is necessary is available for assuring the continuance of Transportation operations, and for the period of October 1, 1997, through March 31, 1998;  

(7) in subsection (k), by striking 'or (e)' and inserting 'or (e), or (m);' and  

(8) by adding at the end the following:  

"(m) SECTION 5316 FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period of October 1, 1997, through March 31, 1998:  

"(1) $2,125,000 to carry out section 5316(a).  

"(2) $1,500,000 to carry out section 5316(b).  

"(3) $500,000 to carry out section 5316(c).  

"(4) $500,000 to carry out section 5316(d).  

"(5) $500,000 to carry out section 5316(e).'".  

Mr. WARNER. Mr. President, I certainly want to commend our distinguished chairman and distinguished ranking member. The senior Senator from Virginia is recognized.  


evening. But the agreement of all Senators shows what a high priority and what a tremendous importance we place on assuring that our citizens have adequate transit, that we have the highways, the bridges, and the roads that we need for convenience, for our economy, and, most of all, for the safety of our traveling public.  

I thank the Chair.  

Mr. CHAFEE addressed the Chair.  

The PRESIDING OFFICER. The Chair.; and on my own personal working with us this evening. And I want to associate myself with the remarks of the distinguished Senator from Montana.  

Many States have a very short period within which to get into this vital work. The Governors appeared at the hearing of our committee just a few days ago, and expressed a similar interest. It is imperative that we keep this highway program moving ahead until such time as the Congress can pass what I hope to be a 6-year bill.  

Mr. BOND addressed the Chair.  

The PRESIDING OFFICER. The Senator from Missouri is recognized.  

Mr. BOND. Mr. President, I express my sincere appreciation to the Senator from Missouri, ranking member, Senator BAUCUS.  

When it became clear that we were not going to pass a 6-year reauthorization of the ISTEA, or Intermodal Surface Transportation Efficiency Act, it was obvious to everybody that something had to be done to make sure that we didn’t run out of safety programs; that we didn’t shut the doors on the operations of the Department of Transportation; that we didn’t leave the States without the authority to contract.  

Finally, when I suggested that we merely extend the obligations based on a half of last year’s obligation authority up to 75 percent, it was designed, as Senator BAUCUS so ably said, to be totally formula neutral. We are not going to engage in a formula battle. We have some very strong differences of opinion over formulas, and over allocations among States. That will be played out on the Senate floor. I hope very early in 1998. But I have never seen anything unify this body more than the agreement by all of the Senators with whom I have spoken—and I have spoken to almost all of them—that we must find something to keep the doors open; to keep construction going; to keep safety and to keep transit programs. And the only way we can do it is to do something that is formula neutral.  

Mr. WARNER. And add Ellen Stein to that.  

Mr. CHAFEE. I certainly will.  

Mr. President, let me end with a wish. We are going to come back to this, as the majority leader said, the first thing when we return in January. It is an absolutely major bit of good will and patience and high level of character and perseverance for us to be able to pass a bill that will have the acceptance that legislation had in our committee.  

In closing, I thank everyone, and urge them to carry on with this same type of effort when we convene on this issue in the last part of January.
notified of the Senate’s action, and the Senate then return to legislative session.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

The nomination considered and confirmed is as follows: William Dale Montgomery, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

LEGISLATIVE SESSION
The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

AUTHORIZING AN INTERPRETIVE CENTER AT FORT PECK DAM, MONTANA
Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1456, introduced earlier today by Senator BAUCUS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1456) to authorize an interpretive center at Fort Peck Dam, Montana.

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. WARNER. Mr. President, I ask unanimous consent that the bill be considered read three times, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1456) was read the third time and passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. FORT PECK DAM INTERPRETIVE CENTER.

(a) IN GENERAL.—The Director of Fish and Wildlife shall design, construct, furnish, and equip an historical, cultural and paleontological interpretive center and museum to be located at Fort Peck Dam, Montana.

(b) COORDINATION.—In carrying out subsection (a), the Director of Fish and Wildlife shall coordinate with officials of the Bureau of Reclamation, Bureau of Land Management, U.S. Army Corps of Engineers and the Fort Peck Dam Interpretive Center and Museum.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $10,000,000. Funds appropriated are available until expended.

HAFFENREFFER MUSEUM RESTORATION ACT
Mr. WARNER. Mr. President, I send a bill to the desk on behalf of Senators CHAFEE and REED, re: the relocation of the Haffenreffer Museum, and ask the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1455) to provide financial assistance for the relocation and expansion of Haffenreffer Museum of Anthropology, Providence, Rhode Island.

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. CHAFEE. Mr. President, I am pleased to introduce legislation to assist in the relocation and expansion of the Haffenreffer Museum of Anthropology at Brown University in Providence, RI. In 1955, the family of Rudolf F. Haffenreffer bequeathed to Brown University the museum he had founded in Bristol, RI. The museum includes more than 100,000 objects from native peoples of the Americas, Africa, Asia, and the Pacific.

This is a teaching museum owned and supported by Brown University. It has a number of world-class holdings that attract scholars from all over the globe, and has been described by the American Association of Museums as a “superb medium- to small-sized facility...with outstanding collections, excellent exhibits, and a superb program of public education and outreach.”

While maintaining objects from around the world, the Haffenreffer Museum exhibits extensive archaeological materials from New England that are used to interpret prehistoric and historical cultural developments in Rhode Island and surrounding states. The legislation introduced today authorizes $3 million to preserve these culturally important collections and to provide expanded exhibition space that will make them more accessible to schoolchildren, scholars, students, and other visitors.

In 1995, Brown University acquired from the Resolution Trust Corporation (RTC) the historic Old Stone Bank Building, built in 1854, along with the early 19th century Federal-style residence known as the Benoni-Cook House, both located in downtown Providence. The RTC took over both properties when the Old Stone Bank failed in 1993.

Prior to Brown’s purchase of these sites, it was unclear how or whether they would be put to use. The funds authorized by this bill will contribute a modest portion of the estimated $15 million Brown University will spend to relocate the Haffenreffer Museum from Bristol, RI, to the bank building and the Benoni-Cook House, both of which are located on the National Register of Historic Places.

Mr. President, this in indeed a win-win project being carried out by Brown University. We will renovate, preserve,
Mr. WARNER. I ask the bill be advanced to third reading and passed and the motion to reconsider be laid upon the table, all without further action or debate. I further ask the statements by Senators CHAFEE and REED be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1455) was read the third time and passed, as follows:

S. 1455

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 referred to as the “Haffenreffer Museum Restoration Act of 1997”.

SEC. 2. RELOCATION AND EXPANSION OF HAFFENREFFER MUSEUM OF ANTHROPOLOGY
(a) DEFINITIONS.—In this section:
(1) MUSEUM.—The term “Museum” means the Haffenreffer Museum of Anthropology at Brown University in Providence, Rhode Island.
(2) SECRETARY.—The term “Director” means the Director of the U.S. Fish and Wildlife Service.
(b) RELOCATION AND EXPANSION OF MUSEUM.—The Director shall make a grant to Brown University, Providence, Rhode Island, to pay the Federal share of the costs associated with the relocation and expansion of the Museum, including the design, construction, renovation, restoration, furnishing, and equipping of the Museum.
(c) GRANT REQUIREMENTS.—
(1) IN GENERAL.—To receive a grant under subsection (b), the Museum shall submit to the Director a proposal for the use of the grant.
(2) FEDERAL SHARE.—The Federal share of the costs described in subsection (b) shall be 20 percent.
(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000, to remain available until expended.

AUTHORITY TO SIGN ENROLLED BILL
Mr. WARNER. Mr. President, I ask unanimous consent that Senator ROBERTS be authorized today to sign an enrolled bill on behalf of the Senate. The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR SATURDAY, NOVEMBER 8, 1997
Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business on Saturday, it stand in adjournment until 1 p.m. on Sunday. The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW
Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:40 p.m., adjourned until Saturday, November 8, 1997, at 12 noon.

NOMINATIONS
Executive nominations received by the Senate November 7, 1997:

DEPARTMENT OF THE INTERIOR
DONALD J. BARRY, OF WISCONSIN, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, VICE GEORGE T. FRAMPTON, JR. RESIGNED.
CENTRAL INTELLIGENCE
JOAN AVALYN DENSMORE, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT (NEW POSITION)
INTERNATIONAL MONETARY FUND
ALAN GREENSPAN, OF NEW YORK, TO BE UNITED STATES ALTERNATE, VICE-CHIEF-OF-THE-INTERNATIONAL-MONETARY-FUND FOR A TERM OF FIVE YEARS (REAPPOINTMENT)
CORPORATION FOR PUBLIC BROADCASTING
DEPARTMENT OF COMMERCE
ROBERT J. SHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS, VICE RICHARD H. EBELLICH, RESIGNED.
OFFICE OF SPECIAL COUNSEL
BLANCHE D. KAPLAN, OF THE DISTRICT OF COLUMBIA, TO BE SPECIAL COUNSEL, OFFICE OF SPECIAL COUNSEL, FOR A TERM OF FIVE YEARS, VICE KATHLEEN DAY KOCH, TERM EXPIRED.
THE JUDICIARY
ROBERT T. DAWSON, OF ARKANSAS, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS VICE R. FRANKLIN WATERS, RETIRED.
DEPARTMENT OF JUSTICE
WILMA A. LEWIS, OF THE DISTRICT OF COLUMBIA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FIVE YEARS, VICE ERIC H. HOLDER, JR., RESIGNED.
IN THE ARMY
THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE APPOINTED TO THE RESERVE, TO BE ADMITTED TO THE MILITARY SERVICE OF THE UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK, VICE ALAN GREENSPAN, RESIGNED.

To be lieutenant general
MAJ. GEN. WILLIAM P. TANGNEY.
CONFIRMATIONS

Executive Nominations Confirmed by the Senate November 7, 1997:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SAUL N. RAMIREZ, JR., OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF STATE


A. PETER BURLEIGH, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

BILL RICHARDSON, OF NEW MEXICO, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

RICHARD SKLAR, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

BETTY EILEEN KING, OF MARYLAND, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

DEPARTMENT OF JUSTICE


DEPARTMENT OF ENERGY


NORMAN K. MOON, OF VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

STANLEY MARCUS, OF FLORIDA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

THE JUDICIARY

CHRISTINA A. SNYDER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

JOHN M. CAMPBELL, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

ANTA M. FOSY, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

DEPARTMENT OF STATE

WILLIAM D. BURMAN, OF THE DISTRICT OF COLUMBIA, TO BE EXECUTIVE DIRECTOR, UNITED STATES INFORMATION AGENCY.

BILL RICHARDSON, OF NEW MEXICO, TO BE U.S. INTERNATIONAL DEVELOPMENT ADMINISTRATOR.

THE JUDICIARY

STANLEY MARCUS, OF FLORIDA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

DEPARTMENT OF JUSTICE

THE JUDICIARY

CHRISTINA A. SNYDER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

JOHN M. CAMPBELL, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

ANTA M. FOSY, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

WITHDRAWAL

Executive message transmitted by the President to the Senate on November 7, 1997, withdrawing from further consideration the following nomination:

DEPARTMENT OF STATE

WILLIAM D. BURMAN, OF THE DISTRICT OF COLUMBIA, TO BE EXECUTIVE DIRECTOR, UNITED STATES INFORMATION AGENCY.

THE JUDICIARY

With great pleasure, I will be present on November 7, 1997, as my friend, Lucretia Stoica, receives this much deserved recognition for her tireless commitment to her community and country.

My fellow colleagues, please join me in congratulating Ms. Lucretia Stoica.

A MEMORIAL DAY FOR THE VICTIMS OF RUSSIAN COMMUNISM

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 5, 1997

Mr. GILMAN. Mr. Speaker, the Congress of Russian-Americans has strongly supported the transformation of the Russian Federation into a prosperous and democratic society based on a market economy since Russia became independent in 1991 upon the dissolution of the Soviet Union. In fact, the Congress of Russian-Americans joined the Government of the United States and numerous private organizations in directly supporting that transformation through humanitarian donations and cultural and educational contacts.

Now, as we approach November 7, a day that was celebrated by the former Soviet regime in honor of the Communist coup in Russia in 1917, and is now noted as a Day of Forgiveness and Reconciliation by the Russian Federation, the board of directors of the Congress of Russian-Americans has issued a statement calling for November 7 to be honored instead as a Memorial Day for Victims of Communism.

Mr. Speaker, we are all aware of the many millions of people of Russian, Ukrainian, and other ethnic backgrounds who suffered and died at the hands of Vladimir Lenin and Joseph Stalin in that 78-year-long dictatorship over Russia and its neighbors. I believe that the Congress of Russian-Americans makes a compelling point in suggesting that the Russian Government should take the opportunity every November 7 to remember those in Russia who died tragic and horrible deaths at the hands of the Bolshevik, Soviet dictatorship. I commend the following statement by the board of directors of the Congress of Russian-Americans to the attention of all my colleagues.

NOVEMBER 7TH—MEMORIAL DAY FOR THE VICTIMS OF COMMUNISM

On the 7th November of 1917, in defiance of the people’s will, Bolsheviks brutally seized power in Russia: during the elections to the Constitutional Assembly, they received less than 25% of the vote. Lenin’s program to bring about Russia’s defeat in WWI (sponsored and financed by the German General Staff), led to the downfall of the new-born Russian democracy, to Russia’s disintegration, and to a long and bloody Civil War.

Immediately after the November putsch, Lenin introduced mass terror tactics and executions by firing squad on the basis of social standing that resulted in the physical annihilation of Russian Orthodox clergy, the intelligentsia, the officer corps, and millions of workers and farmers. The genocide that began on November 7, 1917, continued and “perfected” by Stalin. It resulted in a loss of over 100 million of Russian and other lives, led to today’s poverty, and, facilitated by the destruction of Orthodoxy, to the universal spread of crime and corruption.

This is why November 7th is not a holiday for the Russian people.

It is the Memorial Day for the Victims of Communist Genocide.

Although after 1991 marxism ceased to serve as the official ideology and communism has lost its significance, communists remain active and are attempting to return to power, while communism still has not been condemned for what it is: an inhumane and anti-people doctrine that brought Russia to a dead end. Communism must be denounced, just as Stalinism was in postwar Germany.

As a first step in this direction, Lenin must be exposed as a betrayer of Russia. His mummy, which still lies in honored repose beside the Kremlin, Smolny and Moscow, and all of the Russian people, must be removed (together with all his statues throughout Russia).

We call upon the government of the Russian Federation to replace the November 7th “celebration” with a national Memorial Day for Victims of Communism, to remove all communist regalia, to restore to cities, districts, and streets their traditional historical names, and to assign proper names to towns and streets built after 1917.

We believe, that the Russian people, having overcome numerous difficulties in their thousand-year old history, will survive the after effects of communism as well as the chaos of the present “Troubled Times,” that they will resurrect Orthodox ethics, and then rebuild the economy of the richest country on earth. The commemoration of November 7th, as the Memorial Day for Victims of Communism must become a Russian tradition for ages to come.—National Board of Directors, Congress of Russian-Americans.
NC., has experienced job loss as a direct result of the terms of the Caribbean Basin Initiative. In the 6 years since rubber footwear from the Caribbean became duty-free, imports of such products have increased from 200,000 pairs a year to 12 million. This increase in unfair competition has resulted in a loss of 600 jobs at the Converse plant in Lumberton.

American industries such as Converse that comply with labor laws, minimum wage requirements, health codes, and environmental laws cannot and should not be expected to compete with foreign industries who pay their workers the cost of living plus child labor, and pollute the environment. H.R. 2644 gives foreign competition an unfair advantage over America’s domestic industries.

Supporters of H.R. 2644 state that Caribbean nations have been placed at a disadvantage by NAFTA and need parity with NAFTA. Yet, the countries’ imports of apparel to the United States have increased by 63 percent since they enacted NAFTA. Last year apparel imports from the Caribbean totaled $6.1 billion compared with $3.6 billion from Mexico. Caribbean countries are not suffering under the terms of NAFTA.

Developing strong trade relationships are important to America’s economic future. Yet, our success will depend not on the quantity, but the quality of those trade agreements. The agreement before us today is neither fair nor reciprocal. The bill will open the United States market to Caribbean exports, but does not require Caribbean countries to open their markets to the United States. This legislation is not a trade agreement. It is a foreign subsidy to 24 Caribbean countries—a subsidy of jobs at the expense of American workers and their families.

As the 105th Congress looks for solutions to provide additional economic opportunities for our citizens, it is imperative that we not lose any more of our current jobs as a result of the Caribbean Basin Initiative. I urge my colleagues to stand up for the American worker and vote “no” on H.R. 2644.

ALABAMA-COOSA-TALLAPOOSA RIVER BASIN COMPACT

SPEECH OF
HON. GEORGE W. GEKAS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 4, 1997

Mr. GEKAS. Mr. Speaker, pursuant to unanimous consent granted on November 4, 1997 during debate on House Joint Resolution 92, I introduce the report on that joint resolution from the Congressional Budget Office which was not available at the time of the filing of the committee report.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Hon. Henry J. Hyde,
Chairman, Committee on the Judiciary,
U.S. House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.J. Res. 92, a joint resolution granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gary Brown.

Sincerely,
JUNE E. O’NEILL, Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.J. Res. 92—Granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact

SUMMARY

H.J. Res. 92 would grant congressional consent to the Alabama-Coosa-Tallapoosa River Basin (ACT Basin) Compact. The compact would establish the ACT Basin Commission, which would administer the allocation formula for apportioning the surface waters of the ACT basin between the states of Alabama and Georgia. The commission would consist of state and federal representatives.

Provisions in the compact that could have an impact on the federal budget include: an authorization of appropriations for a federal commissioner to attend meetings of the commission and for employment of personnel by the commissioner, an authorization for federal agencies to conduct studies and monitoring programs in cooperation with the commission, and a requirement that the federal government comply with the water allocation formula once it has been adopted by the commission (to the extent that doing so would not conflict with other federal laws).

CBO estimates that enacting H.J. Res. 92 would result in discretionary spending of less than $500,000 in fiscal year 1998, and about $8 million over the 1998-2002 period, assuming appropriations consistent with its terms. The compact would increase direct spending; hence, pay-as-you-go procedures would apply to the legislation. But CBO estimates that enacting H.J. Res. 92 would increase direct spending by less than $500,000 a year, beginning in fiscal year 1999.

The resolution does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and any costs resulting from the compact would be borne voluntarily by Alabama and Georgia as a result of the agreement.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

Implementing H.J. Res. 92 would affect both spending subject to appropriation and direct spending. CBO estimates that enacting H.J. Res. 92 would require new spending subject to appropriation of less than $500,000 in fiscal year 1998, and about $3 million in 1999, $2 million in 2000, and $1 million a year thereafter. CBO estimates that the compact would increase direct spending, beginning in 1999, by reducing offsetting receipts from recreation fees and federal hydropower operations, but any such changes would be insignificant.

The costs of this legislation fall within budget function 300 (natural resources and environment). The estimated budgetary effects of enacting H.J. Res. 92 are shown in the following table:

[By fiscal year, in millions of dollars]

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>1998</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spending Under Current Law</td>
<td>$25</td>
<td>$25</td>
<td>$25</td>
<td>$25</td>
</tr>
<tr>
<td>Estimated Authorization Level</td>
<td>$25</td>
<td>$25</td>
<td>$25</td>
<td>$25</td>
</tr>
<tr>
<td>Estimated Outlays</td>
<td>$26</td>
<td>$25</td>
<td>$25</td>
<td>$25</td>
</tr>
<tr>
<td>Projected Changes</td>
<td>$1</td>
<td>$1</td>
<td>$1</td>
<td>$1</td>
</tr>
<tr>
<td>Estimated Authorization Level</td>
<td>$26</td>
<td>$26</td>
<td>$26</td>
<td>$26</td>
</tr>
<tr>
<td>Estimated Outlays</td>
<td>$27</td>
<td>$27</td>
<td>$27</td>
<td>$27</td>
</tr>
</tbody>
</table>

CHANGES IN DIRECT SPENDING

Estimated Authorization Level $0

CONGRESSIONAL RECORD — Extensions of Remarks
November 7, 1997

- The 1998 level is the amount appropriated in that year for programs covered by the U.S. Army Corps of Engineers in the ACT Basin. The amounts shown for subsequent years reflect assumed continuation of the current-year funding level, without adjustment for inflation. If funding were increased to cover anticipated inflation, funding under current law would gradually grow from $25 million in 1998 to $23 million in 2002. Less than $500,000.

BASIS OF ESTIMATE

Spending Subject to Appropriation

For purposes of this estimate, CBO assumes that (1) the compact is approved in the few months that action is formed in 1998, (2) all amounts estimated to be authorized by the legislation will be appropriated, and (3) a new plan for allocating water among the states will be adopted in fiscal year 1999. New discretionary spending would be necessary for expenses of a federal commissioner to participate in the ACT commission, for conducting studies and monitoring activities in coordination with the commission, and for operating federal facilities.

Federal Commissioner. CBO estimates that the cost of sending the federal commissioner to meetings of the compact’s funding a personal staff will be less than $500,000 a year beginning in 1998. The commissioner would operate without federal funds. General expenses of the commission would be paid by the states of Alabama and Georgia.

Studies and Monitoring. CBO estimates that the compact would require spending subject to appropriation of about $2 million in fiscal year 1999 and about $1 million in 2000 for completing an environmental impact statement of potential alternatives for allocating water in the ACT basin, for developing a plan for monitoring water levels and quality in the basin, and for conducting additional studies and monitoring programs in cooperation with the states of Alabama and Georgia.

Federal Facilities. Based on information from the Corps, CBO estimates that operating federal facilities in the ACT basin in a manner that complies with a new water allocation plan may result in additional discretionary spending of about $1 million a year, beginning in 1999. We expect that these annual costs could range from near zero to $2 million a year, depending on whether a new allocation plan is adopted and how it results in a significant change in water use in the river basin.

Most of the expense of implementing a new water allocation plan would be for operating and maintaining channels for navigation because the cost of that activity is highly dependent on water flow. Under current law, CBO estimates that the Corps would spend about $9 million in 1998 for navigation-related activities in the ACT basin. CBO anticipates that the cost of navigation activities in the basin would not change significantly as a result of the compact. The cost of operating and maintaining hydropower facilities is likely to change as a result of the compact. Although the compact is not likely to result in changes of water flows. Moreover, any major flood control activities in
the basin would likely require further authorization by Congress.

**DIRECT SPENDING**

CBO anticipates that the compact would have an impact on direct spending by reducing the amount of receipts returned to the Treasury from recreation facilities operated by the Corps and the Department of the Interior in the ACT basin. A new water allocation plan could affect receipts from recreation areas by directly or indirectly changing water levels at lakes and other recreation areas so that their use is reduced. This type of impact would be most likely in years when total water supplies were already low, for example, because of below-average rainfall. CBO estimates that the impact on receipts from recreation areas would be less than $500,000 annually, beginning in 1999.

The compact could also affect receipts from hydropower operations, but CBO estimates that the net impact on hydropower revenues from any likely water allocation plan would be insignificant. A new plan could affect power operations by limiting the amount of water that can flow through federal power-generating facilities. This could affect the amount of power that can be produced and sold. However, CBO estimates that any impact on power receipts is likely to be insignificant because federal law requires that, to the extent market conditions permit, hydropower operations cover expenses. Thus, limits on power production, the price of power could be increased to offset any reduction in the quality of power produced and sold.

**PAY-AS-YOU-GO CONSIDERATIONS**

The Balanced Budget and Emergency Deficit Control Act specifies pay-as-you-go procedures for legislation affecting direct spending or receipts. CBO estimates that enacting H.J. Res. 92 would increase direct spending by less than $500,000 a year, beginning in 1999. Enacting the legislation would not affect governmental receipts.

**INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT**

H.J. Res. 92 would give the consent of the Congress to an agreement mutually entered into by two states, Alabama and Georgia. The resolution contains no intergovernmental provisions specifying procedures for legislation affecting direct spending or receipts. CBO estimates that enacting H.J. Res. 92 would increase direct spending by less than $500,000 a year, beginning in 1999. Enacting the legislation would not affect governmental receipts.

**IN HONOR OF THE 125TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH IN CLANTON, AL**

**HON. BOB RILEY**

**OF ALABAMA**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, November 5, 1997

Mr. RILEY. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the 125th anniversary of the First Baptist Church in Clanton, AL. For 125 years, the First Baptist Church has been a very significant part of the community of Clanton. The church was organized on November 5, 1872, with Rev. J.A. Mullins and Rev. P.H. Lundy serving as the church’s first ministers. From a small beginning of only 10 members, the membership grew to 70 in 1886 and then to 1,470 in 1996. The church has gone on to accomplish many great strides during these 125 years in the spreading of the good news to mankind. The Sunday School has always been a very strong part of the teaching ministry of the church since the first mention of a Sunday School in 1877. Last year, the records show that 950 children and adults were enrolled in Sunday School.

In addition to Sunday School, the Baptist Young People’s Union was formed for Sunday night training. Currently, it is known as Discipleship Training. Whatever the name, the organization has always taught Baptist doctrine, leadership courses, and Bible study. The enrollment was up to 251 in 1996.

Mr. Speaker, let me share with you the way in which First Baptist Church mission programs have brought the ministry of the church into the community. It was the ladies of the church who began the mission programs by forming Ladies Aid Society, which is now known as the Women’s Missionary Union. They began looking at the need for mission study for all ages, Mission Friends, Girl’s Auxiliary, and Acteens were also organized. For the men in the congregation, the Brotherhood organization began which sponsors the boys’ groups like the Lads, Crusaders, and Challengers.

First Baptist Church also started three missions in the community: The West End Baptist Church in 1948, the Northside Baptist Church in 1954, and Lomax Baptist Church in 1958. All three are now active, growing churches in Clanton.

Mr. Speaker, in addition to its distinguished mission program, the First Baptist Church has always maintained an excellent music program. There are three Children’s Choirs, a Youth Choir, and an Adult Sanctuary Choir. Programs of special music are performed on many occasions and have included hand bells. In 1995, a church orchestra was formed. Most recently, the outstanding “Living Pictures” was presented in 1997.

Mr. Speaker, First Baptist Church has been very successful in reaching out to the young and old alike. The youth ministry is also a vital program which emphasizes Bible teaching, recreation, retreats, youth camps, youth week, and person soul winning. For the older members of the congregation, the fellowship of the Teenagers meet each month for lunch and an inspirational message. Trips to places of special interest are taken regularly. For those who are not physically able to attend services, a Homebound Ministry is provided which provides church literature on each of their monthly visits.

Under the current leadership of Dr. Michael, new ideas have been promoted including greeters for each service, prayer partners during worship services, and a worship service for children ages 4 to 6.

Finally, Mr. Speaker, in honor of this anniversary of the First Baptist Church in Clanton, let me share with you the church’s invaluable vision which has been and will continue to be: “As an unconditional love in accomplishing our mission for Jesus.”

**10-YEAR ANNIVERSARY FOR THE CITY OF SANTA CLARITA**

**HON. HOWARD P. “BUCK” McKEON**

**OF CALIFORNIA**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, November 5, 1997

Mr. McKEON. Mr. Speaker, today I rise to commemorate the 10th anniversary of the founding of the city of Santa Clarita, CA. The city of Santa Clarita encompasses 45 square miles within the Santa Clarita Valley and is situated just 35 miles north of downtown Los Angeles. The population is estimated at 141,000 and is consistently rated by the FBI as one of the top five safest cities of its size in the Nation.

The city was incorporated on November 7, 1997.
15. 1987, as a general law city, and operates under a council-manager form of government. Five members are elected to the city council at large on a nonpartisan basis, with members serving overlapping terms.

Santa Clarita was founded by a group of community leaders who led the charge for a local government. There are areas in the community where city council members could attend meetings in Santa Clarita. Their vision was for a city that embodied the best of each community while encouraging cutting-edge commercial and retail industry to locate in Santa Clarita. Today, that vision is a reality as evidenced by a May 1997 Wall Street Journal article which named Santa Clarita as the west coast’s fastest growing retail market.

As you can see, Mr. Speaker, Santa Clarita has accomplished much since its founding 10 years ago. Having been so fortunate to not only represent this wonderful community in Congress, but having served as both a city council member and mayor, I am proud to rise today and mark this special day in Santa Clarita’s history. I join the residents of Santa Clarita, CA, in the pride we share for this wonderful city on its 10th anniversary.

TRIBUTE TO JOHN N. STURDIVANT
HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 5, 1997

Mr. WOLF. Mr. Speaker, and distinguished colleagues, today I rise to acknowledge the work of John N. Sturdivant, president of the American Federation of Government Employees, who died October 28 after a long battle with leukemia.

I admired Mr. Sturdivant for his committed advocacy on behalf of the Federal worker. Having first-hand knowledge of how very difficult it can be at times to be an outspoken friend of the Federal worker, I rise to commend his convictions and integrity in championing the national service of the Federal employee.

All too often, hard working and dedicated Federal employees become the target of unfair treatment from both the Government and citizens they serve. Nevertheless, their work is essential and vital to our constituents. Mr. Sturdivant recognized their value to this country and thus dedicated his career to their advocacy.

Mr. Speaker, in closing I want to extend my sympathy and prayers to the family and friends of Mr. Sturdivant as we mourn the loss of this friend of the Federal worker.

CHARLES BLACK: A LIFETIME OF SERVICE
HON. RODNEY P. FRELINGHUYSEN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 5, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise to pay tribute to a truly outstanding individual, my constituent Charles Black. On November 6, Charlie’s family and many friends and colleagues will honor him upon his retirement from General Public Utilities [GPU] after 32 years of service to the company. He has left an indelible mark upon Morris County, NJ, having worked as a community leader, helping make it one of America’s finest places to live.

Charles Black was born in Quakertown, PA, in the fall of 1938. During his summers in between college semesters, Charlie worked various jobs, from employment as a button setter at a blouse factory to getting his first start at a power company in New Jersey. In 1960, perhaps the most important year of Charlie’s life, he earned his bachelor of arts degree in business administration from Gettysburg College. That year, he also married the former Joyce Hoffmann, and then began his service with the company.

Charlie Black’s commitment to service started with his commitment to duty and honor with the U.S. Air Force. In fact, Charlie continues to be active with the U.S. Air Force in the reserve program, as a liaison officer commander with the U.S. Air Force Academy, and as chair of my own 11th Congressional District Academy Review Board for prospective nominees to our Nation’s service academies.

Starting with Jersey Central Power & Light Co. in 1965, Charlie has served as GPU’s director of communications since 1983. This position made him a visible figure in the community, as GPU serves approximately 2 million people in New Jersey and Pennsylvania, and facilitated the beginning of his long-standing service to his community. Over the last 15 years, it was a rare occasion for me to be at a charitable event in Morris County on which Charlie was not involved. He has always been there when called upon, and, although, much has been made this year on promoting volunteerism, it has been people like Charlie Black who has been a stalwart of our Nation’s volunteer efforts throughout his life.

Over the years, Charlie Black’s name has been synonymous with the County College of Morris Foundation, on which he served as past president of the board of directors, so it comes as no surprise that the County College of Morris is regarded as one of the finest county colleges in the Nation. Charlie also served on the boards of directors of the Morris County United Way and the Dope Open Golf Tournament, offering a helping hand to those in need.

Although Charlie has been active on behalf of many wonderful organizations, he has been invaluable to me in his commitment to promoting and preserving the important mission at the Army Armament Research, Development and Engineering Center at Picatinny Arsenal which employees 4,000 people in New Jersey. When Picatinny was listed on a preliminary list for closure during the 1995 base realignment and closure process, I looked to Charlie to be a leader on my Picatinny Working Group which was a key element in recognizing the arsenal’s importance to the region’s economy, the identities of surrounding communities and promoting the incredible “smart” weapons being developed by Picatinny’s engineers. Charlie was also a founding member of the Picatinny defense fund, and served as the organization’s vice president. His work in getting the Picatinny defense fund established ensures that Picatinny Arsenal’s mission will continue to be well defended in the future.

Just this past May, Charlie’s commitment to Picatinny and the U.S. Air Force intertwined when he worked along with the people he had a deep love for, as he so often did, to plan a luncheon honoring Secretary of the Air Force Sheila Widnall after she toured Picatinny Arsenal. Needless to say, Charlie and Mary’s luncheon for Secretary Widnall was a remarkable success. Unfortunately, Charlie could not attend the luncheon because he was wearing one of his many hats and had to deliver a speech for GPU in New Orleans.

Mr. Speaker, shortly, Charlie and his wife Joyce Black will be moving to Arizona to enjoy life in retirement. But anyone who knows Charlie knows that he won’t be at rest for too long—he will be contributing to the enrichment of his new community in no time. I only hope that the State of Arizona knows what an exemplary citizen they are gaining. Good luck Charlie and Joyce.
In the House of Representatives
Wednesday, November 5, 1997

Mr. BONIOR. Mr. Speaker, the United States was founded under the principles of life, liberty, and the pursuit of happiness for all. Throughout our history, everyday citizens have become our heroes while they worked to protect our inalienable rights. Mike Nash, an advocate for Vietnam veterans, was one of those heroes. On May 25, 1997, Mike Nash died, but his legacy will live throughout the ages.

Mike Nash was a decorated U.S. Army veteran who fought for his country in Vietnam from 1969 through 1970. His experience in Vietnam forever changed his life. In 1987, Mike joined Chapter 154 of the Vietnam Veterans of America and served the organization at the national level and local level. His calm demeanor and tenacious spirit made him a driving force in the fight for veterans' causes.

As a prominent member of the Michigan and national chapters of Vietnam Veterans of America, Mike spent his free time counseling veterans and working to find veterans who were missing in action in Vietnam. Last year Mike traveled to Vietnam to search for information on MIA's. As Mike once said, "As long as proof remains that even one MIA is still alive, we will try to find him." His passion to find missing veterans was fueled by the completeness of his family. He was so thankful to be with his wife, June and their two daughters, Jacquelyn, and Jessica. He hoped that someday, missing veterans would one day be reunited with their loved ones.

Mike Nash was a tireless advocate for Vietnam Veterans: to all who knew him, a friend; to June, Jacquelyn, and Jessica, he was a husband and father. Mike lived his life caring and serving other people. I am honored to have had the opportunity to call Mike my friend. We will all miss Mike's advocacy for Vietnam Veterans, but most of all we will miss his friendship.
HONORING SELECT MEMBERS OF THE WILCOX COUNTY COMMISSION

HON. EARL F. HILLIARD
OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 5, 1997

Mr. HILLIARD. Mr. Speaker, I come before you today to honor some select members of the Wilcox County Commission for their support of the historic Gee's-Bend Ferry project in Wilcox County, Alabama.

Commission Chairman Darryl Perryman, Vice-Chairman John Clyde Riggs, and County Commissioners David Wright, and Lena Powell have shown an extraordinary amount of foresight, sound judgment, and compassion in fully supporting the plight of the residents of Gee's-Bend Alabama by re-establishing the ferry boat service which has unfairly divided their community since the days of segregation and Jim Crow rule. These public servants understood that you can not explain—away why the citizens of Gee’s-Bend must wait to use 2 hours for an ambulance to take them to the hospital, or for their children to ride to—and from, school, or just to go to the grocery store or the bank.

Mr. Speaker, I feel this Congress owes these aforementioned County Commission Members a hearty “thank you” and a resounding “job well done.” I myself, am gratified by their unselfish service.

HONORING TRESSLER ADOPTION SERVICES

HON. GEORGE W. GEKAS
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 5, 1997

Mr. GEKAS. Mr. Speaker, I rise today to recognize Tressler Adoption Services of York, PA, which celebrates 25 years of doing the most rewarding work—creating families. I cannot say enough about the people who open their homes and hearts to those children who are given up for adoption, and I have the utmost respect for those professionals who spend their time and energy finding the right match for both parents and children.

The good people at Tressler have been placing children with loving families in Pennsylvania, Maryland, and Delaware for the last quarter of a century, believing that every child deserves a caring, stable environment in which to grow and develop as a human being. It is this belief that has made Tressler somewhat unique in the field of adoption services, focusing on placing older children and children with special needs, rather than the much sought after newborn adoptees.

Tressler’s success has been nothing short of magnificent. In their 25 years of service, Tressler has placed nearly 2,500 children of American descent, giving them what you and I take for granted—a family and a home with parents who loved them as much as they did their own natural parents.

Their mission—to help create a stable, caring environment by providing the adoption services that place children in loving homes, preparing families for the adoption experience, and offering ongoing support for all families involved in their program—deserves both our recognition and respect.

I also want to specifically thank Mrs. Barbara Holtan, director of adoption services, and her staff at Tressler for their compassion and dedication.

Mr. Speaker, in honor of all of the years of Tressler’s service to the families and adopted children of central Pennsylvania, I affirm our commitment to help those in need and affirm our commitment that we will do all that we can to provide children with a loving, stable, and emotionally secure family life. Tressler has set a high standard to meet during their next quarter century, and I am confident that they will continue to push their benchmark ever higher.
Mr. Speaker, John Sturdivant was a distinguished citizen who will be sorely missed. I join with my colleagues in extending condolences to the Sturdivant family, their friends, and the AFGE.

THE PROMISE KEEPERS
HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 5, 1997

Mr. SHIMKUS. Mr. Speaker, sometimes people become so carried away by the media and spectacle of an event that they miss the basic message or main point of the effort. In the wake of the hype and hoopla of the October 4 Promise Keepers' rally, I want to praise the basic message of the Promise Keepers as one of support for the fundamental American values upon which our Nation was founded.

It's a bold message. It's a message of individual responsibility. A message of family values. A message of acceptance of their commitments to the most basic fabric of our country, our families. The Promise Keepers call for a return to these commitments.

These men recognize that through fulfilling their most important commitments, those to their wives and children and to God, all of America benefits.

Mr. Speaker, I applaud the message of Promise Keepers and those who strive to fulfill it.

IN HONOR OF BERTRAM F. DOYLE
HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 5, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mr. Bertram F. Doyle for his many years of service and countless contributions to his community and his country.

Bertram Doyle was born in Cleveland and raised in Euclid, Ohio. After graduating from Shaw High School in East Cleveland, Mr. Doyle enrolled at Cleveland College of Western Reserve University, where he earned a bachelor's degree in business.

During World War II, the Marines assigned Mr. Doyle the crucial duty of operating the combat telephone. He played an instrumental role in two of the most important battles of the war, Bougainville Island and Iwo Jima. In 1946, Bertram Doyle was discharged from the Marines, having achieved the rank of staff sergeant.

Bertram Doyle served his community through his involvement with Democratic politics and his participation in various charitable organizations. Mr. Doyle served as an administrative assistant to both the Ohio Department of Transportation district director and the Ohio auditor, as well as Democratic ward leader in Seven Hills, Ohio. Mr. Doyle also belonged to the Holy Name Society at St. Columbkille Catholic Church and American Legion Brecksville Post 196 and volunteered at the Deafness Research Center.

Mr. Doyle leaves behind a wife, three sons and five grandchildren. He will be greatly missed.
the EPA with other Federal, State, and local programs to restore and protect the Anacostia River and promote community risk reduction. EPA is to coordinate its efforts with other Federal partners, particularly the U.S. Army Corps of Engineers. In addition to addressing a major local environmental concern, this model program will provide a framework for urban communities around the Nation to work towards sustainable community redevelopment and to meet national environmental goals.

Under the new program, EPA shall allocate a total of $750,000 per year over the next 4 fiscal years to implement the provisions of the model program. EPA may authorize no less than $400,000 per year in the form of grants, which are to be matched on a 75–25 basis with other Federal funds and State, local, and private contributions.

The Anacostia River has been my top environmental priority since coming to Congress in 1991. I realize that restoring a river requires a long-term commitment. I am committed to whatever time and effort it takes to restore the river that runs through our neighborhoods. I am particularly pleased that all of the regional Members of Congress whose districts encompass the Anacostia River, Representatives Connie Morella, Steny Hoyer, and Albert Wynn, recognize the importance of this effort and have become original cosponsors of this legislation.

WELCOME DR. STEPHEN CHEN

HON. BENNIE G. THOMPSON
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 5, 1997

Mr. THOMPSON. Mr. Speaker, today, I rise to join others in welcoming Dr. Stephen Chen to Washington, DC. He has recently assumed the position of Taiwan's top representative in Washington, replacing D. Jason Hu.

Representative Chen comes to Washington with impeccable diplomatic credentials. Prior to this appointment, he served as Deputy Secretary-General to President Lee Teng-hui of the Republic of China [ROC]. Dr. Chen is a distinguished career diplomat. He served at the Embassy of the ROC in Manila in 1953, and has held a number of diplomatic posts throughout the world. In the sixties, he was stationed in Brazil and in the early seventies he held various consular posts in the United States.

Representative Chen is married to Madam Rose Te Chen, has two sons and one daughter. I am told he speaks several languages fluently, and I know that he speaks and understands the English language and its nuances and idioms quite well.

Representative Chen will undoubtedly have a challenging job in Washington, but I believe he will strive hard to strengthen the good relations between Washington and Taipei.

I extend to Dr. Chen and his family the very best wishes for a productive and worthwhile experience during their Washington tenure.

RURAL INDIANA

HON. LEE H. HAMILTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 5, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 5, 1997, into the CONGRESSIONAL RECORD.

RURAL INDIANA COMMUNITIES

The Ninth Congressional District consists of 20 full counties and part of one other. It takes over 6 hours to drive from southwest Spencer County to eastern Union County. With the exception of the counties in the Louisville metropolitan area, principally Clark and Floyd, it is among the most rural congressional districts in the State.

The Ninth District is made up of plowed fields, rolling hills, celebrated woodlands, and small to moderate-sized communities. Few people traverse the highways and byways of southern Indiana more frequently than I have in recent years. I feel quite at home among the farms, along the back roads, as well in the bustling towns. I get immense pleasure from the beauty of rural southern Indiana, and especially enjoy the variety of communities. Yet despite the attractiveness of the area, many worry about the future of our rural communities.

RURAL ECONOMIES

Some of our rural Indiana counties are growing rapidly, often with robust growth associated with recreation, new or expanding industries, tourism, and retirement. Other counties are not growing at all and are having difficulty generating new jobs. They confront the basic problem of keeping their young people at home. The people of southern Indiana are generally less affluent than the rest of the State. We have several of the poorest counties in the State.

Rural America tends to be comparatively poor. It has great natural resources but that does not show up in the personal income of rural Hoosiers. The U.S. House of Representatives is ranked in the top 100 in terms of median family income; most are in the bottom 50.

APPROACH TO ISSUES

The population of southern Indiana tends to be white, older, and moderate to conservative, especially on the social issues. There is always a strong emphasis on values, particularly self-reliance, and a deep skepticism by rural Hoosiers of life in the urban areas. They tend to view urban areas as the center of crime and drug activity, and not a very good place to raise a family. They have very strong ties to family, church, and community, and a strong desire to strive for a better life. The quality of life in rural Indiana compares favorably with other areas of the country, and rural Hoosiers seem to be aware of it. As one of them said to me, "I really do not know where I would rather live."

People in southern Indiana are fiscally prudent and want their representatives to be in the mainstream on economic and social issues, and oftentimes split their ballots. This unpredictability is one reason why public officials pay particular attention to rural Indiana.

At the same time, it is clear that over the years political clout nationwide has shifted away from rural America. In the last two decades, the U.S. House of Representatives could be considered rural—13 percent of the House. Most of these rural districts are in the South or in the Midwest.

Public officials, of course, love to identify themselves with smalltown America. President Eisenhower identified with Abilene, Kansas; Jimmy Carter, Plains, Georgia; Ronald Reagan with Dixon, Illinois, and President Clinton with a place called Hope.

There is great economic diversity in southern Indiana. On the one hand there are enterprising, growing rural areas, and on the other there are rural communities that are isolated and struggling. Some of them seem locked in time and the very image of them is a disappearance of family farms, layoffs in some manufacturing plants, and the challenges facing schools and cultural institutions like the small post offices.

Not nearly as many people in these rural communities live on farms as one might think. Most of the small communities have a light industry or two to supply the jobs, and manufacturing is the largest source of employment in southern Indiana. The counties tend to have a higher percentage of people over age 65, often more than double the national average.

In the future, the viability of rural Indiana may very well depend on the number of people who are fed up with the pace and stress of living in the city. Many of them will move out of the urban areas into the rural areas. Computers may have an impact on rural Indiana, increasing the ability of people to live where they want to, not where they have to. Also, as the number of retired Americans increases, rural Indiana could very well experience a comeback.

I have always found Hoosiers who live in urban areas wanting to support and help the rural communities of our state. There is, of course, a special place for Indiana communities which are attached closely to the land and which have a social cohesion and solid anchors of home and church. But it is also true that manufacturing is the largest source of employment in rural Indiana, and that is what the future of rural Indiana will prosper much more if the small farm and small factory towns can do well. If they do not do well, they will drag the rest of the state down.

CONCLUSION

Small towns have always played a very large part in Indiana's view of itself. They are communities where common goals can be reconciled with rugged individualism. They are nurturing places that produce state and national leaders. The problems of the communities seem more manageable than those in the urban areas, and in many ways the communities have a mythical appeal.

Rural communities may be less affluent and face problems of unemployment, but I generally find rural Hoosiers content with their way of life. They have a sense of place and are committed to their communities, and what they are, and what they want for their family and community. I am not at all pessimistic about the future of rural southern Indiana.
Mr. LIPINSKI. Mr. Speaker, I rise today to oppose an agreement that was recently made between the tobacco industry and the FDA. The settlement addresses several issues, including the FDA's authority to regulate tobacco, advertising and promotion, youth access to tobacco products, environmental tobacco smoke, and immunity for the tobacco industry from future law suits.

Mr. Speaker, I am hesitant to enact legislation that will restrict the FDA's authority to regulate tobacco. More importantly, this enactment concerns me because it would give the tobacco industry a bailout from future liability. I cannot support legislation that does not include stringent safeguards aimed at protecting our Nation's youth from becoming addicted to nicotine. Protecting our children should be our main concern.

I would like to enter into the RECORD a resolution adopted by the City Council of the City of Chicago, forwarded to me by the Honorable Edward M. Burke from the State of Illinois:

Whereas, The United States Congress will vote on a $385.5 billion proposed nationwide tobacco accord; and

Whereas, The Chicago City Council has been informed of this event by Alderman Edward M. Burke; and

Whereas, Cigarette makers and 40 state attorneys general agreed to a proposed accord aimed at helping to protect young people from the dangers of smoking in January of 1997; and

Whereas, Under the proposed settlement, cigarette companies would pay annual fines of $80 million for every percentage point that smoking by young people failed to drop below 30 percent over a five-year period, 50 percent over seven years and 60 percent over 10 years; and

Whereas, Annual payments would be capped at $2 billion under the proposed agreement; and

Whereas, Along with paying penalties for smoking by young people, tobacco companies also agreed to settle lawsuits by states and smokers and to impose broad restrictions on advertising; and

Whereas, In return, the plan which requires approval by the United States Congress would provide the industry protection against certain types of lawsuits and punitive damages; and

Whereas, The members of the Illinois Congressional Delegation must vote on the proposed nationwide tobacco accord; and

Whereas, Critics of the proposed accord, including members of Congress and public health experts, have objected to the proposed settlements as a bailout of an outlaw industry that has enough tobacco to reduce addiction to nicotine now, therefore

Be it Resolved, That we, the Major and members of the Chicago City Council assembled this tenth day of September, 1997, do hereby call upon the Illinois Congressional Delegation to vote against the proposed nationwide tobacco accord; and

Be it Further Resolved, That a suitable member of Congress be authorized to investigate the details of this accord today.

Art began his life of public service in the Air Force during World War II. He continued his service with his country during the Korean War and ultimately retired from the Air Force Reserves as a lieutenant colonel. For Art, however, public service did not only mean serving one's country; it also meant serving one's community. To that end, Art significantly contributed to the enhancement of all of the communities in which he, his wife, Yvonne, and their six children, Craig, Bryan, John, Dennis, Kevin, and Anne lived.

ART'S accomplishments and years of service to his country and community are exceptional, perhaps Art's greatest achievement was fulfilling his role as husband of 50 years and father to his six children. Art was always a shining example of community service and family devotion to those blessed to have known him. His integrity, humanity, and stalwart dedication to family, country, and community are rare assets and are worthy of our recognition today.

Last Sunday, surrounded by his loving and devoted family at his home in Auburn, Art Cox passed away. While everyone who knew him is saddened by his death, his spirit and enthusiasm for life will live on with us forever.

Mr. Speaker, in addition to its distinguished mission program, the First Baptist Church has always maintained an excellent music program. There are three children's choirs, a youth choir, and an adult sanctuary choir. Programs of special music are performed on many occasions and have included handbells, organ recitals, and special music. There are eulogies and special music performed on many occasions and have included handbells, organ recitals, and special music.

Mr. Speaker, I rise today to pay tribute to the 125th anniversary of the First Baptist Church in Clanton, AL. For 125 years, the First Baptist Church has offered spiritual guidance to the community of Clanton. The church was organized on November 5, 1872, with Rev. J.A. Mullins and Rev. P.H. Lundy serving as the church's first ministers. From a small beginning of only 10 members, the membership grew to 70 in 1886 and then to 1470 in 1996. First Baptist Church has made great strides during these 125 years in the spreading of the good news to mankind. The Sunday school has always been a heart of the church's teaching ministry since the first mention of a Sunday school in 1877.

In addition to Sunday school, the Baptist Youth People's Union was formed 10 years ago and has been a vital part of teaching the Bible study. The enrollment was up to 251 in 1996.

Mr. Speaker, the ways in which First Baptist Church mission programs have brought the ministry of the church into the community. It was the ladies of the church who began the mission programs by forming Ladies Aid Society, which is now known as the Women's Missionary Union. Recognizing the need for mission study for all ages, Mission Friends, Girl's Auxiliary, and Acteens were also organized. For the men in the congregation, the Brotherhood organization began which sponsors the boys' groups like the Lads, Crusaders, and Challengers.

Mr. Speaker, I rise today to pay tribute to the 125th anniversary of the First Baptist Church in Clanton, AL. For 125 years, the First Baptist Church has always maintained an excellent music program. There are three children's choirs, a youth choir, and an adult sanctuary choir. Programs of special music are performed on many occasions and have included handbells, organ recitals, and special music. There are eulogies and special music performed on many occasions and have included handbells, organ recitals, and special music.

Mr. Speaker, First Baptist Church also started three missions in the community: the West End Baptist Church in 1948, the Northside Baptist Church in 1954, and Lomax Baptist Church in 1958. All three are now active, growing churches in Clanton.
Keenagers meet each month for lunch and an inspirational message. Trips to places of special interest are taken regularly. For those who are not physically able to attend services, a homebound ministry is provided which provides church literature on each of their monthly visits.

Under the current leadership of Dr. Michael, new ideas have been promoted including greeters for each service, prayer partners during worship services, and a worship service for children ages 4 to 6.

Finally, Mr. Speaker, in honor of this anniversary of the Baptist Church in Clayton, let me share with you the church’s invaluable vision which has been and will continue to be: “As a family of Christians, we seek to reach people for Christ, exercise Biblical faith, and practice uncondition love in accomplishing our mission for Jesus.”

**SAM CASALE AND GLENN MILLER: GOOD MUSIC AND MEMORIES**

**HON. FRANK LoBIONDO**

OF NEW JERSEY

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, November 5, 1997

Mr. LoBIONDO Mr. Speaker, I rise today to pay tribute to Mr. Sam Casale, a resident of Turnersville, NJ, for his involvement with the Glenn Miller Orchestra in the 1940’s, and for his tireless efforts to convince the U.S. Postal Service to issue a Glenn Miller stamp.

Beginning advocacy over the years, Mr. Casale’s dream has now been realized: the Postal Service recently issued a Glenn Miller Postage stamp as part of its series featuring American composers, musicians, and singers. What is more, Mr. Casale was given the honor of designing the second-day cancellation postmark which will be issued from the Egg Harbor Post Office, located in the Second Congressional District.

Sam Casale first heard Glenn Miller’s distinctive brass and woodwind sound as a high school student. Like many others in that era, he was taken by such Miller hits as “In the Mood,” “Chattanooga Choo Choo,” and “Moonlight Serenade.” Glenn Miller was a household name in the United States by 1939, and his band was a coast-to-coast sensation.

At age 17, Mr. Casale was able to become a part of the excitement when he was hired by the Miller Orchestra as a band boy. From that vantage point, he was able to watch Miller’s artistry, professionalism, and—as Mr. Casale is quick to point out—Miller’s good moral judgment.

Mr. Casale’s big moment with the orchestra came in Atlantic City, minutes before a live radio performance. Miller, who was running late, had not yet shown up at the bandstand. With the broadcast about to go on the air, band members asked Casale, himself a clarinet player of the orchestra. With a swing of his arm, the band started their first number; at that moment, Miller walked on stage, greeting young Mr. Casale with a smile and an “OK” sign as he took control of his band.

Glen Miller, of course, went on to join the Army Air Corps in World War II and aided the Allied war effort as a morale-building band leader. Although Miller died in the service of his country in 1944, Sam Casale’s efforts in preserving his memory will ensure that our generation will never forget Glenn Miller’s contribution to American music.

**INTRODUCTION OF CHARITY IRA’S**

**HON. BARBARA B. KENNELLY**

OF CONNECTICUT

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, November 5, 1997

Mrs. KENNELLY of Connecticut. Mr. Speaker, today, Mr. CRANE, Ms. DAVIES, Mrs. EMERSON, Mrs. THURMAN, Mrs. LOWEY, Mr. LIPINSKI, Mr. RAMSTAD, Mr. YATES, and I are introducing legislation to allow charitable contributions from Individual Retirement Accounts. Our charitable IRA rollover proposal would allow individuals who have reached age 69½ to donate IRA assets to a charity without incurring income tax.

You may have heard from charities in your district recently that they are often approached by individuals who have accumulated large IRA’s and wish to make a gift to charity without ever taking it into income and paying tax on it. Similarly, because current law IRA’s represent previously untaxed income, there would be no charitable deduction. IRA rollovers to qualifying charitable deferred gifts would receive similar treatment.

This minor change in tax law could provide a valuable new source of philanthropy for our Nation’s charities. I urge my colleagues to cosponsor.

**A TRIBUTE TO M.B. “DUKE” RUDMAN**

**HON. RALPH M. HALL**

OF TEXAS

**HON. JIM TURNER**

OF TEXAS

**HON. MAX SANDLIN**

OF TEXAS

**HON. PETER SESSIONS**

OF TEXAS

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, November 5, 1997

Mr. HALL of Texas. Mr. Speaker, my colleagues and I rise today to call the donation of our colleagues to the remarkable life of an east Texas oil pioneer and philanthropist who was recently honored as one of 50 worldwide recipients of the State of Israel’s 50th Anniversary Award.

Mr. M.B. “Duke” Rudman was born 87 years ago in Bonham, TX, and while drilling thousands of wildcat oil wells from North Dakota to Texas and from California to Florida during 60 years in the oil business, he also gained quite a reputation for his devotion to health and fitness and his work as a motivational speaker.

But none of his lifetime accomplishments have proven as rewarding as his civic and philanthropic activities. He has said many times that he wants to be remembered more for what he has done for others, not for anything he has done for himself.

He is 1 of 50 persons worldwide to receive the 50th Anniversary Award for his lifetime of extraordinary efforts on behalf of the State of Israel. He will take part in a November 22 gala at the United Nations in New York to celebrate the 50th anniversary of the November 1947 U.N. vote that partitioned the land of Israel.

Last Sunday was M.B. “Duke” Rudman Day in Tyler and Smith County, TX. Many of his east Texas friends and neighbors gathered in Tyler to recognize his contributions to Israel and to his native Texas. They made it clear that Israel’s progress as a nation and a democracy could not have happened without people like Duke Rudman. He has helped fund student educations and purchased a fleet of 83 ambulances for that nation’s emergency personnel in addition to a host of other philanthropic endeavors.

Mr. Rudman is well known throughout east Texas for his association with the oil industry. He attended Kemper Military Academy and the University of Oklahoma. He moved to east Texas in 1931 during the oil boom and relocated to Dallas in 1942. Wherever he has gone, he has endeavored to help communities prosper. Recently, he donated land to the city of Tyler for a public park.

Those of us who know Duke Rudman are gratified that he is finally receiving the praise and recognition that he has forever shunned. He says he gets more pleasure from helping others than he has his helped.

East Texas, American patriot. Friend of Israel. Duke Rudman’s goodwill toward his fellowman throughout his time reflects his generosity and his love for the human race. We are proud to know him and to call him our friend.

**CAMPAIGN FINANCE REFORM**

**HON. RON KIND**

OF WISCONSIN

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, November 5, 1997

Mr. KIND. Mr. Speaker, another day has gone by and still no campaign finance reform. While most are looking at yesterday’s election results in terms of who won and who lost, I read a more interesting, and troubling result from those elections. In the race for Virginia Governor we saw two very capable candidates, the highest level of spending in Virginia history, a fairly clean campaign and still voter turnout that was the lowest in many years.

I want to change this. Because of his strong advocacy over the years that I rise today to call the attention of the Congress to this matter.

Under the current leadership of Dr. Michael, new ideas have been promoted including greeters for each service, prayer partners during worship services, and a worship service for children ages 4 to 6.

Finally, Mr. Speaker, in honor of this anniversary of the Baptist Church in Clayton, let me share with you the church’s invaluable vision which has been and will continue to be: “As a family of Christians, we seek to reach people for Christ, exercise Biblical faith, and practice unconditional love in accomplishing our mission for Jesus.”
The expedition to Nova Scotia was eventu-
ally abandoned, but Congress refused to
abandon the resolution to form two new Ma-
rine battalions. The Continental Congress con-
tinued to maintain the idea of a Corps of Ma-
rines. During the subsequent decades and
centuries, Congress has continued to nurture
and support America's Marines.

In the aftermath of World War II, Congress
directed the maintenance of a versatile and ef-
cient Marine force. Congress resolved that a
highly mobile and alert force of Marines should
always be in position to impede a full-
scale enemy aggression, while the American
Nation is given time to mobilize its vast de-
fense machinery. This capability remains the
hallmark of today's Marine Corps.

Throughout their 222-year history, the U.S.
Marine Corps has lived up to its reputation as
America's most efficient force. Characterized
by its ammunitions, expeditionary, and com-
bined arms capabilities, the Marine Corps has
followed congressional direction that it "remain
most ready when the Nation is least ready."
Since their creation in 1775, the marines have
served our Nation in virtually every clime
and place:

- They were with John Paul Jones and Gen.
  George Washington during the American Rev-
  olution.
- They stormed the shores of Tripoli in 1805,
  and raised the U.S. flag for the first time in the
  Eastern Hemisphere.
- They were the first United States troops to
  enter the capital and to occupy the Halls of
  Montezuma in Mexico City during the Mexican
  War.
- They were at Bull Run and New Orleans
during the Civil War, in Cuba and the Philip-
  pines during the Spanish-American War, and
  in China during the Boxer Rebellion.
- They fought at Belleau Wood, Soissons, St.
  Mihiel, and the Argonne during World War I.
- They pioneered the concept of close air
  support in Nicaragua as marine aviators flew
  the first air missions in support of infantry
  forces.
- They confirmed the legitimacy of amphib-
  ious warfare at Guadalcanal, Bougainville,
  Tarawa, Saipan, Iwo Jima, and Okinawa dur-
  ing their World War II island campaign in the
  Pacific.
- They executed the classic amphibious as-
  sault at Inchon, and became the first military
  organization to conduct helicopter operations
  in battle.
- They destroyed seven enemy divisions at
  the Chosin Reservoir during the war in Korea.
  They added to their lineage the names Da
  Nang, Hue City, Phu Bai, and Khe Sanh dur-
  ing the war in Vietnam.
- They supported our Nation's interests in
  Beirut, Grenada, and Panama.
- They embraced the techniques of vertical
  short takeoff, landing high-performance air-
  craft, and new concepts such as maritime
  prepositioned shipping.
- They demonstrated their quick response,
  combat readiness, and logistical sustainability
during the gulf war.
- They demonstrated the capabilities of versa-
  tile forces in humanitarian assistance oper-
  ations by distributing food to the starving peo-
  ple of Somalia.
- Thus far in 1997, our marines have con-
  ducted or contributed to 14 operations beyond
  normal readiness training. The most recent of
  these was Operation Noble Obelisk, during
  which our marines assisted in the evacuation
  of more than 2,500 American citizens from Si-
  erra Leone in late May and early June.

It is with these events in mind, that I say,
"Happy Birthday, Marines."

MARGORY STONEMAN DOUGLAS
WILDERNESS AND ERNEST F.
COE VISITOR CENTER DESIGNA-
TION ACT

SPEECH OF
HON. PORTER J. GOSS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 4, 1997

Mr. GOSS. Mr. Speaker, I rise in support of S. 931, which would designate the Marjory Stoneman Douglas Wilderness Area and the Ernest F. Coe Visitor Center in the Florida Ev-
erglaDES.

The Everglades National Park—A unique
national treasure—celebrates its 50th anniver-
sary this year. As we celebrate this important
milestone, it is fitting that we recognize the
contributions of both of these individuals. As
anyone familiar with the everglades knows,
Marjory Stoneman Douglas had dedicated her
life to the everglades. Her landmark Book,
"The Everglades: River of Grass" brought at-
tention to the unique everglades ecosystem
and helped set in motion the tremendous res-
oration efforts now underway.

Mrs. Douglas, who celebrated her 107th
birthday on April 7, was awarded the Presi-
dential Medal of Freedom for her efforts.

Ernest F. Coe led the charge to es-
state the Everglades National Park and is
widely regarded as the park's "father."

Coe's dedication and leadership in this area
led to the authorization of the park in 1943 by
Congress and the dedication by President Tru-
man in 1947.

Over the years, the everglades and its sur-
rounding ecosystem have fallen victim to neg-
lect and misunderstanding. Congress and the
State of Florida have supported action to save
the everglades, and have worked to ensure
that a coordinated, effective restoration pro-
gram moves forward.

The ongoing south Florida initiative prom-
ises to combine existing programs with new
targeted efforts to address many immediate
and long-term needs of the everglades, includ-
ing: fresh water supply and timing, wildlife pro-
tection, pollution prevention, Florida Bay im-
provements, and more.

As we continue to work on the larger issue
of everglades restoration, I believe S. 931 of-
ers us the opportunity to recognize the con-
tributions of two individuals that have done so
much for this national treasure and I strongly
encourage my colleagues to support it.

NATIONAL WILDLIFE REFUGE SY-
STEM VOLUNTEER AND COMMU-
NITY PARTNERSHIP ACT OF 1997

SPEECH OF
HON. NEIL ABERCROMBIE
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 4, 1997

Mr. ABERCROMBIE. Mr. Speaker, I rise in
strong support of H.R. 1856. This bill was
unanimously reported from the Resources
Committee and the amendment before the
House improves its benefits to wildlife even more.

The bill’s sponsor, the gentleman from New Jersey, has done yeoman service for wildlife in this country by introducing this legislation and expeditiously bringing it before the House. The amendment does three things: it promotes the release of funds that leverage matched Federal dollars; it protects wildlife habitat by reauthorizing the highly successful North American Wetlands Conservation Act; and it improves the management of nongame species of wildlife by re-authorizing a program of Federal matching grants for such activities.

Mr. Speaker, this bill is about protecting wildlife habitat and enhancing the management of both game and nongame wildlife. We have long since reached a point where Government cannot provide all the know-how and resources adequately to protect our wildlife.

By establishing a pilot program to encourage partnerships between wildlife refuges and private organizations, we create a win-win situation for wildlife. Local citizens get an opportunity to gain firsthand experience with wildlife while enjoying the simple pleasure of volunteer service. For their part, wildlife refuges get expertise from the local community, as well as goods and services that would not otherwise be available to them.

In the 7 years of its existence, the North American Wetlands Act has resulted in the protection of more than 10 million acres of wetlands in the United States, Canada, and Mexico. $208 million in Government funds for this voluntary, nonregulatory program have been matched by more than $420 million in non-Federal funds, conserving valuable habitat for migratory birds and many nongame species as well.

Last, the amendment reauthorizes the Partnerships for Wildlife Act, which provides matching grants for nongame wildlife conservation and appreciation. A permanent source of funding, like we have for sportfish and game conservation, is sorely needed for nongame species. The States currently estimate their unmet needs for nongame management and conservation at over $300 million annually. I hope that we have the opportunity to give permanent funding for nongame species serious consideration next session.

In the meantime, we will continue doing what we can for nongame species under the Partnerships for Wildlife Program.

This is sound legislation to benefit wildlife through nonregulatory programs that leverage scarce Federal resources. I urge the House to support H.R. 1856.

SAN MATEO COUNTY, CA—CENTER OF THE BIOSCIENCE INDUSTRY

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 5, 1997

Mr. LANTOS. Mr. Speaker, it is my privilege today to call to the attention of my colleagues in the Congress the significance of the biotechnology industry in San Mateo County, CA. A part of the impetus for my remarks today is the release of the recent report “Bioscience in San Mateo County: An Industry Study,” which was prepared by the Bay Area Bioscience Center in cooperation with SAMCEDA, the San Mateo County Economic Development Association.

The bioscience research industry in San Mateo County was ushered into our area in 1976, when the founders of Genentech, a pioneer and major biotech firm, rented space and began operations in South San Francisco. Today, San Mateo County is home to nearly 100 bioscience companies employing over 10,000 men and women. In the past 15 years, San Mateo County has become one of the world’s most important centers for the research and the commercialization of bioscience research.

The economic benefit to our local communities from bioscience companies is significant. Bioscience companies pay high wages, provide steady employment, and are environmentally clean operations. The members of its work force are well-educated and involved in their residential communities.

To win the benefits of this vibrant bioscience industry in our communities, economic development initiatives to support local bioscience companies have been undertaken by dozens of cities and counties throughout the United States, as well as by Canada and many European countries. Often these recruitment efforts have targeted San Mateo County and other northern California companies with a variety of incentives. Although San Mateo County had the advantage of being the birthplace of the bioscience industry, there continues to be fierce competition for the industry’s future growth.

In the 1950’s and 1960’s, California’s civic and business leadership advanced the State economically by anticipating and encouraging the growth and benefits of the electronics industries. The basic elements of that long-term technology development strategy helped create a prosperous Silicon Valley and, more recently, benefited our State’s growing bioscience industry.

According to the report “Bioscience in San Mateo County: An Industry Study,” few foreign countries and only one other State (Massachusetts) can match the extent of San Mateo County’s booming bioscience activity. From industry leaders like Genetech and PE Applied Biosystems to promising Bay Area bioscience companies and other northern California companies with a variety of incentives, the county has established itself as a bioscience industry by the county.

Ironic, this same success of San Mateo County in establishing its preeminence for the bioscience industry has also created challenges to county leaders in the effort to maintain preeminence in the bioscience industry. This report, in its second session of the 1996-1997 legislative session, contains the information and recommendations contained in this report can provide a focus for discussion as well as a working tool for economic development.

This first-ever look at the scope of the dynamic and growing bioscience industry in San Mateo County comes at a time when the county’s business community is implementing a county-wide economic development strategic plan for the retention, expansion and attraction of business through public/private partnerships. The information and recommendations contained herein are intended to provide a focus for discussion as well as a working tool for economic development.

Forty survey participants expect to create 1,100 new jobs in 1997. This expansion represents a highly impressive overall employment growth rate of 32 percent.

The total operating budget of 32 bioscience companies in 1995 was more that $1.4 billion, including an estimated $470 million in salaries and wages.

REAL ESTATE AND CONSTRUCTION

More than 3.7 million square feet of office, laboratory, and distribution space is currently being utilized by the surveyed firms.

The rental expense incurred in San Mateo County by survey respondents for the years 1996 and 1997 is expected to be $71 million, a 48% increase over the $46.7 million two year total for 1994 and 1995.

Survey participants invested $138 million in new construction in San Mateo County for the two years 1994 and 1995, not counting improvements paid for by landlords. The same companies plan to devote $186 million for construction spending in 1996 and 1997, an increase of 35%.

Facilities growth is not limited to a few large companies: More than 70% of the survey respondents planned to expand their facilities in the two year period 1996 and 1997, pending favorable financing and regulatory conditions.

RECOMMENDATIONS

Develop an incubator initiative in San Mateo County to assist bioscience entreprenuers in their startup efforts. The high cost of doing business, and in particular the challenge of finding affordable wet-lab space, is a significant deterrent to new bioscience company formation in the county. A life sciences incubator would help ensure the county’s continuing preeminence in bioscience for years to come.

Conduct a comparative analysis of the county’s tax and regulatory policies vis-a-vis other leading bioscience counties in California and the nation, and initiate reforms as appropriate.

Establish within SAMCEDA a bioscience industry liaison position that will oversee all issues related to the growth of a strong bioscience industry in San Mateo County, and help implement the recommendations in this report.

EXECUTIVE SUMMARY

During the last fifteen years, San Mateo County has become a locale of choice for the economically promising bioscience industry. In the course of time that spans its preeminence, the San Mateo County Economic Development Association and several local bioscience companies asked the Bay Area Bioscience Center to Conduct a Bioscience Business Environment Survey and to offer recommendations for maintaining the competitive advantages currently afforded the industry by the county.

This report is a blueprint to assist local officials, business and community leaders in facilitating the growth of the aerospace and the electronics industries. The basic elements of that long-term technology development strategy helped create a prosperous Silicon Valley and, more recently, benefited our State’s growing bioscience industry.

According to the report “Bioscience in San Mateo County: An Industry Study,” few foreign countries and only one other State (Massachusetts) can match the extent of San Mateo County’s booming bioscience activity. From industry leaders like Genetech and PE Applied Biosystems to promising Bay Area bioscience companies and other northern California companies with a variety of incentives, the county has established itself as a bioscience industry by the county.

Ironic, this same success of San Mateo County in establishing its preeminence for the bioscience industry has also created challenges to county leaders in the effort to maintain preeminence in the bioscience industry. This report, in its second session of the 1996-1997 legislative session, contains the information and recommendations contained in this report can provide a focus for discussion as well as a working tool for economic development.

This first-ever look at the scope of the dynamic and growing bioscience industry in San Mateo County comes at a time when the county’s business community is implementing a county-wide economic development strategic plan for the retention, expansion and attraction of business through public/private partnerships. The information and recommendations contained herein are intended to provide a focus for discussion as well as a working tool for economic development.

Forty survey participants expect to create 1,100 new jobs in 1997. This expansion represents a highly impressive overall employment growth rate of 32 percent.

The total operating budget of 32 bioscience companies in 1995 was more that $1.4 billion, including an estimated $470 million in salaries and wages.

REAL ESTATE AND CONSTRUCTION

More than 3.7 million square feet of office, laboratory, and distribution space is currently being utilized by the surveyed firms.

The rental expense incurred in San Mateo County by survey respondents for the years 1996 and 1997 is expected to be $71 million, a 48% increase over the $46.7 million two year total for 1994 and 1995.

Survey participants invested $138 million in new construction in San Mateo County for the two years 1994 and 1995, not counting improvements paid for by landlords. The same companies plan to devote $186 million for construction spending in 1996 and 1997, an increase of 35%.

Facilities growth is not limited to a few large companies: More than 70% of the survey respondents planned to expand their facilities in the two year period 1996 and 1997, pending favorable financing and regulatory conditions.

RECOMMENDATIONS

Develop an incubator initiative in San Mateo County to assist bioscience entreprenuers in their startup efforts. The high cost of doing business, and in particular the challenge of finding affordable wet-lab space, is a significant deterrent to new bioscience company formation in the county. A life sciences incubator would help ensure the county’s continuing preeminence in bioscience for years to come.

Conduct a comparative analysis of the county’s tax and regulatory policies vis-a-vis other leading bioscience counties in California and the nation, and initiate reforms as appropriate.

Establish within SAMCEDA a bioscience industry liaison position that will oversee all issues related to the growth of a strong bioscience industry in San Mateo County, and help implement the recommendations in this report.
Support continued efforts in education reform, particularly in improving the math and science curricula. Work with high schools and community colleges to develop a school-to-work initiative such as a tech-prep or apprenticeship (work-based learning) program to train entry-level bioscience technical.

Expand the pre-existing community and four-year college efforts to train bioscience laboratory technicians, with particular emphasis on providing minority students with access to the high-growth bioscience industry.

Work with the scientific, academic, and industrial communities to increase teachers' familiarity with commercial applications of science and science-related careers for students, especially in bioscience and biotechnology. This may be done in many ways, including workshops for teachers, teacher education programs or career-oriented video presentations.

Provide lifelong training for local bioscience workers in a manner that is accessible to the workers and that offers relevant courses developed in cooperation with bio-science companies.

PROUD OF EAST TENNESSEE

HON. JOHN J. DUNCAN, JR.
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. DUNCAN. Mr. Speaker, I have lived in east Tennessee all my life. It is one of the most beautiful parts of our country, but what makes it really special is the people who live there.

We now have many thousands of wonderful people who have moved in from other parts of Tennessee, other States, and even many from other countries. Most of them love east Tennessee too.

But I have to say that to me, native east Tennesseans are pretty special, unique people. Our part of the country was settled primarily by poor Scotch-Irish mountain farmers. They and their descendants have always been proud, thrifty, hard-working, neighborly kind of people.

They have always been fiercely patriotic in time of war, but fiercely independent in times of peace. They have never really liked big government or having distant bureaucrats tell them what to do.

Maybe it has something to do with a heritage of moonshine whiskey, but they have never cared much for Federal revenue agents, and I once was told that the Federal court for east Tennessee had the lowest conviction rate in IRS cases in the entire country.

For many years I have been teased about my east Tennessee accent. Sometimes people have called us hicks and hillbillies. Once, when I was in college, a man in New York said to me in much amazement: “You’re from Tennessee, and you’re wearing shoes?”

Perhaps because we have been teased and ridiculed and made fun of, we have been a little defensive at times. But I also think this has made us a little bit more loyal to each other.

As most of us know, it is a celebration of the fierce determination and independence of our ancestors who settled this area. It was satisfying to see the wonderment in the eyes of a new generation as we enjoyed the day together.

Listening to the strains of “Orange Blossom Special” wafting over the serene countryside, having traveled and lived all over the United States, I got a tear in my eye and a lump in my throat.

Many times in life we find ourselves chasing after things that are fleeting—both in our personal and professional relationships, namely love and money.

In doing so, we have granted all the little things that are so much more important—like walking, talking, seeing, hearing, touching, smelling and moving about this wonderful region of our planet.

I had the distinct pleasure and the wonderful opportunity to take my 3-year-old niece, Katie, to the Museum of Appalachia’s Fall Homecoming.

Because I was so touched by what he wrote, I wanted to call it to the attention of my colleagues and other readers of the RECORD.

The next day, I attended the harvest celebration at Dollywood and was again reminded of the bluegrass and gospel music that was born in these hills, mountains and valleys. I Lynched “Will the Circle Be Unbroken?” and “Wildwood Flower” pierced the crisp air.

It is truly a time for thanksgiving and prayerful reflection to know that there are some things in life that money cannot buy, like peace of mind and security. We race through life so rapidly oftentimes that we don’t give ourselves the chance to take inventory.

The lessons our forefathers taught us in not ever giving up our faith in God and in ourselves are ones to be cherished and preserved.

In trusting love more than fear, we can love both ourselves and our neighbors. The people who are here knew what great legacy they were leaving to us. The great English bard, Shakespeare, said that love looks with the heart and not with the eyes.

We must take to heart our beautiful ability to blend with nature and fulfill the dreams of those who have come before us. We are blessed.

Mr. VISCOSKY. Mr. Speaker, I—along with our distinguished colleague from New Jersey, Mr. LOBIONDO, and over 80 of our other House colleagues—am pleased to introduce the Bulletproof Vest Partnership Grant Act of 1997.

I was inspired to introduce this legislation when I learned that gang members in North-West Indiana had the protection of bulletproof vests, but that many police departments simply could not afford to buy them for their officers. In fact, figures from the U.S. Department of Justice indicate that approximately 150,000 law enforcement officers—or 25 percent of the Nation’s 600,000 State and local officers—do not have access to bulletproof vests.

The legislation I am introducing today would form a partnership with State and local law enforcement agencies in order to make sure that every police officer who needs a bulletproof vest gets one. It would do so by authorizing up to $25 million per year for a new grant program within the U.S. Department of Justice. The program would provide 50–50 matching grants to State and local law enforcement agencies to assist in purchasing bulletproof vests and body armor for their officers.

These grants would be targeted to jurisdictions where most officers do not currently have access to vests, and they are designed to be free of the red tape that often characterizes other grant programs. In order to make sure that no community is left out of the program, the matching requirement could be waived for jurisdictions that demonstrate financial hardship in meeting their half of the match.

This bipartisan bill has been endorsed by the Fraternal Order of Police, the National Sheriffs’ Association, the International Union of Police Associations, the Police Executive Research Forum, the International Brotherhood of Police Officers, and the National Association of Police Organizations.

Far too many police officers are needlessly killed each year while serving to protect our citizens. Since 1980, 1,182 police officers have been feloniously killed by a firearm. According to the Federal Bureau of Investigation, 42 percent of those officers could have been saved if they had been wearing bulletproof vests.

Bulletproof vests are so effective in protecting law enforcement officers from death and injury that the lives of more than 2,000 police officers have been saved because they were
wearing them. The FBI says that the risk of fatality to officers from a firearm while not wearing body armor is 14 times higher than for officers wearing body armor. One study indicates that between 1985 and 1994, no police officer wearing a bulletproof vest was killed by a gunshot that penetrated the officer’s vest.

Mr. Speaker, if we are going to ask our law enforcement officials to risk their lives every day in the line of duty, it is incumbent upon us to give them every bit of protection possible. While no piece of equipment can save the life of every officer, having a bulletproof vest often means the difference between life and death. I would like to thank Mr. LoBIONDO, and my other colleagues who have already co-sponsored this important legislation, and I urge you and the rest of our colleagues to support it as well.

TRIBUTE TO SERGEANT RICH GRAY

HON. FRANK A. LOBIONDON OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. LoBIONDO. Mr. Speaker, today I am joining with my colleague Peter Visclosky of Indiana in introducing the Bulletproof Vest Partnership Grant Act of 1997. This bill will create a new U.S. Department of Justice grant program to help local law enforcement agencies in providing their officers with the protection of bullet-resistant vests.

Mr. Speaker, since the introduction of the material used in vests, the lives of more than 2,000 officers have been saved because they were wearing protective vests or other body armor. Nonetheless, I was dismayed—but not surprised—to learn that 25 percent of our Nation’s police officers are on the streets without vests due to a lack of available funding. This underscores the need to provide those resources for our States and localities so that they may purchase critically needed vests. To me its simple—when you get your badge and gun, you should get your vest too.

I owe my level of interest and involvement on this issue to my friend Sgt. Rich Gray of the Pleasantville Police Department. It was Sgt. Gray who first brought this issue to my attention several years ago soon after he founded Vest-A-Cop Inc. and was working intensely to get the program moving. Vest-A-Cop is a nonprofit organization dedicated to the objective of outfitting all full-time duty sworn law enforcement officers in Atlantic County, N.J. Not only is Sgt. Gray well on his way to being successful in reaching that goal after working diligently to secure funding from a variety of sources, but last year his tireless efforts resulted in Governor Whitman signing into law a bill which would create a funding source to buy protective vests for every police officer in the State.

Rich Gray is not only an exceptional police officer and dedicated president of the Vest-A-Cop organization, but is a model citizen in other ways as well. He regularly organizes the Millville Harley-Davidson & Pleasantville Police Department Toy Run—an effort dedicated to providing toys and canned goods to the needy in Atlantic County—as well as other worthy community projects.

For all his duty- and civic-minded devotion and commitment, I am taking this opportunity to publicly recognize him. He is a model citizen and personal friend and I am proud to work with him on this important issue.

HONORING REVEREND M. KEITH COOKSEY AND TRUE VINE BAPTIST CHURCH

HON. KEN BENTSEN OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Reverend Cooksey as he joins the True Vine Baptist Church family. I wish him continued success in providing vital leadership and spiritual guidance to all in our community.
demonstrated that he also has a unique and profound vision of the leadership needed for a new century of global peace, progress, and prosperity. I am submitting for the RECORD a portion of a speech made by Dr. Sekimoto calling for a world leadership summit:

**CALLING WORLD LEADERS TO ACTION TO ADDRESS THE NEW ROLES AND RESPONSIBILITIES OF THE GLOBAL CORPORATION IN THE NEW CENTURY**

As we approach the start of a new millennium, it is—believe it or not—for those of us in position to guide leadership to help illuminate the way to a new century of peace, progress, and prosperity for all.

**GREAT CHANCE**

During the half century that I have been in the information technology industry, I have been privileged to be an eye-witness to its creation of astounding change, perhaps the most dramatic of which has been the world’s rapid advance toward a global society characterized by the accelerated movement of labor, goods, technology and capital across frontiers.

Some call this new episode the “Information Age”. It is dramatically transforming—largely for the better—most aspects of daily life in most parts of the world. But perhaps even more, it is leading us to a new society that will be based on an ability to understand and respond to the needs and wishes of individuals everywhere in the world.

**ALSO GREAT CHALLENGES**

With the expansion of this new global information economy and society will come radically new roles for our world institutions, including companies like mine. But what are these new roles going to be? How will they transform our multinational giants, the successful management of which challenges us greatly even today? What will this enterprise be like in the future? What should it be like?

By no means do I believe that I have a crystal-clear vision of the future. But I have begun trying to understand it and its urgent demands. And in my mind, the most compelling new responsibility of the 21st century global age is balancing economic growth—necessary in order to extend peace and prosperity throughout the world—with the protection of planet Earth’s very fragile ecosystem.

More effective management of competition’s chaotic expansion is the second most serious new responsibility that globalization is requiring of us. And I believe that cooperation at all levels—including those of global, regional, national, local and corporate—is the essential element here. World institutions will simply have to invent and engage in novel forms of collaboration at the same time they compete. In the business world we refer to this more contemporary and cooperative competitive “complementarian” model where sometimes we compete, sometimes we cooperate, and more often we do both.

The third most serious challenge at the start of the next millennium is, in my view, figuring out how world institutions—including corporations—can most effectively manage their new roles and work together for the betterment of the global village. The perceptive business executive knows what his organization’s “global citizenship” responsibility is. But who will they be in the decade ahead as globalization broadens and informs more and more aspects of our lives?

One answer is that the 21st century global corporation can no longer be parochial; its mission of service must encompass its entire community because to paraphrase Adam Smith, it too—just like other world institutions—exists to serve and strengthen its societies. So the multinational’s notion of corporate stewardship will have to change—as it already has in some more enlightened U.S. companies. Increasingly, all of us business leaders must expand our philanthropy considerably beyond where we are accustomed to giving. If, for instance, our contributions have been exclusively economic, we must also extend them into social, technical, and cultural spheres as well.

We may also have to shift the emphases of our corporate good-citizenship efforts in terms of both services provided, instead of staying inside our comfortable local communities and simply continuing our work to support disabled people, the arts, sports, and R&D. We might have to look to an ever more effective management of our resources in the globe’s poorest nations and help them build farms and highways as well. The World Bank will be a great example.

**NEW MANAGEMENT STRATEGIES ARE ESSENTIAL**

Despite these and other seriously demanding challenges—to which I have given decades of my life—I am encouraged by mankind’s ability to successfully manage globalization and the resultant Information Age for the benefit of humanity, both past and present generations, and the future generations we will follow.

Some multinational corporations have already started creating and employing different, more suitable management strategies for the future, and I am gratified to report that mine is one of them.

The highly complex nature of our business as a leading international IT supplier and system integrator, a multi-national giant that has required us to learn how to operate much more efficiently and effectively. For instance, in recent decades we have successfully situated many corporate functions, including R&D and manufacturing, in what we consider the optimum location in the world. In like manner, we have bought and sold in the world’s most suitable countries in order to serve the market, as well as to open up new opportunities for the future. I am grateful to report that mine is one of them.

In the process of deploying mesh globalization throughout our company—and puzzling over what the 21st century might require of us in terms of management strategies—we were struck by the growing suspicion that we need to recognize both the needs of the group, or the whole, and the more personalized needs of the individual. How can we join these two seemingly divergent positions in compatible fashion.

From the Greek words holos, which means “whole”, and on, signifying “individual”, I coined the term “holonic” to indicate the need to harmonize the two.

So today we are successfully employing “holonic” management to assure the prosperity and continuous growth of our company. We operate under the principle of simultaneous respecting and honoring the sovereignty of the individual—whether that individual is a company subsidiary, a company employee, or a member of one of the hundreds of communities around the globe in which we operate. And this more sympathetic complementary strategy has become another competitive advantage for us.

Experience has taught us that one of the keys to employing it profitably is the sharing of information. Another is establishing responsible, accountable, and honest leadership at every level in the company. And another is the key to expanding the sphere of influence of the corporation—that the corporation has a meaningful concept around which to rally and with pride produce something new and creative.

Now you know something of my thought about the expansion of globalization and my efforts to position my company and my country advantageously for it. This leads me to share with you my great interest in building on the wisdom of world leaders from across the disciplines by bringing us together to identify vastly more creative ways to help all people achieve their desired goals in the new century.

As I see it, the complementary and productive partnerships between and among business and financial leaders, elected politicians, and government officials—Japan’s iron triangle—was sufficient to ensure prosperity and peace. The new seriously-outdated nature of this limited collaboration has inspired us to consider an expansion—actually a doubling of the size of the groups to include distinguished heads of labor, academia, and the media as well.

I refer to this new alliance as the “neo-hexagon leaders”. And I am issuing invitations to neo-hexagon leaders throughout the world, in developing as well as developed countries, to join me in a dialogue of global cooperation focused on identifying and establishing new management practices for the 21st century and preparing our organizations and our societies for the better tomorrow that our grandchildren and their grand children can deserve. I look forward to welcoming you there.

**HONORING THE IWO JIMA MEMORIAL, THE MARINE CORPS AND THE AIR FORCE**

Honorable Gerald B.H. Solomon

We are preparing to honor the Iwo Jima Memorial, the Marine Corps and the Air Force, because these heroes have inspired us to consider an expansion of our efforts to position my company and my country advantageously for it. This leads me to share with you my great interest in building on the wisdom of world leaders from across the disciplines by bringing us together to identify vastly more creative ways to help all people achieve their desired goals in the new century.

As I see it, the complementary and productive partnerships between and among business and financial leaders, elected politicians, and government officials—Japan’s “iron triangle”—was sufficient to ensure prosperity and peace. The new seriously-outdated nature of this limited collaboration has inspired us to consider an expansion—actually a doubling of the size of the groups to include distinguished heads of labor, academia, and the media as well.

I refer to this new alliance as the “neo-hexagon leaders”. And I am issuing invitations to neo-hexagon leaders throughout the world, in developing as well as developed countries, to join me in a dialogue of global cooperation focused on identifying and establishing new management practices for the 21st century and preparing our organizations and our societies for the better tomorrow that our grandchildren and their grand children can deserve. I look forward to welcoming you there.

Mr. Speaker, as all of you in this House know, I am proud of my years in the Marine Corps and of my distinguished branch of the military. It has inspired us to consider an expansion of our efforts to position my company and my country advantageously for it. This leads me to share with you my great interest in building on the wisdom of world leaders from across the disciplines by bringing us together to identify vastly more creative ways to help all people achieve their desired goals in the new century.

As I see it, the complementary and productive partnerships between and among business and financial leaders, elected politicians, and government officials—Japan’s “iron triangle”—was sufficient to ensure prosperity and peace. The new seriously-outdated nature of this limited collaboration has inspired us to consider an expansion—actually a doubling of the size of the groups to include distinguished heads of labor, academia, and the media as well.

I refer to this new alliance as the “neo-hexagon leaders”. And I am issuing invitations to neo-hexagon leaders throughout the world, in developing as well as developed countries, to join me in a dialogue of global cooperation focused on identifying and establishing new management practices for the 21st century and preparing our organizations and our societies for the better tomorrow that our grandchildren and their grand children can deserve. I look forward to welcoming you there.

Mr. SOLOMON. Mr. Speaker, as all of you in this House know, I am proud of my years in the Marine Corps and the Air Force. I am an enthusiastic supporter of our military and our courageous veterans who put their lives in harms way for this great nation and all it stands for. In fact, those of us who have worn the uniform are becoming fewer and farther between in this Congress and it is imperative that we all bind together and work towards national defense and look out for our brothers and sisters who have served. That is so important.

And you know, Mr. Speaker, I have always been able to count on the camaraderie and loyalty among members of the military, regardless of whether they’re Marines, Air Force, Army or Navy. That’s because there is a mutual respect and honor for one another. And it’s time for each of us to recognize that honor and solemn respect once again. This time it is in relation to the placement of a memorial and museum honoring the deserving members of the U.S. Air Force, I am an enthusiastic supporter of that memorial, having voted to allow its creation and having pledged my support to help raise funds to build it. The problem is, Mr.
Speaker, the Air Force Memorial Foundation, in large part because of flawed and fraudulent information and procedures related to placing this monument, has insisted on building this facility on the hand-picked hollowed ground that has been home to the Iwo Jima Monument for nearly fifty years. That monument has only so much to offer so many people around this country and the world and in many ways, is one of the most famous monuments in our history. I would hope that those who have served in uniform and are in a position to impact the placement of the proposed memorial would suit themselves up and leave this site with honor and grace in respect to the Marine Corps, Marines, their loved ones, and all Americans who recognize the sanctity of this solemn memorial. I appeal to them to take heed of former Secretary of the Navy, James Webb, Jr.'s, advice and commend to everyone the following column that was printed in the Washington Post today. The eloquence and heartfelt manner in which Mr. Webb expressed himself is indeed powerful and sincere and constitutes the most compelling argument as to why this hallowed ground should be preserved as is for the future to come across to date. His account is all you need read to understand the deep significance of this renowned monument to so many.

"From the Washington Post, Nov. 5, 1997
JAMES H. WEBB, JR.ÑWRONG PLACE FOR THE AIR FORCE MEMORIAL

Earlier this year, I had the sad honor of burying my father, Col. James H. Webb, Sr., U.S. Air Force (retired). His grave sits on a gentle hill in Section 51 of the Arlington National Cemetery, the same hill on which stands the nation's most famous military landmark, the Marine Corps War Memorial.

Between his grave and the sculpture of the Marines raising the flag at Mount Suribachi on Iwo Jima, the Air Force Memorial Foundation proposes to build a large and intrusive memorial of its own. It is deeply unfortunate that the location of this proposed memorial promises nothing but unending controversy. And I have no compunction in saying that the site's甚 wrong place for this would have puzzled and offended my Air Force father, just as it does both of his Marine Corps-veteran sons.

Until recently, few among the general public even knew that this site, which is within 500 feet of the Iwo Jima statue, had been approved by the National Capital Planning Commission (NCP). The Air Force's first choice had been a place near the Air and Space Museum, a logical spot that would provide the same dignity, synergy and visitor population that benefit the Marine Memorial's downtown Washington location.

Later, deciding on Arlington Ridge, the Air Force changed its mind. The foundation erroneously maintained that the Marine Corps posed no objection to the erection of a memorial so near to its own. The Marine Corps had yet to take an official position. Prior to the comment period, the NCP was called to discuss the potential impact.

Once the NCP decision became publicly known, it was met with a wide array of protest, including that of citizen groups and a formal objection from the Marine Corps. Despite a lawsuit and several bills having been introduced in Congress to protect the site, the Air Force is persisting.

This is not simply a Marine Corps issue or a mere inter-service argument. Nor is it a question of the Air Force having a memorial. Rather, it is a matter of the proper use of public land, just as important to our heritage as are environmental concerns. We have witnessed an explosion of monuments and memorials in our nation's capital over the past two decades. New additions should be carefully selected if we are to avoid the precious displacement, propriety and artistic impact concern all Americans, particularly those who care about public art, through which generations will gain an understanding of the nation's journey.

The mood around the heavily visited "Iwo" is by design contemplative, deliberately serene. The site has been sanctified and is now being pursued by the Air Force leadership of a visitor center and museum on the land adjacent to the Iwo Jima memorial. It abandoned this plan in 1994 for the very purpose that was earlier recognized by the Air Force as a unique advantage of the site.

The Air Force plan for an extensive three-story museum and virtual-reality complex at its proposed memorial is a clear departure in context from this quiet place. During the period leading up to America's bicentennial celebration, the Marine Corps itself considered constructing a visitor center and museum on the land adjacent to the Iwo Jima memorial. It abandoned this plan because such facilities would be inconsistent with the purpose that was earlier recognized. In 1994 the land the Marine Corps deliberately left open is now being pursued by the Air Force for the very purpose that was earlier rejected.

Existing federal law precludes this sort of intrusion. Title 40 of the U.S. Code states in section 290 that "a commemorative work shall be located in the jurisdiction in which the Washington Monument is located in order to avoid interference with, or encroachment upon, any existing commemorative work and to protect, to the maximum extent possible, open space and existing facilities." The precedent established by the National Capital Planning Commission, which would determine an allocation formula for apportioning the surface water rights to the ACF Basin among the states of Alabama, Florida, and Georgia. The commission would consist of state and federal representatives.

Provisions in the compact that could have an impact on the federal budget include: an authorization of appropriations for a federal commissioner to attend meetings of the ACP Commission, which would determine an allocation formula for apportioning the surface water rights to the ACF Basin among the states of Alabama, Florida, and Georgia. The commission would consist of state and federal representatives.

CBO estimates that enacting H.J. Res. 91 would result in new discretionary spending of less than $500,000 in fiscal year 1999, and about $12 million over the 1992±2002 period, assuming appropriations consistent with its provisions. The compact would also increase direct spending; hence, pay-as-you-go procedures would apply to the legislation. But CBO estimates that enacting H.J. Res. 91 would increase direct spending by less than $500,000 in fiscal year 1999.

The resolution does not contain any intergovernmental or private-sector mandates as

**APALACHICOLA-CHATTahooCHEE-FLINT RIVER BASIN COMPACT**

**SPEECH OF HON. GEORGE W. GEKAS OF PENNSYLVANIA**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, November 4, 1997**

Mr. GEKAS. Mr. Speaker, pursuant to unanimous consent granted on November 4, 1997 during debate on House Joint Resolution 91, I introduce the report on that joint resolution from the Congressional Budget Office which was not available at the time of the filing of the committee report:


Hon. HENRY J. HYEDE, Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.J. Res. 91, a joint resolution granting the consent of Congress to the Apalachicola-Chatthahoochee-Flint River Basin Compact.

If you wish further details on this estimate, you will be pleased to provide them. The CBO staff contact is Gary Brown, who can be reached at 226-2890.

Sincerely,

JUNE E. O'NEILL.

Enclosure

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

**SUMMARY**

H.J. Res. 91 would grant congressional consent to the Apalachicola-Chattahoochee-Flint River Basin (ACF Basin) Compact. The compact would select an ACP Basin Commission, which would determine an allocation formula for apportioning the surface water rights to the ACF Basin among the states of Alabama, Florida, and Georgia. The commission would consist of state and federal representatives.

Provisions in the compact that could have an impact on the federal budget include: an authorization of appropriations for a federal commissioner to attend meetings of the ACP Commission, which would determine an allocation formula for apportioning the surface water rights to the ACF Basin among the states of Alabama, Florida, and Georgia. The commission would consist of state and federal representatives.

CBO estimates that enacting H.J. Res. 91 would result in new discretionary spending of less than $500,000 in fiscal year 1999, and about $12 million over the 1992±2002 period, assuming appropriations consistent with its provisions. The compact would also increase direct spending; hence, pay-as-you-go procedures would apply to the legislation. But CBO estimates that enacting H.J. Res. 91 would increase direct spending by less than $500,000 in fiscal year 1999.

The resolution does not contain any intergovernmental or private-sector mandates as

**E2198 CONGRESSIONAL RECORD Ð Extensions of Remarks November 7, 1997**

This is not simply a Marine Corps issue or a mere inter-service argument. Nor is it a question of the Air Force having a memorial. Rather, it is a matter of the proper use of public land, just as important to our heritage as are environmental concerns. We have witnessed an explosion of monuments and memorials in our nation's capital over the past two decades. New additions should be carefully selected if we are to avoid the precious displacement, propriety and artistic impact concern all Americans, particularly those who care about public art, through which generations will gain an understanding of the nation's journey.

The mood around the heavily visited "Iwo" is by design contemplative, deliberately serene. The site has been sanctified and is now being pursued by the Air Force leadership of a visitor center and museum on the land adjacent to the Iwo Jima memorial. It abandoned this plan in 1994 for the very purpose that was earlier recognized.

The Air Force plan for an extensive three-story museum and virtual-reality complex at its proposed memorial is a clear departure in context from this quiet place. During the period leading up to America's bicentennial celebration, the Marine Corps itself considered constructing a visitor center and museum on the land adjacent to the Iwo Jima memorial. It abandoned this plan because such facilities would be inconsistent with the purpose that was earlier recognized. In 1994 the land the Marine Corps deliberately left open is now being pursued by the Air Force for the very purpose that was earlier rejected.

Existing federal law precludes this sort of intrusion. Title 40 of the U.S. Code states in section 290 that "a commemorative work shall be located in the jurisdiction in which the Washington Monument is located in order to avoid interference with, or encroachment upon, any existing commemorative work and to protect, to the maximum extent possible, open space and existing facilities." The precedent established by the National Capital Planning Commission, which would determine an allocation formula for apportioning the surface water rights to the ACF Basin among the states of Alabama, Florida, and Georgia. The commission would consist of state and federal representatives.

Provisions in the compact that could have an impact on the federal budget include: an authorization of appropriations for a federal commissioner to attend meetings of the ACP Commission, which would determine an allocation formula for apportioning the surface water rights to the ACF Basin among the states of Alabama, Florida, and Georgia. The commission would consist of state and federal representatives.

CBO estimates that enacting H.J. Res. 91 would result in new discretionary spending of less than $500,000 in fiscal year 1999, and about $12 million over the 1992±2002 period, assuming appropriations consistent with its provisions. The compact would also increase direct spending; hence, pay-as-you-go procedures would apply to the legislation. But CBO estimates that enacting H.J. Res. 91 would increase direct spending by less than $500,000 in fiscal year 1999.

The resolution does not contain any intergovernmental or private-sector mandates as
November 7, 1997

CONGRESSIONAL RECORD — Extensions of Remarks

E 2199

Mr. CRANE. Mr. Speaker, I rise today to introduce the Printed Circuit Investment Act of 1997 and to encourage my colleagues to support this legislation.

This simple and straightforward bill will allow manufacturers of printed wiring boards and printed wiring assemblies, known as the interconnecting industry, to produce equipment and provide services.

The interconnecting industry, as with so much of the electronics industry, has changed dramatically in just the last decade. While the industry was once dominated by large companies, the industry now consists overwhelmingly of small firms, with many of them located in my home State of Illinois. The rapid pace of technological advancement today makes interconnecting manufacturing equipment obsolete in 18 to 36 months—tomorrow's advances will further reduce that time to obsolescence. This makes the interconnecting industry very capital intensive. In fact, capital expenditures totaled $2.1 billion in 1996 and are expected to be $2.3 billion this year. Considering that this makes the interconnecting industry very capital intensive. In fact, capital expenditures totaled $2.1 billion in 1996 and are expected to be $2.3 billion this year. Considering that this is an industry dominated by small U.S. firms competing in ever more competitive world markets, clearly we need a Tax Code that more clearly reflects reality.

The depreciation rules found in the Tax Code, of course, have not kept pace with the realities of this dynamic market. The industry currently relies on tax law passed in the 1980's, which was based on 1970's era electronics technology. U.S. competitors in Asia, however, enjoy much more favorable tax treatment as well as direct Government subsidies. We must remove the U.S. Tax Code as an obstacle to growth in this industry. The Printed Circuit Investment Act will take a step in that direction. Quite frankly though, I view this as a very modest step and would like to provide much more generous tax relief to these businesses, considering the fierce competition from foreign countries.

Mr. Speaker, the Printed Circuit Investment Act of 1997 will provide the interconnecting industry and the 250,000 Americans whose jobs rely on the success of this industry, I urge my colleagues to join me in providing this relief by cosponsoring the bill.
DRUG CRISIS IN MEXICO

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. GILMAN. Mr. Speaker, the Washington Post this week has been running a series of front-page articles documenting the effects of the overwhelming quantities of drugs pouring across our border with Mexico. The Post series has highlighted the terrible threat of corruption also in our own law enforcement ranks, breakdowns in cooperation at the working level between the United States and Mexico, and the spread of drug-related crime and drug gangs in our cities and among our immigrant communities.

I have long been deeply concerned about the escalating drug crisis in Mexico and the United States. In recent meetings with Mexico's Foreign Minister, attorney general, and Ambassador to the United States, I delivered a frank, critical message as a long-time friend of Mexico.

On the positive side, we should recognize that President Zedillo's move to quickly remove the corrupt drug czar, Gen. Jose Gutierrez, sent an important signal that even the highest officials can not betray Mexico's trust with the United States. Mexico has also greatly improved its cooperation with refueling on our counternarcotics missions, especially for maritime deployments to interdict drugs along the transit route currently favored by narcotics traffickers.

However, grave problems persist in our counternarcotics efforts with Mexico which both countries are simply going to have to face and work harder to fix. The drug trade in all its facets threatens us equally. We must not let ourselves be divided in fighting this scourge. Because of this, President Zedillo's reported statements that the United States—a consumer of illicit drugs—should make reparations for the damage caused to Mexico by the drug trade were especially troubling. We can not accept that assertion. We know empirically that the narcotics traffickers have been dumping drugs onto our streets and using supply to create the increased demand by narcotics traffickers.

Despite President Zedillo's apparent good intentions for maritime units and other antidrug infrastructure and critically needed improvements seem to be moving slowly. Some 234 individuals dismissed for drug-related corruption have been reinstated on appeal. Recommissioning personnel unfortunately seems far too commonplace in Mexico. Moreover, compared to previous years, seizure rates especially for the cocaine which has been pouring into the United States from Mexico, are disappointing and distressing.

No major cartel leader has been arrested in Mexico, and the Mexican certificate of origin — despite 23 pending requests for extradition of Mexican nationals on narcotics offenses, Mexico has not extradited a single Mexican—as opposed to dual—national to the United States on narcotics charges since certification. Finally, only 16 out 48 helicopters in the possession of the Mexican Army that we provided to Mexico are in operation. Those helicopters that are operating are primarily conducting surveillance missions and have not made any drug seizures.

The situation is not encouraging. As the Washington Post articles point out, drugs are breeding addiction and its attendant misery, violence, and corruption on both sides of our border with Mexico. We must redouble our Nation's commitment to reinforce every legitimate effort to stem our nation's wealthy, and ruthless underworld. It is essential that to be effective, our war on drugs must have the cooperation of our neighbors and the international community.

HONORING AMBASSADOR SHYAMULA B. COWSICK OF INDIA

HON. BILL MCCOLLUM
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. MCCOLLUM. Mr. Speaker, I am here today to honor the outgoing Deputy Chief of Mission of India, Ambassador Shyamula B. Cowsick. Over the past 2 years, Ambassador Cowsick has had the pleasure of working closely with the Ambassador on improving relations between our two nations. The Ambassador has always been available to provide special briefings and materials as we worked through issues. Her involvement allowed the two nations to make historic progress at the legislative, executive, and non-governmental levels through an explosion of contacts and ongoing dialogues. Her special insight was valuable in that it allowed her to bridge the cultural and political gap that frequently confronts policy makers.

As co-chair of the Congressional Caucus on India and Indian-Americans, it has been my pleasure to work with Ambassador Cowsick, and I am sure that my colleagues will join me in wishing her continued success.

FIRST BOOKS: THE JOYS OF READING

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. FILNER. Mr. Speaker, I rise today to honor a unique educational program—a partnership between the YMCA's Childcare Resource Service and KPBS Television in San Diego. The First Books program, part of the nationwide ready to learn campaign, will provide 200 free books each month to children from low-income families. The First Books program has a simple goal: to promote literacy in homes where books may not be readily available. They plan to make reading books more pleasurable and entertaining by connecting them to public television programming.

Children in 25 different San Diego day care programs will receive free books from the First Books program. The YMCA's Childcare Resource Center staff, led by Director Nan Mitchell, hopes to extend the joy of books to the parents and teachers through monthly workshops designed to teach ways of making learning fun by combining books and public television.

Providing books to children in homes where books are not always available is a proven way to build a firm foundation for future generations of schoolchildren. When one member of a family reads, it inspires the whole family. The First Books program will make sure that the children of working parents who strive to make ends meet, are not left behind, but will be involved in fun activities with books to make sure they are ready to learn.

Research tells us that reading to our children from a very young age supports their development and enhances their learning. The adults who read with them—whether it be their parents or childcare providers—share in unlocking the wonders of imagination that books foster.

This program ensures all children will have the opportunity to discover the delight of books. Books are many children's most cherished possessions and provide long-lasting memories. I salute KPBS and the Childcare Resource Service for introducing all children to this magical world.

PERSONAL EXPLANATION

HON. JOHN A. BOEHNER
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. BOEHNER. Mr. Speaker, I inadvertently voted “no” on rollover No. 570, the United States-Caribbean Trade Partnership Act (H.R. 2644). I want the record to reflect that I strongly support this legislation and should have voted “yes.”

VERNON E. HALL: UPON HIS RETIREMENT FROM THE PORT OF LOS ANGELES

HON. JANE HARMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Ms. HARMAN. Mr. Speaker, I rise today to congratulate Vernon E. Hall, who will be honored today by his friends, family, and colleagues in San Pedro, CA. Vern is retiring after 27 years of dedicated service to the Port of Los Angeles.

Vern Hall has served as Director of Development for the Port of Los Angeles since May of 1995. Prior to that time, Vern served as Chief Harbor Engineer since 1988. He is responsible for the activities of the Port's development divisions which include Engineering, Construction Management and Environmental Management, as well as numerous consultants and contractors engaged in the planning, design, permitting and construction of Port terminals and supportive infrastructure. Hall, during his Port career, was responsible for numerous capital development projects and programs ranging from the West Channel/Cabrillo Beach Recreational Complex to the $650 million Pier 300/400 Implementation Program. He has contributed to most of the significant Port development projects undertaken.
in the last 20 years either as an engineer, project manager or supervising chief engineer.

Vern is a product of Los Angeles City Schools in San Pedro: Leland Street Elementary, Dana Junior High and San Pedro High School. Since graduating from UCLA in 1958, Vern has provided professional services for the California Division of Highways as a Highway Engineer, the United States Navy as an Engineering Officer, and, since 1970, the Port of Los Angeles. Vern has dedicated much of his professional life to the Port of Los Angeles and the San Pedro community. I am proud to join his friends, family and colleagues in extending my sincere appreciation and admiration to Vernon E. Hall.

Congratulations Vern.

H.R. 2840 THE REGULATORY RIGHT-TO-KNOW ACT OF 1997

HON. TOM BLILEY OF VIRGINIA IN THE HOUSE OF REPRESENTATIVES Thursday, November 6, 1997

Mr. BLILEY. Mr. Speaker, today I am introducing H.R. 2840, the Regulatory Right-to-Know Act of 1997. The Regulatory Right-to-Know Act of 1997 provides an important tool to understand the magnitude and impact of Federal regulatory programs on our economy. Recently, the President and Congress devoted a great deal of time and effort in preparing and debating the first balanced budget for the Federal Government in 28 years. This budget determines how much money the American people’s Government will collect and where it will spend these funds. The budget for fiscal year 1997 is approximately $1.6 trillion.

However, the Federal budget fails to take into account the full impact of Federal programs on our economy. The Federal Government also imposes tremendous costs on the private sector, State and local governments and, ultimately, the public through ever-increasing Federal regulations. Some recent estimates place the compliance costs from Federal regulatory programs at over $680 billion annually and project substantial growth even without new legislation. These costs are often hidden in increased prices for goods and services, loss of international competitiveness in the global economy, lack of investment in private sector job growth, and pressure on the ability of State and local governments to fund essential services, such as crime prevention and education.

The benefits of Federal programs are no doubt substantial. Lack of accountability and regulatory reform, however, has left many Federal programs inefficient or marginally productive. Unlike the private sector, where free-market competition drives price and quality, Federal programs are only accountable through the political process. Moreover, historically, both Congress and the executive branch have driven growth in Federal regulatory programs, creating a structure of bureaucratic accumulation of great cost and with diminishing returns for the American people. If Congress and the executive branch do not take decisive steps to reform these programs, the quality of life for our children will also decline.

The Regulatory Right-to-Know Act of 1997 is an important management tool to evaluate the cumulative impacts of regulatory programs through an accounting of national expenditures and statements of corresponding benefits for each regulatory program. The cumulative impact of such costs must be debated at the same level that taxing and spending are debated; after all, they are all derived from the same two sources—the private sector and the American people. Rule-by-rule evaluations are insufficient to capture cumulative impacts to manage national expenditures. Moreover, a national debate that focuses solely on the $1.6 trillion Federal budget without accounting for the additional $680 billion in annual regulatory costs is an incomplete and uninformed debate that leads to poor national policy and mismanagement of resources. What is needed is an accounting tool that allows the Federal Government to fully understand the cumulative impact of Federal programs. The Regulatory Right-to-Know Act would provide such a tool. The bill requires the President to issue an annual regulatory accounting statement every 2 years respecting the costs of regulation to the private sector and State and local governments, and Federal Government costs by program or program element. The President would also provide quantitative or qualitative statements of corresponding benefits. Such an accounting offers the opportunity for comprehensive analyses of impacts on our economy through an associated report. The bill also provides for input from the public and opportunities to identify areas for regulatory reform.

Citizens for a Sound Economy and the U.S. Chamber of Commerce agree that the American taxpayers and business have the right-to-know the costs and benefits of Federal regulations, and, therefore, have endorsed the Regulatory Right-to-Know Act of 1997. I would like to submit letters of endorsement for the Regulatory Right-to-Know Act of 1997 from Citizens for a Sound Economy and the U.S. Chamber of Commerce into the RECORD.

The legislation changes no regulatory standard or practice. It will, however, provide vital information to Congress and the executive branch so they may fulfill their obligation to ensure wise expenditure of limited national economic resources in all regulatory programs.

The letters follow:


November 4, 1997

DEAR MR. CHAIRMAN: The U.S. Chamber of Commerce—whose membership includes 300,000 companies, large and small and representing 5 million workers—has strong bipartisan congressional support. It is time that it was made permanent.

The U.S. Chamber of Commerce—the world’s largest business federation with an underlying membership of more than three million businesses and organizations of every size, section and region—applauds your effort and urges expedient passage of this common sense, good government proposal.

Sincerely,

R. Bruce Josten.

POLITICAL FREEDOM IN CHINA ACT OF 1997

SPEECH OF HON. DAVE WELD ON OF FLORIDA IN THE HOUSE OF REPRESENTATIVES Wednesday, November 5, 1997

Mr. WELDON of Florida. Mr. Speaker, I rise today in strong support of H.R. 2358, the Political Freedom in China Act of 1997. This legislation puts the U.S. Congress firmly on record as supporting the spread of democracy throughout the world.

This bill incorporates language authored by Representative LINDA SMITH Which expresses the sense of Congress that the Chinese Government should be condemned for its practice of executing prisoners and selling their organs for transplants. As a co-sponsor of Representative SMITH’S HOUSE Concurrent Resolution 180, I am glad to see language included in this bill. Any Chinese official directly involved in these executions and operations should be barred from entering the United States. The
Mr. Speaker, as a physician I am outraged that people have reportedly paid as much as $30,000 for the kidneys of executed prisoners at People Liberated Army medical facilities. Chinese prisoners are being killed for profit and this outrage must stop.

I urge my colleagues to support this legislation.

---

**CONGRATULATIONS TO MT. ZION MISSIONARY BAPTIST CHURCH**

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to congratulate Mt. Zion Baptist Church in Hammond, IN, as it prepares to celebrate its 78th anniversary on Sunday, November 16, 1997. I would also like to take this opportunity to commend Rev. Doctor A.R. Burns and the members of 78th Anniversary Committee, Yvonne Alexander, Shirley Shepperd, Ruby Lewis, Paul Lewis, To Harwell, and Jennifer Collins, for the hard work they have put forth in organizing this special event. The anniversary festivities will begin with a church service at 4 p.m., and will feature an exciting program of guest speakers.

---

**TRIBUTE TO J.M. “SAGE” REAGOR ON THE OCCASION OF HIS RETIREMENT**

**HON. PAUL E. GILLMOR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of Ohio. J.M. “Sage” Reagor will retire on November 12, 1997. I have known Sage Reagor for longer than either one of us wants to admit. He is a man of integrity and or honor. His quick wit and eternal optimism are his hallmarks.

Sage Reagor served his country in the U.S. Navy from 1942–43 and again from 1950–52. He graduated summa cum laude from Texas Christian University in 1955 with a bachelor of arts degree. He received a masters in Business Administration from Georgia State University in 1968.

He began his professional career with the Humble Oil and Refining Co. as a draftsman in 1948. From 1953 to 1969, Sage Reagor held various positions with the Sinclair Pipeline Co., Sinclair Oil & Gas, the Sinclair Refining Co. and Sinclair Oil Corp.

After a 2-year stint with B.P. Inc., Sage Reagor moved to Standard Oil of Ohio. While at Standard Oil, Sage established and managed the company’s first State government affairs department. For the next 14 years, his government relations provided the overseas company with a presence in 30 professional foreign offices.

In 1985 he retired from Standard Oil, only to return to the workforce when he affiliated with Governmental Policy Group, Inc. of Columbus, Ohio. Given Sage’s track record, I am confident that in his second go at retirement, he will be as active as ever.

Mr. Speaker, J.M. “Sage” Reagor is a gentleman who embodies all that corporate America can and should be. I ask my colleagues to join me in wishing him well as he enters his second retirement. Maybe he will finally get it right this time.

---

**CLARIFYING U.S. POLICY TOWARDS JERUSALEM, H.R. 2832**

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. GILMAN. Mr. Speaker, today, along with Speaker Gingrich, I introduced legislation clarifying United States policy with respect to Jerusalem as the capital of Israel. H.R. 2832 is a compendium of four important provisions that flow from Public Law 104–45, the Jerusalem Embassy Relocation Act. That legislation became law 2 years ago this week. Many of us attended the Rotunda ceremony that celebrated the passing of the landmark legislation, and which, regrettably, was the last time most of us saw Israeli Prime Minister Yitzbak Rabin before he was gunned down by an assassin. The law makes a statement of policy that “Jerusalem should remain an undivided city . . . recognized as the capital of Israel; and the U.S. Embassy . . . should be established in Jerusalem no later than May 31, 1999.”

In furtherance of those requirements, this bill has four basic provisions: first, it would authorize $25 million in fiscal year 1998 and $75 million in fiscal year 1999 for the construction of an embassy in Jerusalem. For those who may be unaware, in January 1989, the United States signed a 99-year lease with the Government of Israel at $1 per year for a 14 acre site in southwest Jerusalem. With the negotiations actively discussing going to final status talks, parallel activity needs to keep pace with these developments to ensure that a U.S. Embassy in Jerusalem is not going to be an afterthought.

Second, no funds appropriated by the act may be expended for the operation of the Consulate General or other diplomatic facilities in Jerusalem unless it comes under the supervision of the United States Ambassador to Israel. This provision is a follow-on measure to previous congressional achievements that list the United States consulate in Jerusalem under the “Israel” heading in the United States Government booklet listing embassies, consulates, and their personnel.

Third, that no funds appropriated by the act may be used for the publication of official Government documents that list cities and their capital cities unless the publication identifies Jerusalem as the capital of Israel. This provision is necessary to for the implementation of Public Law 104–45, and to ensure consistency of U.S. policies.

Fourth, this bill requires that for those born in Jerusalem seeking a United States passport or other official document listing their birth, the place of birth shall be listed, upon request, as Jerusalem, Israel. Today, on passports of citizens born in the United States, the city of one’s birth is listed. For those citizens who are naturalized the country of birth is listed. If you are an Israeli, born in Tel Aviv, your passport says Israel. But if you are an Israeli born in Jerusalem your United States passport says Jerusalem, not Israel. The option for individuals born in Jerusalem to have the place of birth in their passports listed as Jerusalem, Israel, should be made available. It is, in fact, the simple case of fairness, and of righting a wrong.

Mr. Speaker, I want to commend your ongoing leadership on this most important of issues. The congressional certification of Jerusalem as Israel’s capital must continue to be one of our highest priorities. According, I urge my colleagues to co-sponsor and vote on this measure at their earliest possible opportunity.

H.R. 2832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
Senatorio, the United States Policy with Respect to Jerusalem as the Capital of Israel.

(a) Authorization of Appropriations.—Of the amounts authorized to be appropriated for fiscal years 1998 and 1999 for “Security and Maintenance of Buildings Abroad,” $25,000,000 for the fiscal year 1998 and $75,000,000 for the fiscal year 1999 are authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(b) Limitation on Use of Funds for Consultation in Jerusalem.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(c) Limitation on Use of Funds for Publications.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SECTION 1. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) Authorization of Appropriations.—Of the amounts authorized to be appropriated for fiscal years 1998 and 1999 for “Security and Maintenance of Buildings Abroad,” $25,000,000 for the fiscal year 1998 and $75,000,000 for the fiscal year 1999 are authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(b) Limitation on Use of Funds for Consultation in Jerusalem.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(c) Limitation on Use of Funds for Publications.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

INTRODUCTION OF CLINTON ADMINISTRATION’S TEACHER TRAINING LEGISLATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. KILDEE. Mr. Speaker, I am proud to introduce President Clinton’s proposal for the reauthorization of title V, the teacher training title of the Higher Education Act. This important legislation has two important purposes: First, to improve the quality of teacher education programs in America’s colleges and universities, and second, to provide schools in communities where the need is greatest of a new infusion of highly-qualified teachers.

I have said on many occasions that education is a capital investment. It is truly an investment in our future strength. Surely nothing could be more important than investing in our children by investing in the men and women who will teach them. All across America there exist standards that raise standards for student performance, but these efforts will be dramatically diminished if our teachers do not have the knowledge and skills to teach to those high standards.

The Federal Government currently addresses the professional development of teachers already in the classroom through efforts such as the Eisenhower Professional Development Program. Unfortunately, there is no similar Federal commitment in the education and training of new teachers. Simply put, we do little to recruit, prepare, and support new classroom teachers.

Over the next decade we will experience a student enrollment boom that will bring more students than ever before into our classrooms. The result is that we will need to hire more than 2 million teachers. At the same time, shortages of qualified teachers will intensify in many areas and will be most especially in our Nation’s most needy communities.

Central cities with large concentrations of low-income students will need to hire approximately 345,000 teachers. An additional 207,000 teachers will be needed in isolated, and often poor, rural areas.

When schools face shortages of qualified teachers, they are forced to hire teachers who lack full certification, or who do not have any teacher training at all. Every year, 50,000 people who lack the training for their jobs enter the teaching profession. More than one-quarter of newly-hired teachers begin teaching without having full met State standards.

Shortages of qualified teachers often result in educators teaching outside their subject areas. Over one-third of public school teachers who teach the primary subjects do not have even a college minor in the field they are teaching. For students in high-poverty urban and rural schools—the very students who need the best teachers—the problem is even worse. Almost half of their teachers have neither a major nor a minor in the field they are teaching.

Of the 2 million teachers we will need to hire over the next 10 years, 1 million will be newly-prepared teachers. They will be called upon to teach all students to high standards. It is imperative, therefore, that their training be second to none.

Unfortunately, many teacher education programs do not sufficiently prepare teachers well for the challenges of today’s classrooms, and especially for the demands and challenges of our high-poverty classrooms. Many teachers experience too little clinical training. They lack in-depth knowledge of their area of concentration and of effective classroom practices.

Many teacher preparation programs do not prepare teachers to use technology to facilitate student learning. And, once new teachers enter the classroom, they are all too often left without the support they need to ease the transition from student to teacher.

The President’s title V proposals addresses these challenges in a targeted, coherent way. The legislation would authorize $67 million for fiscal year 1999 for two programs focused on recruitment, preparation, and support for new teachers.

The Lighthouse Partnerships program seeks both to identify and disseminate widely the best practices in teacher preparation and to ensure that K–12 schools are actually involved with colleges in the preparation of new teachers. The program would identify higher education institutions that currently prepare teachers well, institutions that have already done the hard work of reforming their teacher education programs and that have a track record of collaboration with K–12 schools. These institutions would partner with other teacher preparation institutions that want to restructure their programs. The result would be a dramatic change in teacher preparation and a new commitment to high-quality teacher education.

The program places a special emphasis on preparing new teachers for the challenges of our Nation’s high-poverty urban and rural classrooms.

The second part of the administration’s proposal is the Recruiting New Teachers for Underserved Areas Program. This program would increase the number and diversity of teachers prepared to teach in the high-poverty areas that need them most. Partnerships between institutions of higher education and K–12 schools would work together to determine the schools’ needs for teachers, such as the need for teachers in specific subject areas or the need for a more diverse teaching force. The partners would then work collaboratively to design programs to attract, prepare, and retain teachers to meet those needs. Prospective teachers would receive support services and scholarships if they agreed to teach in underserved areas for at least 3 years.

Mr. Speaker, everyone in this Chamber knows that our future depends upon the quality of the education our children receive. The quality of that education, in turn, depends upon establishing and maintaining a teaching force of the highest quality. The President’s teacher training proposals constitute a prudent investment in our teachers, our children, and our Nation. As the ranking Democrat on the Postsecondary Education Subcommittee, I look forward to working with my colleagues on both sides of the aisle to enact strong teacher recruitment and preparation legislation that adheres to the President’s proposals in this area.
I am particularly grateful for the input and support MSUSA gained with my legislation to provide greater protection for sexual assault victims on campus. This legislation was included in the 1992 Higher Education Act reauthorization, and it is now the law of the land.

Many admirable and worthwhile programs are sponsored by this student association. MSUSA's liaisons have given students the opportunity to voice their concerns at critical points in the decision-making process. The Monitor, the association’s newspaper, has the largest circulation of any State system newspaper. The MSUSA Penny Fellowship was founded in 1987 to encourage State university students to perform volunteer public and community service internships.

In closing, Mr. Speaker, I would like to recognize the current leadership of MSUSA: Francis Klinkner, State chair from Mankato State University; Heidi deRuyter, treasurer and operations officer from Moorhead State University; and Frank X. Viggiano, executive director. I extend my heartfelt congratulations and wish them continued success on this important anniversary.

CONGRATULATIONS TO IVY TECH STATE COLLEGE

HON. PETER J. VISCLOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to congratulate Ivy Tech College for ranking first out of 25 Indiana colleges and universities offering technical education programs. This honor, which is being awarded to Ivy Tech State College for the second consecutive year, is a tremendous honor for the northwest Indiana Ivy Tech campuses, as well as the communities they serve.

Ivy Tech is a major provider of technical education in northwest Indiana. The college continues to build upon its success by keeping abreast of the technological needs of northwest Indiana. Within the past year, Ivy Tech has added several new specialties and programs in accordance with the demand for specific business and health care technologies.

Ivy Tech currently offers a physical therapist assistant program, which was developed in cooperation with the Methodist hospitals, to meet the demand for physical therapist assistants in hospitals and other healthcare settings. In addition, Ivy Tech has developed a banking and financial management specialty, in conjunction with Bank One, to enhance the education and skill level of banking employees, as well as others interested in the banking and financial services industries. Ivy Tech’s East Chicago, IN, campus currently offers a new specialty in construction technology to assist in developing the skills of individuals interested in steel framing and other areas of construction.

These new fields, along with Ivy Tech’s many other programs, will not only enhance the employment potential of area residents, but improve the region’s potential to provide the jobs and services necessary for long-term economic stability. Perhaps the best indicator that Ivy Tech’s efforts have been successful is their increased enrollment. Within the past two years, the college has shown a steady rise in student enrollment at all three of its northwest Indiana campuses, in Crown Point, East Chicago, and Valparaiso. Ivy Tech attributes this growth to its success in generating a greater public awareness of its capability in the area of technology, as well as the partnerships it has forged in providing the region with a more highly skilled workforce.

The northwest Indiana Ivy Tech campuses relish the honor of this first place ranking because it reinforces the college’s standing commitment to providing Indiana residents with state-of-the-art technical education programs. Today, more than ever before, training in technology is at the forefront of education across the country.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Ivy Tech State College on the outstanding recognition it has received. The quality educational programs this institution has offered over the years, have provided a wealth of opportunity for many in northwest Indiana.

BILL TO INCREASE PAY OF U.S. CAPITOL POLICE

HON. JAMES A. TRAFICANT, JR.
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. TRAFICANT. Mr. Speaker, today I, along with my colleague ROBERT NEY of Ohio, are introducing legislation to increase the pay scale and benefit package for the U.S. Capitol Police department. The bill establishes a pay scale and benefit packages for the U.S. Capitol Police equivalent to that of the Uniformed Division of the U.S. Secret Service.

Recently enacted legislation Public Law 105–61 made the Uniformed Division one of the higher paid Federal law enforcement agencies.

Given the fact that the duties and responsibilities of the U.S. Capitol Police are similar to that of the Uniformed Division of the Secret Service, it is only fitting and proper that Congress take action to ensure that U.S. Capitol Police officers are compensated in the same fashion.

Since coming to Congress in 1985, I have been impressed with the professionalism, dedication and integrity of the fine men and women who serve in the U.S. Capitol Police department. Without question, the U.S. Capitol Police department is one of the best trained and highest performing law enforcement agencies in the country.

Day in and day out, the U.S. Capitol Police put their lives on the line to protect Members of Congress, Government officials, foreign dignitaries and the thousands of American citizens who visit the U.S. Capitol. Despite the many challenges and varied threats facing them every hour of every day, the U.S. Capitol Police force does an excellent job. They have a remarkable record of protecting the Capitol and those who work and visit there.

What I find most impressive about the Capitol Police is the fact that you don’t read about incidents at the Capitol in the newspaper.
That's because the Capitol Police is one of the premier law enforcement agencies in preventing crimes from taking place. Each and every day, talented Capitol Police officers apprehend dangerous individuals trying to get into the Capitol complex.

Most private security firms agree that the Capitol Police is on par with some of the largest and most well-respected private security firms in the country. The fact that they have the capability to keep the Capitol complex safe is a testament to the high competency of the Capitol Police.

The bottom line is that the Capitol Police deserve to be compensated at a level commensurate with the job they perform. They certainly deserve to be compensated at the same level of the fine men and women of the Uniformed Division of the U.S. Secret Service. As noted above, the duties of the Uniformed Division are similar to that of the Capitol Police.

Under our legislation, the starting annual salary for a U.S. Capitol Police private class 1 would rise from $30,445 to $31,292. The salary for a veteran U.S. Capitol Police private would also rise from $41,671 to $45,041. I am proud to introduce this important legislation, and I urge all of my colleagues to support it.

THE NUCLEAR WASTE POLICY ACT OF 1997

SPEECH OF HON. DAN SCHAEFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 29, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, the manager's amendment makes a number of noncontroversial changes to H.R. 1270, retaining the views of the Committee on Commerce, Committee on Resources, and Committee on Transportation and Infrastructure.

First, the amendment directs DOE to use highway and rail routes that minimize transportation through populated areas, to the maximum extent practicable. This provision was offered by Representative SAWYER of Ohio in the Commerce Committee, and incorporated into the manager's amendment at his request. The Transportation and Infrastructure Committee has no objection to this change.

Second, the amendment directs the Secretary of Transportation to establish procedures for the selection of preferred rail routes for trans reloading of nuclear waste to the interim storage facility and repository. DOT is directed to consult with State emergency response officials in the development of these preferred rail routes. This provision was included in the manager's amendment at the request of Representative McCARTHY of Missouri, and incorporates the views of the Transportation and Infrastructure Committee. Both Representative McCARTHY and the Transportation and Infrastructure Committee have indicated a desire to make some revisions to this language, and I will work with them in conference to that end.

Third, the amendment makes technical changes to provisions governing emergency response training.

Fourth, the amendment deletes section 207 of the bill, which provides for the development of private interim storage facilities. This provision was included at the request of our colleagues from Utah. In recent years, there has been interest in development of private interim storage facilities. H.R. 1270 as reported by the Committee on Resources included a provision that directed the NRC to review license applications "at the earliest practicable date, to the extent permitted by applicable provisions of law and regulation." Section 207 also directed DOE to encourage efforts to develop private storage facilities by providing requested information and assistance.

The deletion of section 207 does not modify NRC's existing responsibility to review license applications and issue licenses for private interim storage facilities. In the same manner, the deletion of section 207 does not diminish DOE's obligation to provide information and assistance to the developers of private storage facilities.

Fifth, the amendment clarifies that nothing in H.R. 1270 affects the application of Federal law and highway laws. The deletion was included in the manager's amendment at the request of the Transportation and Infrastructure Committee.

Sixth, the amendment adds separability provisions to assure if a part of H.R. 1270 is held invalid, the remainder is not invalid. This provision is identical to the provisions in the current Nuclear Waste Policy Act of 1982.

Seventh, the amendment provides for establishment of training standards for emergency responders. This language is important to assure that firefighters are adequately trained to respond to transportation accidents. I urge my colleagues to support the manager's amendment.

PERSONAL EXPLANATION

HON. LINCOLN DIAZ-BALART
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 571, I was inadvertently recorded as an "aye." It was my intention to vote "no" on that measure. I ask that the RECORD reflect my intentions.

BETHEL EDUCATIONAL CENTER—PREPARING OUR CHILDREN FOR THE 21ST CENTURY

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. BARCIA. Mr. Speaker, all parents want their children to grow and learn in an upbuilding and positive environment. In many communities local churches have provided a secure and loving place for children, particularly for those families who have both parents in the workforce. In 1997, the Reverend Harold C. Huggins envisioned and founded a center where children could receive educational challenges and a caring environment. Two decades later, the Bethel Educational Center in Saginaw, MI, continues to provide high quality educational child care services and provide a positive and safe environment for the children. This weekend, the Bethel Educational Center is celebrating its 20th anniversary, focusing on "Preparing Our Children for the 21st Century."

The Bethel Educational Center continues to effectively prepare the children of Saginaw for our competitive global economy. The program received country-wide attention for their curriculum which consists of reading readiness, hands-on computer training, mathematics and science activities, dramatic play, creative art, music, gymnastics, gross and fine motor skills, development, and health and nutrition. Full day care is provided for infants and children through 5 years and a latchkey program is furnished for those parents with elementary schoolchildren.

The Reverend Huggins organized a series of meetings in 1977 with members of the Bethel African Methodist Episcopal Church to discuss providing a positive setting and a safe place for parents to leave their children. The Bethel Day Care Center was organized and granted a license certificate by the State of Michigan Day Care Licensing Agency shortly thereafter.

The members of the church decided that the church pastor would be responsible for running the center and a nine-member board blew overseeing the operation. The committee wanted the program to focus on child development by providing for intellectual, educational, physical, and social needs for preschool age children. Not only does the congregation provide moral support and strong Christian beliefs, they also provide financial support and other resources for the exceptional program.

Many in the community have played a role in making this program the success it is today, including Rev. Clarence G. Robinson, Dillon L. Bowman, and P. David Saunders. The first director, Ethel Shaw, left big shoes to fill but future directors Iris Sproool, Carolyn Byas, Pauline Lawrence, Jacqueline Eichelberger, Rudein Glass, Erman McKinney, Michael Times, and the current director, Natasha Burns, carried on her tradition of devoted and progressive leadership.

Mr. Speaker, the Bethel Educational Center has been a strong foundation for the children and the community. I urge you and your colleagues to join me in recognizing the outstanding contributions to the community and congratulating them on 20 years of dedication, caring, and success.

MacBRIDE PRINCIPLES OF ECONOMIC JUSTICE ACT OF 1997, H.R. 2833

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. GILMAN. Mr. Speaker, today, I am pleased to introduce along with Speaker GINGRICH, the Federal Macbride principles bill, H.R. 2833 a very important anti-discrimination measure dealing with employment practices in Northern Ireland. This bill includes these important employment nondiscrimination conditions for receipt by any grantee of U.S. taxpayer contributions to the International Fund for Ireland [IFI].
Fair employment for Catholics in Northern Ireland is an issue that for many ears has concerned me, as well as millions of Irish here in America, and all around the globe.

I was pleased in the 104th Congress to not only hold congressional hearings on this subject matter on our International Relations Committee, but also to lead the effort for the first ever congressional passage of these same MacBride fair employment principles as part of our U.S. contribution to the IFI.

This bill, which we introduce today, incorporates all of the changes made in the MacBride principles, that is, principles of economic justice as defined and passed by the last Congress as part of the U.S. contribution to the IFI in the foreign aid authorization bill. Recently, that bill was vetoed for other unrelated reasons, and the MacBride principles never came law. We have yet another chance with this new bill to make these principles the law of the land.

Earlier this year the House again passed similar wording when the State Department authorization bill was before this body.

The purpose of the bill is not complex. It treats those in Northern Ireland who would receive any United States foreign taxpayer assistance the very same as the many United States employers doing business in Northern Ireland. Today, many of these American firms there in the north of Ireland voluntarily comply with the MacBride fair employment principles. In fact, the record for those complying companies has been one of substantial increased investment there.

These principles serve as a set of guidelines for fair employment by establishing a code of corporate conduct, which explicitly does not require quotas, nor any form of reverse discrimination.

These fair employment principles have been endorsed by both political parties during the last Presidential campaign in their party platform, and have wide bi-partisan support here in the Congress.

The MacBride principles campaign has been the most effective and meaningful effort by Irish America, and their many allies around the world, against the systemic and long-standing anti-Catholic discrimination in employment practices in Northern Ireland.

I have long been pleased to work with the Irish National Caucus, the AOH, and other outstanding Irish-American groups, and the American labor movement, in this very important cause.

Much more still needs to be done to address a serious, continuing problem in Northern Ireland, where Catholics are still twice as likely to be unemployed as that of their Protestant counterparts. This is unfair and must change if sustained peace and justice are ever to take hold in Northern Ireland.

No United States tax dollars ought to go to Northern Ireland to help maintain this clearly unsatisfactory “status quo.” Our bill helps ensure that will not occur.

Support for these fair employment principles has been broad based in 16 States including my own State of New York. Many American cities and towns have also passed laws or resolutions on the principles.

Indeed, the U.S. Congress allowed support for the principles to become law for the District of Columbia on March 16, 1993.

We must do more, and codify these principles into Federal law this year, especially as they concern U.S. Foreign assistance.

Accordingly, urge our colleagues concerned about lasting peace and justice in Northern Ireland to support the bill which, the Speaker and I have introduced here today.

H.R. 2833

is 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 “MacBride Principles of Economic Justice Act of 1997.”

SECTION 2. AMENDMENTS TO ANGO-IRISH AGREEMENT SUPPORT ACT OF 1988.

(a) IN GENERAL.—

(1) PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415, 100 Stat. 1842) is amended—

(A) in the first sentence—

(i) by striking “The United States”; and

(ii) by striking “the United States”;

(B) in paragraph (3), by striking the period and inserting the following: “in this Act—

(A) may be used—

(i) by striking the period and inserting “; and”;

and

(iv) by adding at the end the following:

(B) should be provided to individuals or entities whose practices are consistent with the principles of economic justice; and

(C) by adding at the end the following paragraph:

(6) the extent to which the practices of each individual or entity receiving assistance from United States contributions to the International Fund has been consistent with the principles of economic justice.

(2) REQUIREMENTS RELATING TO FUNDS.—Section 7 of such Act is amended by adding at the end the following:

(1) by striking “shall include” and inserting the following:

(2) in subparagraph (B), by striking the period and inserting “; and

(3) by striking “or”:

(4) by adding at the end the following:

(B) in the case of a certification described in subparagraph (A) and through the end of paragraph (3), by striking “; and

(C) by adding the following:

(2) ADDITIONAL REQUIREMENTS.—The re- strictions

(3) PRIOR CERTIFICATIONS.—Section 5(c)(2) of such Act is amended—

(A) in paragraph (2), by striking “and” and inserting “in accordance with the principle of equality” and all that follows and inserting “to individuals and entities whose practices are consistent with principles of economic justice; and

(B) in subparagraph (B), by inserting before the period the following: “and will enable the employment efforts of the responsible for the employment efforts of the

(C) by inserting the following:

(2) by adding the following:

(3) by adding the following:

(4) by adding the following:

(5) by adding the following:

(6) by adding the following:

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

IN RECOGNITION OF DAVID E. LARKIN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the remarkable work of David E. Larkin on behalf of Cincinnati’s Dan Beard Council of the Boy Scout of America.

David’s achievements in Greater Cincinnati Scouting are both extraordinary and numerous, and I would like to cite just a few examples.

He has provided outstanding leadership, motivation, and direction in the development of the Dan Beard Council’s Executive Board, one of the most philanthropic youth service organizations in the Greater Cincinnati and Northern Kentucky areas.

More than 1,000 “at risk” young people in the Greater Cincinnati area have had the opportunity to experience the cherished values of Scouting thanks to Challenge Camp, which David created.

David’s imagination and creativity brought into being the Scout Family Jamboree, an event attracting some 45,000 attendees showcasing not only Scouting, but many community activities and events.

Through his exceptional leadership and global vision, David has provided the catalyst for the approval of a comprehensive $14.5 million Camp Re-Development Capital Campaign
to construct a 25-acre lake, Cub World, and Boy Scout camp to serve the Dan Beard Council well into the 21st century.

David has provided the leadership, quality standards, the means and methods necessary to expand the Scouting program in Southwest Ohio and Northern Kentucky to involve a record 65,000 youth and adults annually.

David’s work in Scouting has also enabled him to be involved in other vital community programs. He has worked to enrich the relationships of Scouting with The United Way and Community Chest, which has helped increase private and public funding for these worthwhile service organizations. In addition, David has successfully initiated a positive alliance between the Boy Scouts and the Greater Cincinnati, Northern Kentucky schools and educational institutions, resulting in expansive growth in “Learning for Life” and Career Explorer programs.

David has been asked to be the new chief executive of the Atlanta Boy Scout Council, and will soon be leaving the Cincinnati Dan Beard Council, on which he has so ably served. We in Cincinnati will certainly hate to lose David, but his selfless dedication and tireless work on behalf of Scouting and our community will not be forgotten. We wish him the best.

HONORING ALEX GALLIONE

HON. MARGE ROUKEMA
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Alex Gallione on being named as the honoree for Spectrum for Living Development Inc.’s Annual Dinner. This well-deserved honor recognizes Mr. Gallione for his years of selfless dedication and leadership on behalf of the disabled. Mr. Gallione is chairman of the Spectrum Board of Trustees and—as a member of the spectrum Advisory Board—I am acutely aware of the countless contributions he has made to our community. Under his guidance, Spectrum has become one of the largest organizations serving the disabled in New Jersey, offering residential facilities, job training, physical therapy, educational programs, recreation, and many other services. The thousands of individuals who have been served by this public-private partnership are extremely grateful to Mr. Gallione for making these opportunities available.

It is inspiring to know that a man with as many accomplishments as Mr. Gallione comes from a modest background. Born and raised in Englewood, NJ, he joined the Navy and served in World War II. He went to work for the Post Office after his discharge. During a 32-year career, he advanced to a number of prestigious assignments, including postmaster of Englewood and manager of the large Kearney Mall Facility and general manager of the Bulk and Foreign Mail Service Center.

Mr. Gallione has long been deeply concerned about the needs of the disabled, leading him to become an outspoken advocate for their interests. In 1985, he successfully led the effort to pass a general manager of the large Kearney Mall Facility and general manager of the Bulk and Foreign Mail Service Center.

Mr. Gallione has long been deeply concerned about the needs of the disabled, leading him to become an outspoken advocate for their interests. In 1985, he successfully led the effort to pass the Development Disabilities Act. He has served on a number of panels including the State Human Service Advocacy Committee, Governor’s Task Force for the Disabled, the Division of Development Disabilities Advisory Council and the Developmental Disabilities Constituency Committee. At the county level, he cofounded the Bergen County Coalition of Citizens with Disabilities and is a former chairman of the board of the New Jersey Developmental Disabilities Commission.

He has also served on the Bergen County Human Services Advisory Committee, the Division of Aging Advisory Council, and the Housing Authority Task Force on Affordable Housing.

Mr. Gallione founded the Alliance for the Betterment of Citizens with Disabilities in 1995. This statewide organization is dedicated to serving individuals with both physical and development disabilities.

Mr. Gallione’s proudest accomplishment was the founding of Spectrum for Living Development Inc. in 1977, along with a group of parents of adult children with multiple disabilities. Under his leadership, Spectrum has grown to become one of the largest providers of services to the disabled in the State.

Spectrum offers a wide variety of specialized services for the disabled, including a 52-client residential facility in Closter; group homes for half a dozen individuals each in Northvale, Norwood, Bergenfield, Paramus, Wayne, Hillsdale, and a 21-unit apartment building in River Vale. The residences offer varying degrees of support, from the supervised apartments in River Vale to full day-to-day support in Closter. Speech, occupational and physical therapy, psychological services, remedial education, social work, recreational opportunities, and vocational programs are all available.

Even the most disabled individuals living at Spectrum facilities are encouraged to achieve a maximum degree of independent living, sense of independence and community involvement.

Residents participate in elections, hear from political speakers, participate in community shopping, social recreation, and other activities.

Spectrum also operates adult training centers in Hackensack, North Haledon, and Westwood. The centers provide training in work activities, personal awareness, and community awareness. Occupational, physical and speech therapies are available, along with appropriate medical care. In addition, disabled individuals can sell arts and crafts items, woodshop products, T-shirts, balloons, holiday gift items, and other articles through Spectrum From the Heart, a retail shop in River Vale. For those ready to enter the world of work outside the training centers, Spectrum offers a work program that includes job placement, training, and supervision.

In addition to residential and training facilities, Spectrum offers case managers and counselors who can assist families of the disabled in their own homes. The organization can provide in-home overnight care of the disabled in order to offer relief for family members who normally care for them, and can take the disabled into its group homes on a temporary basis for the weekend.

Mr. Gallione is a dedicated civic leader and his activities have not been limited to helping the disabled. He has served his community as a former president of the Northvale Lions Club, a former chairman of the Northern Jersey Recreation Committee and—helping instill his sense of leadership in young people—a former member of the Northvale Boy Scouts Commission.

Mr. Gallione is the father of three adult sons, Alexander, James and Jeff. His wife of 48 years, Ann, died in 1995 and he has since married the former Florence Canonica. He has lived in Northvale for 43 years.

Alex Gallione is clearly a leading citizen among leading citizens whose compassion for those in need has touched countless lives and has allowed the disabled to live with respect and dignity. He is an outstanding humanitarian who deserves our recognition and our deepest gratitude.

TRIBUTE TO POLICE OFFICER TOM HARWOOD

HON. JERRY WELLER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor Police Officer Tom Harwood, who has been named U.S. Police Officer of the Year by the International Association of Chiefs of Police. The International Association of Chiefs of Police is the oldest law enforcement advocacy group in existence and has members in 92 countries.

Officer Harwood was born and raised in Kankakee, IL, and has worked at the Grant Park, IL, police station for 9 years. He presently lives in Bourbonnais, IL, with his wife, Paula, and their two children, Thomas, Jr., and Victoria.

Officer Harwood’s selection was based on several factors, but chief among them was the professional performance displayed while injured in the line of duty. On September 29, 1996, Officer Harwood had just stopped one of two suspicious cars which had been speeding in the village. After stopping the car and attempting to identify its occupants, the second car turned around, ran into Officer Harwood and eventually crashing into the police car. Despite his injuries, Officer Harwood rose to his feet, handcuffed the two male occupants of the cars, locked the two female occupants in the car, in the caged seat of the squad car, and then radioed for backup. Officer Harwood managed to remain conscious until help arrived.

There are no words to adequately describe the supreme sacrifice made by brave officers like Mr. Harwood who patrol our communities everyday in defense of our families, freedom, and children’s safety. Our local law enforcement walk down the alleys the rest of us would never consider. I urge this body to identify and recognize other police officers in their communities whose actions have clearly made a difference to their community’s well being and safety.

95TH ANNIVERSARY OF THE NEW BETHEL BAPTIST CHURCH

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Ms. NORTON. Mr. Speaker, I rise today to memorialize in the official record of this body the extraordinary history of one the District’s leading congregations, the New Bethel Baptist Church.
Church, organized in 1902 by former members of the Salem Baptist Church. Today, New Bethel’s pastor for the past 28 years is my distinguished predecessor Walter E. Fauntroy, who ably served the people of the District of Columbia for 19 years. The opportunity to offer this tribute today is a real personal honor.

The group met first in the home of Brother Benjamin Graves under the guidance of Dr. W. Bishop Johnson, Pastor of the Second Baptist Church. The membership grew and purchased a building on 15th Street, NW. Under the leadership of the Revs. Alfred A. Agerton, Samuel Washington and Richard L. Holmes, the church experienced steady growth.

In 1903, the Rev. William D. Jarvis accepted the call to the pastorate, and the church embarked on a 37 year journey of spiritual growth and prosperity. In February 1915, the first worship service was held in the building at 9th and S Streets, NW which had been purchased from the Grace M.E. Church. Before Dr. Jarvis’ retirement on October 1, 1940, the church had grown to 600 in number and had become a fixture in the community.

In May 1941, the Rev. C. David Foster, of Philadelphia, PA, was unanimously called to the pastorate. Under his leadership, the church grew spiritually, numerically and financially, and the building underwent extensive renovation.

On January 19, 1959, the Rev. Walter E. Fauntroy, a son of the church who had served as supply pastor, received a unanimous call from the members to serve as pastor. For thirty-eight years, he has responded to the spiritual needs of the congregation and the rapidly-changing dynamics of the community. Existing organizations have been revitalized and new ones have been created. The position of full-time Assistant Pastor was established, and a ministerial staff was implemented. A tithing program was launched, and in 1973, New Bethel constructed the C. David Foster House, an eight-story building with 75 units for low- and moderate-income families of the Shaw area and other displaced persons.

In 1977 the old structure at 9th and S Streets was razed, and the new edifice constructed on the site was dedicated and entered in 1982. Today, guided by the pastor’s 5-year plan, the church continues its mission of service to church members and to the Shaw community.

Mr. Speaker, I ask that this body join me in saluting the pastor and members of the New Bethel Baptist Church on the occasion of their 95th Anniversary with its theme—Christians Committed to Serve.

IN THE HOUSE OF REPRESENTATIVES

HON. WILLIAM O. LIPINSKI
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the memory of an outstanding civic leader from the city of Chicago, Alfred A. Fauntroy, a native and former political leader in Illinois, dedicated his life to serving the citizens of the land of Lincoln. Mr. Adamowski began his political career in 1930 as the Democratic candidate for the 25th senatorial district in Illinois. He represented the largest senatorial district in the State of Illinois for five consecutive terms. Mr. Adamowski forged a close relationship with the late Mayor Richard J. Daley and Federal Judge Abraham Lincoln Marovitz. This triumvirate from Chicago emerged in the 1950’s as the most powerful and respected leaders in Illinois.

However, the relationship between Daley and Adamowski soured in 1955. Mr. Adamowski severed ties with the Democratic Party due to differences of opinion on their slate of candidates. Consequently, Adamowski switched political parties and won election as Cook County States Attorney. He served only one term but remained a fixture in Chicago politics and the Policy-American community. Later, Mr. Adamowski renewed ties with Richard J. Daley and served as an official to the late mayor.

Throughout his life, Ben Adamowski was a voracious reader, a student of history, and most importantly a dignified leader. The Policy-American emerged from the Northwest side was a crusader for preserving the history of Illinois including an extensive collection of Abraham Lincoln memorabilia that recently was donated to the Chicago Public Library. It is only fitting that a man who helped to shape Chicago history be recognized and honored.

The political career of Mr. Adamowski is a fine example of an extraordinary civic leader. Mr. Speaker, I salute Benjamin S. Adamowski for his profound influence in the city of Chicago. I hope that Adamowski’s passion for history, political prestige, and civil leadership will forever linger in the minds of Chicago politicians in the years to come.

INTRODUCTION OF THE MIGRATION BIRD TREATY REFORM ACT

HON. DON YOUNG
OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing—along with our colleagues JOHN TANNER, CLIFF STEARNS, JOHN DINGELL, and CURT WELDON—a new and improved Migration Bird Treaty Reform Act.

This legislation is a revised version of H.R. 741, which I introduced on February 12, 1997. It is the product of many months of extended discussions with a number of conservation and hunting groups. This new legislation addresses concerns raised by the Clinton administration and other witnesses during the May 15 subcommittee hearing. For instance, the original bill codified the various prohibitions on the manner and methods of taking migratory birds that had been embodied in regressive and permanent destruction of thousands of acres of Arctic tundra. In the next few months, the Service may recommend ways to stop this destruction, and

has indicated that it is considering the use of electronic calls, unplugged shotguns, and intentional baiting. Since it was not my intention to deny the Service the flexibility to respond to this type of emergency, I have deleted the codification of existing regulations from this revised bill.

Second, I have modified my solution to the problems caused by strict liability in baiting cases by establishing a knows or reasonably should have known standard that is reflected in the 1978 Federal District Court decision known as the Delahoussaye case. Under current law, if you are hunting over a baited field, whether you know it or not, you are guilty. There is no defense and there is no opportunity to present evidence in your case. It does not matter whether there was a ton of grain or a few kernels, whether this feed served as an attraction to migratory birds, or even how far the bait is from the hunting site.

This interpretation—if you were there, you are guilty—is fundamentally wrong. It violates one of our most basic constitutional protections that a person is innocent until proven guilty.

The language in the bill is identical to the Delahoussaye case, it has been effectively utilized throughout the fifth circuit, it has not imperiled any migratory bird populations, and it has resulted in numerous baiting convictions. A letter from the representation of the U.S. Fish and Wildlife Service indicated earlier this year that the Service could support the statutory codification of the Delahoussaye decision.

This is not a radical proposal. Nevertheless, there will be a few Fish and Wildlife Service law enforcement agents who will oppose the elimination of strict liability. They will oppose it because currently there is nearly a 100-per-cent conviction rate in baiting cases since there is not an opportunity for the defendant to provide any evidence to oppose the charge. There is no need to provide intent or knowledge. If the bait is present and the hunter is there, guilt is established beyond a reasonable doubt.

In addition, those who oppose the changes will suggest that the Fish and Wildlife Service will be unable to prosecute individuals for hunting over bait in the future, an assertion that is simply not true. If a preponderance of evidence so demonstrates, the defendant will be found guilty. This standard is far less stringent than beyond a reasonable doubt applied in all other criminal cases. Further, the Service has never challenged or attempted to overturn the Delahoussaye decision during the past 20 years.

Moreover, it shouldn’t matter whether there are only a handful or hundreds of people who have been prosecuted for illegally hunting over a baited field. Frankly, I was angry when I heard the testimony of a retired Fish and Wildlife Service agent who argued that the Service could support the statutory codification of the Delahoussaye decision, and it has never challenged or attempted to overturn it.

This bill includes a number of refined modifications dealing with soil stabilization practices, accepted agricultural operations and procedures, and the alteration of a crop or other feed for wildlife management.
H.R. 2709, THE IRAN MISSILE PROLIFERATION SANCTION ACT OF 1997

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. GILMAN. Mr. Speaker, on October 23, along with 17 original cosponsors I introduced H.R. 2709, the Iran Missile Proliferation Sanctions Act of 1997, imposing sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles. This legislation is intended to provide additional leverage to the administration to address ongoing assistance by Russian entities, research facilities, and other business entities for Iran's medium and long range missile program.

On Friday, October 24, the International Relations Committee marked up this bill and ordered it reported to the House by voice vote. As of October 30, a total of 117 Members had signed on as cosponsors. After the committee filed its report on this legislation on Tuesday November 4, it prevented other Members from being included as cosponsors. Were it not for the untimely filing of this report, the following 100 Members would have been listed as cosponsors of this vitally important legislation:


Representatives Tony Hall, Forbes, Poschardt, Metcalf, Adam Smith, Rogan, Danner, Sanchez, Fowler, McCarthy, Evans, McCrery, DeGette, Upton, Allen, Watts, McIntosh, Bentsen, Cummings.


Representatives Dan Miller, Lantos, White, Wicker, Linder, Kleczka, Stearns, Lindy Mcintosh, Brady, Biley, Bass, Paxon, Souder, Joe Kennedy, Condit, Bunning, Ryan, Crapo, Cramer.


TRIBUTE TO GABOR VARSZEGI ON HIS BEING HONORED FOR ENDOWING THE J. AND O. WINTER RESEARCH FUND FOR HOLOCAUST STUDIES

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. LANTOS. Mr. Speaker, I am honored to pay tribute to my dear friend, Hungarian businessman Gabor Varszegi, for his generous contribution of $100,000 to support a research fund at the Rosenthal Institute for Holocaust Studies at the City University of New York.

Gabor’s exemplary act of altruism will allow for the financial backing of many valuable Holocaust-related research projects. His donation will greatly assist the continuing efforts of the Rosenthal Institute and a myriad of worthy historical scholars in their collective crusade to make sure that the lessons of the Holocaust will be remembered eternally. In recognition of Gabor’s devotion to this cause, he will be awarded the Graduate School’s President’s Medal at the City University on November 18, 1997. Mr. Speaker, I join the City University of New York in honoring Gabor Varszegi and paying tribute to him on this special occasion.

Gabor Varszegi is an outstanding example of a highly successful post-Communist businessman in Hungary. He first achieved great success as Hungary moved into the post-Communist era by establishing a 1-hour film processing business in Hungary, FOTEX, Ltd., one of the first 1-hour film processing companies in Eastern Europe. FOTEX has now expanded to include a wide variety of enterprises in a host of nations.

Notwithstanding Mr. Varszegi’s great entrepreneurial achievements, he has never forgotten his roots as the son of Holocaust survivors. His outstanding generosity and commitment to furthering important Holocaust-related research led to his establishment of the J. and O. Winter Research Fund at the Rosenthal Institute in 1991, which his recent gift will permanently endow. This valuable scholarly resource, named after Mr. Varszegi’s late parents, has provided backing to a number of important undertakings which address not only the events of the Holocaust but its causes and its significance as well.

Research done through the research fund includes studies on: Sites of Memory: Vienna, the Past in the Present, the Jewish People’s History in Heves County, the Rescue of Jews Across the Hungarian-Romanian Border Between 1940–1944, Remembering the Martyrs of School Teaching, The Holocaust at the Secondary School Level. Remarks on the Rise of Political Anti-Semitism in Romania, and the Holocaust as Topic in Hungarian and Israeli Novels.

As a result of Mr. Varszegi’s generous gift, as well as the fine efforts of my dear friend Prof. Randolph L. Braham, the administrator of the J. & O. Winter Research Fund, and other outstanding faculty members at the Rosenthal Institute and the Graduate School and University Center at CUNY, this invaluable work will continue for generations to come.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Gabor Varszegi for his devotion to the cause of Holocaust remembrance. His actions reflect a genuine understanding of the words of Patrick Henry: “I have but one lamp by which my feet are guided and that is the lamp of experience. I know no way of judging of the future but by the past.” Mr. Varszegi is providing the oil which lights this lamp which will illuminate the steps of all of us as we seek to build a world that is more just, more humane and more respectful of the human rights of all men and women. I invite my colleagues to join me in applauding him and his praiseworthy endeavors.
CONGRATULATIONS TO THE WILLIAM F. HALLORAN ALTERNATIVE SCHOOL

HON. DONALD M. PAYNE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. PAYNE. Mr. Speaker, I rise today to congratulate and recognize the accomplishments of the William F. Halloran Alternative School in Elizabeth, NJ, for their designation as a 1997 blue ribbon school. The criteria for being chosen as a blue ribbon school includes several conditions of effective schooling such as leadership, parental involvement, organization, teaching and student environment, and community support. The criteria for designation also includes indicators of success such as student performance, positive attendance rates, good student retention or graduation rates, postsecondary pursuits of students and previous awards given to the school, teachers, or students. This highly competitive and prestigious designation is one of the top honors awarded to any school by the U.S. Department of Education. The William F. Halloran Alternative School has been granted this honor because they have generated an excitement about learning and a commitment to educational excellence that has allowed them to meet the above criteria for a blue ribbon school.

The William F. Halloran Alternative School offers a gifted and talented program that attracts the best and brightest students from Elizabeth and also has a special education program for students who are identified as communications handicapped. The school emphasizes the performing arts and curriculum that promotes diversity awareness for all students and faculty. All students are encouraged to become skilled in current technology and are able to take advantage of afterschool tutoring. In addition, students participate in ministudies and clubs designed to develop their special talents, such as visual or performing arts or physical education.

Teachers at the William F. Halloran Alternative School participate in a program called Team Teaching that is designed to offer in-class support to students who need extra help. Staff are also encouraged to become involved in professional development programs so they remain updated and attend teacher conferences.

Mr. Speaker, the William F. Halloran Alternative School is an example of the positive achievements occurring in our public schools. They should be commended for their commitment to enhancing community and parental involvement in our schools. It is my hope that the William F. Halloran Alternative School will serve as a model for other schools in our area of New Jersey and across the country for educational excellence.

HELPING EMPOWER LOW-INCOME PARENTS [HELP] SCHOLARSHIPS AMENDMENTS OF 1997

SPEECH OF
HON. HOWARD P. "BUCK" McKEON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 4, 1997

Mr. McKEON. Mr. Speaker, as a member of the Education and Workforce Committee, I rise in strong support of H.R. 2746, the Help Scholarships Act.

In the 105th Congress, our education agenda centers around four important priorities—sending more dollars directly to the classroom, returning control of education to local communities, bolstering academics, and increasing parental involvement by providing more choices.

H.R. 2746 is an essential component of our education agenda because it provides low-income parents with choices normally reserved for well-to-do families—to be able to send their children to the best schools of their choosing.

Additionally, H.R. 2746 maintains the primary role that States and local communities play in our education system. Before Federal funds can be used for school choice programs, State governments must enact legislation establishing a choice program in their State.

Therefore, it is my hope that following passage of the Help Scholarship Act, all 50 States will quickly pass enabling legislation so that our country’s neediest students have an opportunity to attend the school that is best for them.

Again, I urge my colleagues to vote in favor of H.R. 2746.

LEGISLATION TO HELP PRESERVE AND ENHANCE OUR NATIONAL PARK SYSTEM

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. KILDEE. Mr. Speaker, our Nation’s parks are among our Nation’s greatest treasures and an integral part of our national heritage. We have an obligation to protect them for future generations to enjoy, learn from, and experience.

Unfortunately, in recent years we have failed to take proper care of our parks. The cover of the U.S. News & World Report’s July 21, 1997 edition was entitled “Parks in Peril”, this response to our overcrowded parks, crumbling historic structures, limited access to collections and increased pollution. Over the past 20 years, annual funding for our national parks has decreased by $635 million. And yet during that same period, our national parks served approximately 40 million more annual visitors than they did in 1978. While it is incumbent upon Congress to appropriate adequate funds for the operation of our national parks, the backlog of natural and cultural resource protection needs, together with other needs for transportation improvements and building renovation is now so great that we need to find innovative and aggressive funding sources for renewing and enhancing our national parks.

That is why I have introduced legislation to create National Park Bonds. These Bonds will be sold to the general public, in the same way War Bonds were sold during World War II. My legislation will set up a National Park Capital Improvement Fund within the Department of Treasury. The Capital Improvement Fund will be secured by existing national park entrance, special use, and concession fees. My legislation also requires the Department of Treasury to work with the Department of Interior to set up a program for disseminating the bonds. The National Park Bonds will have competitive interest rates, reach maturity in no longer than 20 years, and be fully guaranteed by the Federal Government.

The National Park Bonds will be focused towards the billions of dollars in backlogged construction and renovation needs in our parks including: new infrastructure, wildlife protection and preservation, development of transportation systems, scientific assessments and research, and the development of educational and interpretation programs. The bonds would not go to any new land acquisition projects.

Mr. Speaker, National Park Bonds would give all of our Nation’s citizens the opportunity to invest in the preservation and enhancement of our National Park System.

WILLIAM HUDSON ON FAST TRACK

HON. GEORGE W. GEKAS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. GEKAS. Mr. Speaker, as we reach the final phase of our consideration of legislation on fast-track trade legislation, I rise to bring to the attention of my colleagues the recently published remarks on that topic. William J. Hudson, the chairman and CEO of AMP, Inc., a major electrical connection device manufacturer located in Harrisburg, PA, in my congressional district, makes a cogent argument for the passage of fast-track authority. I hope his remarks are read and followed by this Congress.

FAST TRACK: RENEW THE PROMISE

(By William J. Hudson)

A family quarrel in public isn’t always a bad thing. When the quarreling family members are the Congress and the President of the United States, the result could well be a salutary demonstration of democracy at work. If Congress passes a fast track bill this fall, it will give the world just such a demonstration.

Now that the Senate Finance Committee and the House Ways and Means have approved solid versions of a fast track bill that the White House can support, we have a clear signal that the Administration and the leaders of the House and Senate are working together to get this critical legislation approved. Let us hope they succeed. The first test should come later this fall when Congress votes on the fast-track, more formally, the “Reciprocal Trade Agreement Authorities Act of 1997”.

If they do anything but pass it, the result will be far worse than the embarrassment of a public quarrel. It will be the public crip- pling of America as leader, the economic leader the world has depended upon for the past 50 years. To understand why, one needs to know a little about fast-track and a little recent history.
Fast-track is a promise. It is a promise that the Congress gives to the President and, by extension, to all of America's trading partners. The promise is this: If the President pursues Congressionally prescribed objectives, with America's trading partners, and if his negotiators consult closely with Congress, then Congress will give any resulting agreement special treatment: an up or down vote—no amendments—in a definite period of time. That promise is the essence of fast-track.

There was a time when America's trading partners felt it was up to the Administration to determine when it needed “fast-track” authority. That was the halcyon days before the summer of 1994 when the Clinton Administration and Congress failed in the effort to agree on a fast-track bill. More importantly, it was before Chile decided that, unless the U.S. Administration had the fast-track promise in its pocket—unless America could negotiate with one voice—there was no point in negotiating at all. In the fall of 1995, Chile broke off the NAFTA accession negotiations with the United States. It continued talks with Mexico and Canada, however, concluding separate agreements with the two countries.

The world will never be the same again, at least not for U.S. trade negotiators. Countries will no longer give them the benefit of the doubt. From now on, any trade negotiation with the United States must be one that Congress supports from the beginning with fast-track, or it won't happen.

Our company, AMP Incorporated, has its headquarters in Harrisburg, Pennsylvania, but we produce in twenty-five countries and sell in over one hundred. Approximately 54 percent of our 1996 earnings came from sales outside the United States, and that figure is rising.

To a significant degree our future depends upon increased cooperation among governments, the kind of cooperation that is expressed in trade agreements. That is one reason why we belong to the Pacific Basin Economic Council, because PBEC is dedicated to increased trade and commercial cooperation throughout the Pacific Region.

The opponents of fast track like to talk about how it will somehow harm American workers. The reverse is true. The record is one of startling success. Here in the United States, the pursuit of more open global trade and investment policies has given us an export boom, record growth, enviably low unemployment, and an economy that is consistently rated the world’s most competitive.

Abroad the story is even more startling. In East Asia, for example, over 371 million people were lifted out of poverty in the two decades from 1975 to 1995. That wasn’t all due to trade, open trade and investment policies, and the development strategies they made possible, were important parts of the story.

Whether one’s focus is on the U.S. economy or on developments abroad, the results of the liberal trade policies of the past decades have been astounding, positively shocking, however, is automatic. The world can’t produce good economic results with bad economic policies. Both good policies and strong economies require international cooperation. And that is fast track. On behalf of the U.S. Member Committee of PBEC, I urge every Member of Congress and every Senator to renew the promise of fast-track now.

Mr. KIND. Mr. Speaker, another day and still no campaign finance reform.

This week saw another reason why we need to change the current system. The Republican National Committee spent $800,000 in the race to replace former Representative, Susan Molinari. This money came from unregulated soft money contributions to the national parties. In a race like the one in New York, this amount of money made a significant difference in the outcome of the election. We need to fix the system that allows any party to come into a race at the last minute and buy an election with unregulated soft money.

If the House adopted a ban on soft money, like the one in the Bipartisan Freshman Campaign Reform bill, we would allow races to be decided by local candidates and their supporters, not by the parties or the special interests in Washington. That is how we will restore the public’s faith in our electoral system and actually see voter participation increase, rather than the decline we have seen over the past several years.

Mr. Speaker, the time is now to move forward on a vote on campaign finance reform. The people of my district refuse to take “no” for an answer.

LEO PINCKNEY SALUTED FOR DEDICATION TO BASEBALL

HON. JAMES T. WALSH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. WALSH. Mr. Speaker, I want to pay tribute today to Leo Pinckney, who has been making the 100-mile trip from Auburn, NY to Cooperstown for Baseball Hall of Fame inductions most of his life. An avid baseball fan and active professional baseball in central New York, Mr. Pinckney is a community legend in the upstate region of Cayuga County and we are very proud of the role he played in the commemoration of 1996’s Baseball Hall of Fame Game.

That was when Leo Pinckney participated in the first pitch with Hall of Fame inductees Jim Bunning and Earl Weaver.

The event marked an official Hall of Fame congratulations to Leo, a former sports editor of the Auburn Citizen daily newspaper, for attending his 50th induction weekend.

Leo Pinckney was instrumental in returning professional baseball to Auburn in 1958 by helping to establish the Auburn Astros. Today, he is the President of the successors, the Auburn Doubledays.

Mr. Pinckney was President of the New York-Penn League from 1985–1992 and he now serves on the Board of Directors. One of its divisions is named after him.

We are very proud of Leo Pinckney in central New York and happy for him that he has been so honored by professional baseball.
Edgemoor, Pacific Manor, Manor Village, Westview, Sharp Park, Fairway Park, Vallemar, Rockaway Beach, Linda Mar, and Pedrito Point—were jointed together and incorporated as the city of Pacifica.

The name given the new city is the Spanish word for “peaceful pasture.” Although the area has a long and distinguished Spanish heritage, the name of the city does not derive from the early Spanish settlers or explorers of that area. It was the product of a contest held in 1957 to find an appropriate name for the newly incorporated city. The winning name was derived from an 80-foot statue sculpted by Ralph Stackpole, which was created as the theme symbol for the Golden Gate International Exposition held on Treasure Island in 1939–1940. Although the 80-foot statue was destroyed after the Exposition, two of the sculptor’s working models have been saved and both are now in Pacifica—one is over the front stairs of the Pacifica City Hall and the other is in the city council chambers.

“Wisdom in Progress” is the slogan adopted when the city was incorporated, and that phrase has marked the development of Pacifica since its establishment. The city has constructed a fishing pier, an important facility for visitors and residents to enjoy the ocean. Pacifica has also fostered a number of important projects to establish and improve the outstanding quality of life its fortunate residents enjoy.

Mr. Speaker, I invite the Congress to join with me today in extending congratulations and best wishes to the 40,000 residents of Pacifica on the important 40th anniversary of the founding of this excellent city.

VETERANS’ COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1997

SPEECH OF

HON. SANFORD D. BISHOP, JR.
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Friday, October 31, 1997

Mr. BISHOP. Mr. Speaker, I rise today in strong support of H.R. 2367, a bill to increase the rates of compensation for veteran’s service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain veterans. This bill will strengthen our Nation’s efforts to continue to provide veterans with a suitable quality of life. I would like to commend Chairman STUMPF, Congressman EVANS, and the Veteran’s Committee for continued dedication, leadership, and hard work on these measures and others affecting the veterans’ community.

America’s veterans have stood as the vanguards of freedom and prosperity. So many of them have put their lives in harm’s way so that they have protected the democratic values that we hold so dear remaining protected. Just as they fought on the front lines protecting the security of our great Nation, we must lead the charge in the battle for their well being and security.

This measure will direct the Secretary of Veteran’s Affairs to compute and provide increases in the monthly rates of disability compensation, service-connected disability compensation, and indemnity compensation, effective December 1, 1997. The rates will be increased by the same percentage as Social Security. This increase will help our disabled veterans and their families offset the cost of inflation as measured by the Consumer Price Index. Since the COLA is assumed in the budget resolution baseline, the bill would have no budgetary effect relative to the baseline as modified by the Balanced Budget Act of 1997.

Again, I would like to commend the committee for its dedication, leadership, and vision in passing H.R. 2367. This bill will allow us to continue to fortify this Nation’s commitment to provide our veterans with a better quality of life. More importantly, we owe our veterans no less than the dedication and commitment that they have given to protecting the noble ideals and principles of this great Nation. Once more, I express my strong support for this bill, and I urge my colleagues to take a stand on behalf of veterans and support this important bill.

PERSONAL EXPLANATION

HON. DAVE WELDON
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. WELDON of Florida. Mr. Speaker, due to the recent death of my father, and my attendance at his funeral services, I was unable to cast votes on many issues considered during the week of October 27, 1997. Had I been present for the votes, I would have voted as follows:

Friday, October 31, 1997: Rollcall 566, “Yes”; rollcall 567, “Yes”.

CHARTER SCHOOLS AMENDMENTS ACT OF 1997

SPEECH OF

HON. HOWARD P. “BUCK” McKEON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 4, 1997

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools.

Mr. McKEON. Mr. Chairman, I rise in strong support of H.R. 2616, the Charter Schools Amendments Act. H.R. 2616 is one of a series of critical education bills. House Republicans have scheduled for consideration during this Congress.

H.R. 2616 builds upon our goals of returning control to our local communities and increasing parental choice by providing additional resources to assist States in creating new, innovative charter schools.

During the last year, I attended several hearings throughout the country on charter schools. During our visits, committee members heard from parents, teachers, administrators, and students who credited the success of their schools because they no longer operate under burdensome education rules regulations.

One principal stated her view of the charter school process as, “a waiver of all waivers. We don’t have to apply waivers any more. We dream those big dreams, set these high standards, and we meet those missions.”

I was struck most, however, by the enthusiasm and interest shown by the parents and students.

Parents felt empowered by their newfound ability to fully participate in their children’s education. For example, many serve on decision-making boards, monitor and assist in classes, and help maintain school grounds.

Likewise, students expressed a new sense of responsibility and achievement not found at their old public schools. Many of the schools provided these students with individual attention, smaller classrooms, and original programs.

H.R. 2616 builds on types of successes by carefully targeting funds to those States which emphasize autonomy, open the doors for new charter schools, and demand accountability.

In closing, I want to thank my colleague and fellow subcommittee chairman, Mr. Riggs, for his outstanding work in bringing this important legislation to the floor.

And, I urge all my colleagues to join me in voting for the Charter Schools Amendments Act.

INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1997

SPEECH OF

HON. DIANA DeGETTE
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 5, 1997

Ms. DeGETTE. Mr. Speaker, due to a technical error I was omitted as a cosponsor of H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1997, but wanted the fact that I was an early supporter of this legislation known as a matter of record.

I am a strong supporter of the IRS restructuring and reform bill. I think the time has come to significantly restructure the Internal Revenue Service [IRS]. Recently, incidents of abuse within the IRS have been spotlighted at congressional hearings proving what many of us have suspected all along: that certain divisions within the IRS believe that a taxpayer is guilty until proven innocent.

This bill is really quite historic. It will provide a major overhaul of the IRS, and give citizens who become involved in disputes with the IRS new protections designed to enhance taxpayer rights. One of the most important things this bill will do is to strengthen the rights of taxpayers by placing the burden of proof in certain disputed cases, on the IRS, rather than on the taxpayer.

I am such a strong supporter of this legislation because, even in the relatively short time
I have been in office, I have already encountered dozens of constituents who are involved in disputes with the IRS. In a surprisingly large number of these cases, my constituents ended up seeking my assistance because they had cooperated fully with the IRS, but were getting nowhere. In fact, oftentimes their efforts to settle this problem were being stymied by the very agency with whom they were trying to comply.

I have one constituent by the name of Craig Dietz, a public school teacher in Denver, whose story is indicative of the kind of problems so many of us have had with the Internal Revenue Service. Earlier this year, Craig received a letter from the IRS stating that he owed over $500 from income he received as a nonemployee of the Jewish Center in Columbus, OH. Not only has Craig never worked for the Jewish Center in Columbus, he has never even been to Ohio.

When he notified the IRS of their mistake, they responded with a very long and technical letter telling him it was his responsibility to contact the Jewish Center in Ohio, which he consequently did and received confirmation that there was no record of his employment. After receiving this information, the IRS still continued to pursue the case, and it was at this point that Craig contacted my office. Shortly after my office got involved, the IRS closed the case.

Throughout this entire ordeal, Craig was not able to speak to an actual person at the IRS in order to state his case in person because his repeated calls were never returned. It took 6 months of hassle and aggravation, and might have taken much longer without intervention, to settle what was a relatively simple mistake on the part of the IRS. This is just one example of the stories I have heard of honorable citizens who simply want to rectify a bad situation and move on.

We need to make sure that honest taxpayers are not unduly persecuted. This bill will provide some relief to a very serious problem and open the doors to a new era of taxpayer rights.

TRIBUTE TO MIRIAM JACKSON
HON. NITA M. LOWEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mrs. LOWEY. Mr. Speaker, I rise today to honor the memory of Miriam Jackson, an extraordinary woman who devoted her life to community service and social justice.

Miriam represented a combination of qualities. She was, first, a vigorous and forceful advocate, quick to stand up for principle, to express a point of view, and to fight for a cause.

It was this steady resolve in the face of challenge and adversity which allowed her to run for county-wide office despite overwhelming odds, to delve into campaigns, and to confront the most daunting community problems with an unflinching determination to succeed.

And it was undoubtedly this same resolve which enabled Miriam to become one of only two women ever to chair a major political party in Westchester County.

Miriam was also a profoundly tender woman. She forged deep and meaningful relationships with countless individuals, whom she treated almost as adopted children. With time, this circle of friends and admirers grew to cross every imaginable boundary. A proud and observant Jew, Miriam counted as her closest friend a Roman Catholic nun, Sister Miriam Therese Peppin. And Miriam delighted always in finding the humor in publishing, while preserving decades-old relationships with their elders.

There was no admission requirement to this privileged court, save for a warm heart, a ready laugh, and an engaging personality. And from this kinship, I would hold nothing: neither love, nor support, nor effort—nor a bit of pointed, well-phrased, and somewhat more friendly advice.

There was a great tenderness also at the heart of her politics. This was a woman who identified at the most basic level with the least fortunate among us—who struggled to uplift the downtrodden, to achieve fairness for the victims of prejudice, to bring peace in times of strife, and, in her later years, to secure dignity for the elderly.

Miriam stood instinctively at the side of the underdog and recognized always that our character as individuals and as a community was measured by our compassion.

Miriam's legacy includes a host of Westchester leaders, ranging from city council members to party officials to Members of Congress. It includes a stronger network of community services, especially Meals-on-Wheels of New Rochelle, which Miriam co-founded with her very close friend, Sister Miriam, and the Hugh Doyle Senior Center to which Miriam Jackson was totally devoted. It includes the city of New Rochelle itself, blessed by her presence since she moved there in 1931. And it includes two remarkable granddaughters whose lives honor Miriam's values and spirit.

Mr. Speaker, Miriam Jackson knew great tragedy in her life. More than 30 years ago, she lost her only child and, in 1992, she mourned the death of her beloved husband, Murray. But Miriam refused to surrender to grief.

Her heart was large enough to accept and draw meaning from even the most painful experience and to share that meaning with others. In the end, she was a source of unbridled joy and inspiration to those who knew her or knew of her.

We are poorer now for Miriam Jackson's passing, but forever richer for her life.

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. SMITH of New Jersey. Mr. Speaker, when most of us think about the Food and Drug Administration [FDA], we envision an agency that works diligently to expand the universe of safe and effective medications. So when I discovered that the FDA was actually removing perfectly proven medicines available to treat asthma and cystic fibrosis patients, I knew Congress had to act on behalf of patients. As a legislator representing thousands of asthma patients, and as a father of two daughters with asthma, I am appalled that FDA might ban medicines patients need to survive.

On March 6, 1997, the FDA initiated the first stage of a plan to phase-out the use of chlorofluorocarbons [CFCs] and most chlorodifluoromethane [MDIs], which are used by asthma and cystic fibrosis patients to breathe. This action was taken ostensibly to protect the ozone layer, despite the fact that less than 1 percent of all ozone-depleting substances in the atmosphere are caused by metered-dose inhalers.

In fact, the amount of CFC's that the EPA allows to be released from automobile air conditions over 1 year is about the same as 14 years of metered-dose inhaler emissions. If you combined all sources of CFCs allowed by the EPA in 1 year, it would equal 64 years of MDI emissions. And yet the only CFC products targeted for elimination this year are inhalers.

It is also interesting to note, Mr. Speaker, that while the FDA and EPA are rushing to eliminate CFC inhalers, they continue to allow the use of a variety of CFC products, including bear-repellent pepper sprays, document preservation sprays, and certain fire extinguishers.

This is clearly a case of misplaced priorities—how can historical document sprays be considered more essential than products that protect our children's lives? And while American children and senior citizens will have their treatment regimens disrupted by the FDA's plan, nations like China and Indonesia will be pumping tons of CFC's into the atmosphere from air conditioners, hair sprays and air conditioners until the year 2010.

Not surprisingly, the FDA's plan has generated a fire storm of opposition from patients, respiratory therapists, and physicians: nearly 10,000 letters in opposition have been received to date by the FDA. A coalition of stakeholder organizations reviewed the FDA proposal in May and concluded that the FDA's approach banning therapeutic classes was "flawed and must be re-evaluated." The patient and provider organizations also stated that the FDA plan "has the potential to disrupt therapeutic regimens" and "limit physician treatment options."

It is important to institute a transition strategy that will eventually eliminate the use of CFC's. However, the FDA's proposal is deeply flawed and should be scrapped in favor of a plan that puts patients—not international bureaucrats—first.

To ensure that the interests of patients are upheld throughout the formation of our country's MDI transition strategy, my colleague from Florida, CLIFF STEARNS and I introduced legislation—H.R. 2221—that will temporarily suspend the FDA's proposed framework until a new proposal can be crafted. We have also urged the conferees working on the FDA reform bill—H.R. 1411—to include legislative language protecting the rights of 30 million respiratory patients to maintain access to the medications they need to survive.

Earlier today, I was honored to meet Tommy Farese, Tommy, who is 9 years old, and lives in Spring Lake, NJ, has had asthma since the age of 2. One of the asthma medications Tommy uses to breathe—Proventil—would have been eliminated under the FDA plan in favor of a non-CFC version that has not been approved
by the FDA for use by children. Unless the FDA’s proposal is changed, Tommy could lose access to the medicine he needs to breathe and live. Why should Tommy, and 5 million kids like him, have to face this dilemma?

In my view, any plan to remove safe and effective medications from the marketplace needs to place the interests of children like Tommy Farese first and foremost. Sadly, the FDA plan fails in this regard. Indeed, the FDA plan presumes that CFC-free inhalers serve all patient subpopulations—such as children and the elderly—equally well, despite the fact that children have special needs and many drug therapies are not interchangeable.

Mr. Speaker, I call upon the FDA to stop their proposed ban of asthma inhalers and put forward a new proposed rule only after Congress reconvenes. In addition, I urge the conferees to H.R. 1411 to include legislative language that will stop the FDA from implementing this terribly flawed and environmentally marginal proposal. If the FDA insists on moving forward with their anti-asthma plan anyway, Congress should debate and pass the Sterane-Smith bill—H.R. 221—to allow asthma patients like Tommy Farese retain access to their medicine.

KENT L. HUBER
HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. BARCIA. Mr. Speaker, the people of Bay County suffered a tremendous loss this week with the unfortunate accident that took the life of Kent L. Huber, a gentleman who was a professional pilot who offered his skills to those in need, in this case, setting a legislative landing strip for safe access to needed medications.

Mr. Speaker, the loss of a loved one is a tragedy for any family. The loss of a caring, committed individual like Kent is a devastating one for the community. Kent Huber will be missed by all of us who knew him, and by those who benefited from his willingness to give so selflessly of himself. I ask you and all of us to keep his family in our heartfelt sympathies to his family, and our wishes that the way Kent Huber lived his life will serve as a sterling example for others in our community.

J JOINT RESOLUTION—NAVY
ASIATIC FLEET

HON. WALTER B. JONES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 6, 1997

Mr. JONES. Mr. Speaker, I am pleased to rise today to introduce legislation commending the sailors and marines who served in the U.S. Navy Asiatic Fleet. I commend the actions of Senator WARNER who first heard and responded to the call of these forgotten heroes with his introduction of Senate Joint Resolution 3.

While many of my colleagues may not be familiar with the efforts waged by the Asiatic Fleet, I am here today to tell you of their critical role in American security interests. From the early 1900’s until just after Pearl Harbor, the fleet sailed courageously across the coastal waters between China and the Philippines, as well as in Russian waters and on the straits and narrows of Malaysia and Indonesia during this very dynamic period in history.

The Asiatic Fleet had originally been established in August 1910 as a successor of the Asiatic Station, to protect American lives and property in the Philippines and in China. The Asiatic Fleet sailed the seas in defense of American interests in the Southeast Asian waters until 1942.

In the final years of the Asiatic Fleet operations, these sailors and marines distinguished themselves by defending against the tidal wave of Japanese aggression. Fighting against the larger modern Japanese naval forces were the fleet’s 3 cruisers, 13 WWI-vintage destroyers, 29 submarines, and a handful of gunboats and patrol aircraft. In all, the fleet lost 22 ships. 1,826 were killed and over 500 were wounded.

As the war crisis deepened, Admiral Hart deposed his fleet in readiness. On the night of the Pearl Harbor attack, Tommy Farese retained access to their medicine.

His family was very important to him, especially his concern for children. He carried this special love as a resident on the Bangor Township Board of Education, where he devoted himself to improving the stepping stone of education for children.

Mr. Speaker, the loss of a loved one is a tragedy for any family. The loss of a caring, committed individual like Kent is a devastating one for the community. Kent Huber will be missed by all of us who knew him, and by those who benefited from his willingness to give so selflessly of himself. I ask you and all of us to keep his family in our heartfelt sympathies to his family, and our wishes that the way Kent Huber lived his life will serve as a sterling example for others in our community.

"United States Navy Asiatic Fleet Memorial Day." I call upon my colleagues to join me today in this effort to give these forgotten heroes Congress’ support for long awaited recognition.

The battles fought by the U.S.S. Houston in her service to the Asiatic Fleet are best told in the Dictionary of American Naval Fighting Ships. I would ask that the history of the U.S.S. Houston be printed following my remarks.

DICTIONARY OF AMERICAN NAVAL FIGHTING SHIPS

VOLUME III—NAVY DEPARTMENT, OFFICE OF THE CHIEF OF NAVAL OPERATIONS, NAVAL HISTORY DIVISION, WASHINGTON

With the outbreak of war between China and Japan in 1932, Houston got underway on May 31, January for Shanghai to protect American lives and property. She landed Marine and Navy gun platoons to help stabilize the situation and remained in the area, with the exception of a good will cruise to the Philippines in March and one to Japan in May 1933, until being relieved by August 17 November 1933. The cruiser arrived at San Francisco to join the Scouting Force, and for the years preceding World War II participated in Fleet Problems and maneuvers in the Pacific. During this period Houston mounted a number of special cruises. President Roosevelt came on board 1 July 1934 at Annapolis, Md., for a cruise of almost 12,000 miles through the Caribbean and to the west coast of South America on her way to Hawaii. Houston also carried Assistant Secretary of the Navy Henry L. Roosevelt on his tour of the Hawaiian Islands, returning to San Diego 15 May 1935. After a short cruise in Alaskan waters, the cruiser returned to Seattle and embarked the President again 3 October 1935 for a special cruise to the Carolines, Palau Islands, and Moluccas. Houston also carried the President to the opening of the Golden Gate Bridge at San Francisco 28 May 1937, and carried President Roosevelt for a Fleet Review at the same city 14 July 1938.

Houston became flagship of the U.S. Fleet 19 September 1938, when Rear Admiral Bloch broke his flag on board her, and maintained that status until 28 December; when she returned to the Scouting Force. Continuing the now-familiar round of training exercises, she got underway for Fleet Problem 20, 4 January 1939 from San Francisco, sailed to Norfolk and Key West, and there embarked the President and the Scouting Force. During the Problem, Admiral Leahy, for the duration of the problem. She arrived Houston, Tex., 7 April for a brief visit before returning to Seattle, where she arrived 30 May. Assigned as flagship Hawaiian Detachment, the cruiser arrived Pearl Harbor after her overhaul 14 November 1939, and continued in that capacity until returning to Mare Island 17 February 1940. Sailing to Hawaii, she departed 3 November for the Philippines. As the situation grew darker. Arriving Manila, 19 November 1940, she became flagship of Admiral Hart, Commander Asiatic Fleet.

As the war crisis deepened, Admiral Hart deposed her fleet in readiness. On the night of the Pearl Harbor attack, Houston got underway from Penay Island with fleet units bound for Darwin, Australia. As she arrived 26 December 1941 by way of Balikpapan and Surabaya. After patrol duty she joined the ABDA (American-British-Dutch-Australian) naval force and became the ABDA’s flagship. Air raids were frequent in the area, and Houston’s gunners splashed four planes 4 February as Admiral Doorman, RNN, took her force to Eniwetok. Japanese reports of this action, Houston took one hit, disabling her No. 3 turret, and cruiser Marblehead was so damaged.
that she had to be sent out of the battle area. Doorman was forced to abandon his advance.

Returning to Australia, Houston departed 15 February with a small convoy to reinforce the garrison on Timor. Before the day was out, the group was forced to beat off numerous air attacks, and next morning the Japs attacked in full force. During this defensive action, Houston distinguished herself by fighting off nearly the entire raid without damaging her torpedoes.

After one ineffectual torpedo attack the Japs light cruisers and destroyers launched a second attack. This attack was met by Admiral Doorman. Houston and other cruisers and destroyers were hit by gunfire, and at 1730 Doorman turned toward the Java coast, not wishing to be diverted from his main purpose, the destruction of the convoy itself. With dogged fighting spirit the cruiser dodged another torpedo attack and followed the course of which time Jupiter was sunk, either by mine or internal explosion. Then Encounter was detached to pick up survivors from Kortenaer, and the American destroyers expended, were ordered back to Surabaya. Now with no destroyers, Doorman's four remaining ships turned north again in a last gallant attempt to stop the invasion of Java.

At 2300 the same night, the cruisers again encountered the Japanese surface group. On parallel courses the opposing units opened fire, and the Japanese launched a devastating torpedo attack 30 minutes later. De Ruyter and Javacau caught in a spread of 12 torpedoes, exploded and sank, carrying their captains and Admiral Doorman down with them.

Before losing contact with Perth and Hous-
ton, De Ruyter and Javacau came under fire. This was accomplished, but the next day the two ships steamed boldly into the Vancaer Bay, hoping to damage the Japanese invasion force. The cruisers were almost too close to the bay, but the Japs launched a three torpedoes launched by destroyer Fubuki. The cruisers then sank one tanker and three smaller ships. A destroyer squadron blocked Sunda Strait, their means of retreat, and on the other hand large cruisers Mogami and Mikuma stood ready to strike. The result was foreordained.

Houston's fate was not known by the world for almost 9 months, and the full story of her courageous fight was not fully told until after the war was over and her survivors were liberated from prison camps. Captain Rooks received posthumously the Medal of Honor for this extraordinary heroism.

In addition to two battle stars, Houston was awarded the Presidential Unit Citation.

TRIBUTE TO THE HONORABLE PHILLIP LEWIS SOTO

HON. ESTEBAN EDWARD TORRES OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. TORRES, Mr. Speaker, today I rise to pay tribute to a great American who has passed on from the California sociopolitical scene. A true friend of mine who I shall miss after a long illness.

Phl Soto was born on March 3, 1926 in the east LA neighborhood of Boyle Heights. During World War II, he served as a bombardier in the South Pacific, flying B-17's and B-29's. After the war, he helped found the GI Forum, a foundation that serves veterans of Mexican American heritage.

In 1948, Phil married Nellie Mulian Garcia and began a family. He started his career in the television repair business in the San Gabriel Valley community of La Puente, where he was active in little league and local civic issues. In 1956, Phil managed the city of La Puente city-hood campaign. In 1958 he was elected to the La Puente City Council where he served until 1962. He was a local campaign manager for the John F. Kennedy 1960 Presidential campaign.

In the 1950's Phil Soto helped organize labor initiatives with the International Brotherhood of Electrical Workers and the United Farm Workers, working closely with the late Caesar Chavez. One of the many accomplish-

ments of Phil Soto was to petition the Attorney General to release Caesar Chavez after he was arrested and beaten by police during the onion strike in the early sixties. When the Attorney General refused, Phil rode a bus to Delano CA, and spent the night in jail with Mr. Chavez to guarantee his protection. On a later occasion, he spent another night in jail with Dolores Huerta, the current UFW president.

In 1962, Phil was elected to the 50th District of the California Assembly; the first of two members of Latino heritage elected to serve in the assembly in the 20th century; the other being John Moreno.

As a California Assemblyman, Phil Soto was a pioneer in developing a model for future Latino community leaders and elected officials. Through his dedication to the principles of the Democratic Party, he became a champion of the rights of farm workers and human rights.

He also fought to improve the quality of life for all Californians through his support of public education, water projects, and other public works projects. Phil was the first of many leaders to help define the role of Latinos in modern California politics.

In 1986, Governor Reagan's Republican sweep and Phil and Nell's opposition to the growing war in Vietnam. Yet Phil fought without an assembly seat. But the call to public service remained strong and Phil accepted an appointment from President Johnson to help establish economic development and job training programs in east Los Angeles. During this time, he implemented the programs he had fought for during his legislative career.

In 1968, Phil Soto's commitment to labor, jobs and his advocacy for Latino rights and equality was recognized by the Robert Kennedy Presidential primary campaign in California and he was asked to serve as a key adviser.

In his later years, Phil played the role of teacher, role model, and senior adviser for a new generation of Latino leaders and elected officials. One early race was the unsuccessful city election in east Los Angeles, which, had it been successful, would have resulted in the election of his wife Nell and future State Senator Richard Polanco to the east Los Angeles City Council. In 1988, he successfully helped elect his wife to the Pomona City Council and secure an appointment to the board of directors of the air quality management district.

Mr. Speaker, I ask my colleagues assembled here to join with me in paying condolences to his survivors, Nell and his wife and the Pomona City Council member, sons; Phil IV, Robert, Michael, Patrick, Tom, and daughter Anna.

"TAXPAYER VICTORIES"

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. PACKARD, Mr. Speaker, I rise in support of the American Taxpayer. I am proud of the accomplishments of my Republican colleagues, under the leadership of Speaker Gingrich, to provide meaningful tax relief for hard-working America's.

This year has truly been historic. The Re-

publican-led Congress has given the parents of 41 million children under 17 a child tax credit. We have created education savings accounts to allow parents to begin saving for their children's education. We have cut the capital gains tax rate to encourage savings and investment, creating more jobs. And we have slashed the oppressive death tax rate so that family farms and businesses can stay in the family.

Mr. Speaker, I have read the letters and taken the calls from my constituents and I know our work to help the American taxpayer is still not done. The people of the 48th Congressional District Add their voice to the rest of America's in calling for more tax relief and a complete overhaul of the burdensome IRS code.

Over the next several months, Republicans in Congress will continue to work on behalf of families and the hardworking parents that keep them together. This week, in several places across the Nation, Republican victories at the polls once again proved that taxes are the issue voters care about.

Mr. Speaker, we worked hard this year to give taxpayers their first tax cut in sixteen years. As we begin to prepare our agenda for 1998, lets make it another tax cutting year and lets win another victory for America families.
CONCERNING THE DISTINGUISHED CAREER OF DAVID J. MCCARTHY

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Ms. NORTON. Mr. Speaker, I rise to sing well deserved praises for David J. McCarthy, Jr., who is retiring from the Georgetown University Law Center as professor and former dean after 37 years. Every Member of this body knows well that Georgetown is among the Nation’s top law schools. Not every Member knows how the law school got that way. Great law schools do not just happen. They are made, not born.

One of those who made it happen was Dave McCarthy. Dave was dean at a critical moment for the Law Center in this century from 1975 to 1983. During Dave’s tenure, the law Center firmly established itself as the first-rate institution it has been known to be ever since.

After his service as dean, Dave McCarthy remained at the Law Center as Carmack Waterhouse Professor of State and Local Government. Dave was a graduate of the Law Center before he later was to lead and, as a student, was managing editor of the Georgetown Law Journal. In addition to his law degree, Dave earned an LL.M. and was awarded an honorary doctorate by Georgetown. His career has been enriched by abundant other activities as well, including service as Chair of the American Association of Law Schools Accreditation Committee, on the Citizens Choice National Commission, and the Taxpayer, and on the Executive Committee of the D.C. Pretrial Services Agency.

David McCarthy’s service to Georgetown University, to the profession, and to this community has been exemplary. I know that the House of Representatives would want to join me in saluting David J. McCarthy.

INTRODUCTION OF THE MEDICARE VENIPUNCTURE FAIRNESS ACT

HON. NICK J. RAHALL II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. RAHALL. Mr. Speaker, I rise today to introduce a bill titled the Medicare Venipuncture Fairness Act of 1997, to reinstate payment under Medicare for home health services consisting of venipuncture based solely on blood monitoring, and to require the Secretary of Health and Human Services to study the appropriate use of venipuncture under the Medicare Program. This essential Medicare home health benefit was denied in the recently passed Balanced Budget Act, and will affect literally millions of vulnerable Medicare beneficiaries.

Over the past 3 weeks, I have received more than 234 letters from concerned Medicare patients, or their family members and caregivers in my District expressing their grave concern over the devastating impact this provision will have on seriously ill and disabled seniors.

As I introduce this legislation today, I am pleased to be joined in sponsoring the bill by my friends and distinguished colleagues, Representatives Poshard, Mollohan, Clayton, Kilpatrick, McIntyre, Frost, Costello, Clement, Baesler, Aderholt, Boucher, and Cramer.

Of the 38 million Medicare recipients in the United States, we estimate that approximately 5 million receive some type of home health benefit—this is the only number HCFA has available. Speaking of HCFA—the Health Care Financing Administration, it is useful and telling to note that while the agency claims the venipuncture prohibition is in place to fight fraud and abuse in the Medicare home health benefit, there are no studies or reports that exist, either from HCFA, the HHS Inspector General or the General Accounting Office [GAO], linking blood monitoring in home care to fraud, waste, or abuse. Removing blood monitoring as a qualifying service for the Medicare home health benefit was a vast overreaction—indeed it was a solution in search of a problem in my view.

Mr. Speaker, if we start down that slippery slope of denying or withdrawing services because someone provider decides to defraud or abuse the system, we will have to terminate nearly every federally supported benefit program that exists today.

Another important point to remember is that the need for blood monitoring does not automatically result in eligibility for home health care. An individual must meet all of the very detailed and specific eligibility requirements for home health care and services must be prescribed by a physician. Currently, nearly 1 million home health beneficiaries need blood monitoring.

In rural communities where nearly 38 percent of residents are unserved by public transportation, Medicare beneficiaries who need blood monitoring will face special problems. In these areas, travel by the elderly, sick or disabled seniors is nearly impossible. Ambulance services would cost as much as $250 a trip—much, much more costly than paying for blood monitoring at home. Moreover, if these beneficiaries cannot get proper blood monitoring services, they will end up in institutions like hospitals or nursing homes at a much higher cost to Medicare.

One of the senior citizens from my congressional district who wrote to me says that he suffers from Black Lung disease, is confined to a wheelchair on 24-hour oxygen, and suffers from heart problems for which he takes medication plus blood thinners. How vulnerable can you get? How can this man or his caretaker get to a doctor’s office or a laboratory for timely and medically necessary blood monitoring?

My colleagues, it is one thing to penalize unscrupulous providers by cutting off reimbursement under Medicare, but to penalize the sick, disabled elderly who have not committed fraud or abused the system is quite another.

The 234 Medicare beneficiaries in my district who have contacted me concerning this loss in their benefit, are confused and afraid—confused because they’ve done nothing wrong, afraid because they can’t get to an outside facility, physician, or laboratory to get blood samples taken. They do not know what will happen to them, the stability of their health, or their peace of mind. How can we require their ability to remain in their own homes, as opposed to a hospital or nursing home, hangs in the balance.

In the name of fairness, I urge my colleagues to cosponsor the Medicare Venipuncture Fairness Act so that we can rectify this injustice to Medicare beneficiaries. The legislation not only repeals the provision in the BBA that denies home health services based solely on blood monitoring, but mandates a study to look at past abuses in the benefit and to recommend standards for the appropriate use of venipuncture services.

Time is of the essence. I call upon my colleagues to join with me quickly so that we can defeat this proposal before it becomes effective on February 5, 1998, leaving thousands of needy Americans without a vital health care benefit.

If you wish to cosponsor, please call me or Mrs. Kyle on my staff at X53452.

CONGRESSIONAL RECORD Ð EXTENSIONS OF REMARKS

HON. PHIL ENGLISH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on Thanksgiving this year, the New York’s Macy’s parade will step off, headed by a band from Pennsylvania’s 21st District.

The Butler High School Golden Tornado Marching Band is the proud representative of the Butler Area School District, and the community of Butler. The community, located 40 miles north of Pittsburgh, supports the band with over $84,000 in new uniforms, 10 buses, 2 equipment trucks, and a van to transport the band to its performances.

The band, led by Mr. Vincent James S Gonzotti, has four directors, a dance team adviser, and a twirler adviser. They provide not only the technical skills, but that important, intangible ingredient of leadership and inspiration that are so necessary to success.

Mr. S Gonzotti and his colleagues are privileged to work with the youth of Butler. This year the band has 367 young men and women in its ranks. Day in, day out, these kids practice, and practice hard. That determined work has paid off with a long, winning tradition. The Golden Tornado has won a slew of first place awards in competitions and parades over the years. It has even been featured in four different Pittsburgh Steelers performances.

Mr. Speaker, I am proud of the Butler Golden Tornado Marching Band, and the fact that they will be leading the Macy’s parade. Our televisions often carry stories of youths in trouble. On Thanksgiving Day our television sets will show 367 Butler teenagers who are making music, not trouble.

IN HONOR OF DESPINA MARANGOS

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Despina Marangos, one of my constituents who represents the hard-working spirit of a first generation American, on her 80th birthday.
Despina Marangos was born in Bethlehem, PA, on November 14, 1917. Despina’s parents, Zaharias Kyriacou from Cyprus and Christania Protoulis from Lesvos, Greece, had entered the United States through Ellis Island in the early 1900s. When Despina moved to New York at age six and enrolled in P.S. 116, her English language skills were limited. Yet she graduated as valedictorian of her class and went on to attend Julia Richman High School where she was an honor student.

Despina’s devotion to her family and community evidenced her willingness to act as an interpreter. Her devotion to her family was further exhibited during the Depression when Despina entered the work force at an early age to work with her mother in the garment industry.

At age 20, Despina met Pantelis John Maragos from Cyprus. They were married just before her 21st birthday on November 6, 1938, at Zodocho Pygi Greek Orthodox Church in the Bronx. Despina and Pantelis celebrated their 59th wedding anniversary just yesterday. Pantelis continued to work until his daughter, Mary Ann, was born in 1943. But, during World War II, Pantelis was sent overseas with the Navy. Despina was forced to move in with her parents and take a job at a defense plant in Long Island City. She worked nights and cared for her child during the day.

After the war, Pantelis returned and their son, John Zaharias, was born in 1950. Despina continued to enrich her life with reading, helping her children and caring for her aging parents. She also found time to be a den mother and an officer in the Women’s Auxiliary and in the Parents’ Association.

In 1959, a new phase of Despina’s life began when she went back to work for the Christmas season at Macy’s. Her work was so exemplary that Macy’s retained her for 30 years. Since retiring, she has remained active in the retiree chapter of her union, Macy’s Local 1S, and in the senior center and Pantelis attend, where she is a board member.

As grandparents, Despina and Pantelis often travel with their grandchildren, Cindy and Denise. Pantelis, recovering from a stroke a year ago, still make short trips. They are both working hard on his recovery and look forward to the day they can travel freely again. Mr. Speaker, I ask that my colleagues rise with me in this tribute to Despina Marangos, the daughter of immigrants who has combined the best of her hellenic heritage with the opportunities America has provided.

THE TROPICAL FOREST CONSERVATION ACT

HON. ROB PORTMAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Friday, November 7, 1997

Mr. PORTMAN. Mr. Speaker, today I am pleased to introduce with my colleagues, the gentleman from Ohio, Mr. KASICH, and the gentleman from Indiana, Mr. HAMILTON, the Tropical Forest Conservation Act of 1998. The purpose of this bipartisan legislation is to rechannel existing resources to facilitate debt for nature swaps with lesser developed countries that contain some of the world’s most biologically diverse tropical forests. Now is the time for action.

Despite all of the controversy over global warming, there is a consensus that tropical forests provide a wide range of benefits to citizens of the United States, and around the world. Tropical forests harbor a major share of the Earth’s biological resources, which provide the ingredients for life-saving medicines and the genetic sources to revitalized agricultural crops that supply most of the world’s food. They play a critical role as carbon stores that go into the atmosphere and moderating potential global climate change. And these forests regulate hydrological cycles on which far-flung agricultural and coastal resources depend. In short, tropical forests are essential to sustaining life, treating deadly diseases, and preserving the agricultural economy.

Tragically, over half of the tropical forests on Earth have disappeared and the rapid rate of deforestation and degradation of these sensitive ecosystems continues unabated. In the past 15 years, more than 30 million acres of tropical forests were lost. Such a record cannot continue without a dramatic impact on our environment for our generation and those to come.

Many of these biologically rich environments are located in less developed countries with significant amounts of U.S. debt. These countries have urgent needs for investment and capital for development and have allocated a significant amount of their forests to logging concessions. Poverty and economic pressures on the populations of developing countries have, over time, resulted in clearing of vast areas of forest for conversion to agriculture, which is often unsustainable in the poor soils underlying tropical forests. Mounting debts put more pressure on countries to sell off or convert their tropical forests for other uses.

The Tropical Forest Conservation Act addresses the underlying causes of deforestation and gives countries tangible incentives to protect their tropical forests. The act builds upon the framework of President Bush’s Enterprise for the Americas Initiative [EAI]. Under EAI, up to $154 million was provided to environmental trust funds in Latin American countries to protect tropical rain forests through debt for nature swaps.

The Tropical Forest Conservation Act amends the Foreign Assistance Act of 1961 to provide the President authority to: First, reduce debt owed to the United States that is outstanding as of January 1, 1997, as a result of any credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954; and third, to sell to any eligible purchaser, or reduce or cancel, any loan made before January 1, 1997, to any eligible country or any agency under the Export-Import Bank Act of 1945. Appropriations are authorized for these purposes for fiscal years 1999, 2000 and 2001.

The bill initially targets specific countries and gives the President discretion over time to designate countries that meet the criteria for designation. It facilitates debt for nature swaps in those developing countries that have tropical forests with the greatest degree of biodiversity and under the most severe threat. Such countries must also meet the criteria established by Congress under the EAI, including, among other things, that the government must be democratically elected, has not repeatedly provided support for acts of international terrorism, is not failing to cooperate on international crime matters, and does not engage in a consistent pattern of gross violations of internationally recognized human rights.

Each beneficiary country will establish a tropical forest fund. Amounts deposited in the fund will be used to preserve, maintain, and restore tropical forests in those countries. There is accountability in the process—such funds shall be administered and overseen by U.S. Government officials, environmental non-governmental organizations active in the beneficiary country, and scientific or academic organizations.

The goal of the Tropical Forest Conservation Act of 1998 is to help protect the planet’s remaining storehouses of biological diversity. These forests have a direct impact on U.S. taxpayers—on the air we breathe, the food we eat and the medicines that are developed to cure disease. Action is needed now in these developing countries to address the underlying causes of deforestation and environmental degradation so that these important ecosystems can be preserved before it is too late.

This legislation has strong support in the environmental community, including Conservation International, the Nature Conservancy, and the World Wildlife Fund strongly support this legislation.

We look forward to working with our colleagues on a bipartisan basis and with the administration to protect these invaluable resources.

TRIBUTE TO HENRY KUIPER
HON. DUNCAN HUNTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, November 7, 1997

Mr. HUNTER. Mr. Speaker, I rise today to recognize the extraordinary service and dedication of a constituent in my district, Mr. Henry “Hank” Kuiper of El Centro, CA. Hank is a devoted member of this community serving the city of El Centro for the past 12 years, 3 of these as mayor. He is soon retiring and I would like to take a moment to commend his dedicated service in local government and community programs.

Hank’s involvement and accomplishments extend well beyond his 12 year tenure with the city council. Aside from being a member of the Joint Powers Insurance Authority, Air Pollution Control Board, Citizens Advisory Committee–Centinela State Prison, Border Trade Alliance, Free Trade Commission, and was appointed by Secretary of Interior Bruce Babbitt to the Colorado River Flood Way Task Force.

Hank is a symbol of commitment and dedication to his fellow citizens and community. He has pledged a great share of his life to the service of others and he has surely made El Centro a better place to live. Today, let us honor him for his unwavering contributions. Mr. Kuiper is well deserving and I wish him great happiness in his future endeavors.
HONORING THE CITIZENS ADVICE BUREAU

HON. ELIOT L. ENGEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Friday, November 7, 1997

Mr. ENGEL. Mr. Speaker, today I rise to praise the Citizens Advice Bureau, an organization started in the Bronx 25 years ago which has helped thousands of people to make a better life.

The CAB is a multiservice organization founded by clergy, community activists, and social workers who were concerned about the rising level of poverty and the massive housing loss the Bronx was suffering. From a single office it has expanded to 20 offices serving an area with a population of 600,000.

It was a pioneer in the consumer protection field, entitlements and advocacy for senior citizens. In its initial years, it worked for affordable housing and tenant protection. In the late 1980's, CAB was one of the first Bronx organizations to implement an AIDS services program. In the 1990's, its transitional housing program and family relocation services enabled more than 1,000 families to stabilize their lives and secure permanent housing. Its eviction prevention program has kept 10,000 families in permanent housing.

The CAB now works to provide immigrants with help and guidance. Every year more than 1,500 young people participate in its early childhood development programs, summer camp, and teen programs.

The Homeless Outreach Team patrols 24 hours a day, 7 days a week in streets, highways, and parks to find and help homeless people. Because of their efforts not a single homeless person has died in the Bronx during the past two winters.

The CAB helps those in need, making the Bronx a better place for people of all ages. It deserves thanks from all of us.

HELPING EMPOWER LOW-INCOME PARENTS [HELP] SCHOLARSHIPS AMENDMENTS OF 1997

SPEECH OF
HON. BOB SCHAFFER
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 4, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I would like to address the comments made earlier in this debate by the gentleman from California [Mr. MARTINEZ]. I would refer the House to the RECORD on this matter, for the gentleman misquoted my remarks and bluntly mischaracterized by comments which were clearly made in support of competitive schools and free-market economies.

Observations previously expressed by me on the House floor were obviously directed at those Government-owned schools which are absolutely terrified by school choice. Without question, this excludes the majority of education institutions in America today which embrace competition and are competitive. In fact, they compete very well. I would suggest the gentleman visit Colorado and see for himself how charter schools, intradistrict choice, and post-secondary enrollment options have resulted in more opportunities for schoolchildren. Perhaps these kinds of schools exist in his State too.

Mr. Speaker, never have I equated America's public schools with a Communist legacy, as the gentleman from California suggested. In fact, I have never before mentioned both in one speech. Any comments I have made regarding Government monopolies were plainly an indication that centrally planned economies found in other countries are models of failure. In fact the Communist legacy was a failure because that party's economic policies guaranteed mediocrity. The purpose of this observation was also plainly meant as a warning to avoid allowing our Federal Government to trample on our federalist traditions and restrain competitiveness with respect to educating children.

Quite the contrary, our Government should resist such tendencies of some bureaucracies to limit competition and establish monopolies. That was the clear point of my speech which was properly received by the majority of our colleagues.

It is regrettable that anyone would misinterpret these remarks as anything other than an admonition against Government monopolies and in favor of competitive schools which again constitute the vast majority of American institutions.

I hereby reaffirm my strong support for a thriving public education system. I restate my rejection of increased Federal intrusion in local school settings, and I fully approve of the innovations in public education that are improving education quality for America's schoolchildren.

Mr. Speaker, we should resent any suggestions to the contrary and regard them as malicious in intent, certainly reckless in use. At these times, we do well to call upon the faculties of statesmanship and honor than invective.

The American people demand full and honest debate by their Representative in Congress, on the topics which matter most. Useful dialog should be encouraged through intellectual discourse, not suppressed by partisan sniping, as is the effect of the mischaracterizations made by the gentleman from California.

Our devotion, instead should be toward the American children who have a right to expect first-rate learning opportunities. Perhaps today's lesson is one on the difference between statesmanship and imprudence.

FREEDOM OF SPEECH, FREEDOM OF THE PRESS

HON. SAM FARR
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Friday, November 7, 1997

Mr. FARR. Mr. Speaker, I want to address the House for a time about the sanctity of one of America's most treasured rights: the freedom of speech.

Freedom of speech is central to most every other right that we hold dear in the United States and serves to strengthen the democracy of our great country.

It is unfortunate, then, when actions occur that might be interpreted as contrary to this honored tenet.

Currently there is a dispute between journalists in my district and the new owners of the Monterey County Herald newspapers. All employees of the newspaper were required to reapply for their jobs when the new owners took over the paper. Several of the employees—some of them prize-winning journalists—were not rehired.

This action has left many in the community feeling that the newspaper is acting unfairly toward the reporters and fearing that it will affect the tenor of the news reported. Further there are suspicions that the owners may be engaging in antitrust efforts, casting further pall on the ability of the paper to serve the reading public.

I urge every American—no matter the position they hold in this society of ours—to carefully consider the actions they take when those actions concern the dissemination of public information. Freedom of speech and freedom of the press are much too powerful rights to be lost to squabbles over the union or nonunion status of employees. They are too basic to the structure and fabric of American life to fall victim to bottom line dollar equations.

I know the fired employees and the new owners of the Herald continue to negotiate over this matter. I am hopeful that the two sides can come to a mutually satisfactory arrangement that leaves the journalists reporting, the paper profiting, and the reading public informed.

IN RECOGNITION OF NATIONAL CHEMISTRY WEEK

HON. TIM ROEMER
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES
Friday, November 7, 1997

Mr. ROEMER. Mr. Speaker, November 2 to 8, 1997 is the 10th celebration of National Chemistry Week. I rise, today, in recognition of the members of the American Chemical Society who are volunteering their time this week to increase the public's understanding about the important role chemistry plays in the success of this Nation and in our everyday lives.

Through hands-on activities, chemical demonstration programs, and a variety of other events, kids of all ages will learn and do chemistry.

The feature activity of the week is a national effort to test water hardness in local neighborhoods. Children are receiving copies of a Planet Chemistry activities booklet through their schools that allows them to be part of the national effort. They then go out and get a water sample from their local stream, lake, or well and use the test strip included in the booklet to test the hardness of the water, and report their results through the ACS site on the Web. The test strips were produced by a company in my district, Environmental Test Systems of Elkhardt, IN. I am proud to tell you that 2.6 million of these strips distributed in 650,000 copies of the booklet allowed this project to get children all over the country involved.

Volunteer chemists and chemical engineers of the ACS St. Joseph Valley Section in my home district also scheduled events, such as panel discussions and hand-on educational demonstrations, to highlight chemistry for their students.
neighbors. Efforts like these are planned in almost every congressional district throughout the Nation.

Our ability to improve the living standards of citizens in America and around the globe depends upon our understanding of sciences like chemistry. Our food, clothing, houses, cars, medicines, defense—all the things we can see, taste, touch, or smell—depend on modern chemistry. Additionally, those involved in the chemistry field represent the type of skilled, highly trained workers that are essential to this Nation’s competitiveness.

So please join me, and the 152,000 chemists and chemical engineers of the American Chemical Society, in highlighting the fact that every single thing in our lives is in some way a result of chemistry in action.

THE TROPICAL RAINFOREST CONSERVATION ACT OF 1998

HON. LEE H. HAMILTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Friday, November 7, 1997

Mr. HAMILTON. Mr. Speaker, today Mr. PORTMAN, Mr. KASICH, and I are introducing, the Tropical Rainforest Conservation Act of 1998. The purpose of this bill is to facilitate the protection of tropical rainforests through debt reduction with developing countries with tropical rainforests.

It is the establishment policy of the United States to seek the protection of the world’s tropical rainforests, which provide a wide range of benefits to humankind. In spite of international assistance programs to conserve forest resources, tropical deforestation continues unabated.

Debt reduction can reduce economic pressures on developing countries and result in increased protection for tropical rainforests. This bill will revitalize U.S. “debt-for-nature” programs, giving priority to countries that have rainforests with the highest level of biodiversity and under the most severe threat.

HONORING WESTCHESTER-PUTNAM AFFIRMATIVE ACTION PROGRAM

HON. ELIO T L. ENGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, November 7, 1997

Mr. ENGEL. Mr. Speaker, the Westchester-Putnam Affirmative Action Program is a non-profit, non-partisan, interfacial organization dedicated to providing job training and finding employment in the construction trades for minorities, women, and economically disadvantaged. It is comprised of representatives of the construction trades, building contractors, minority and women’s groups and is celebrating its 25th anniversary as a successful force for bringing minorities, women, and others into the construction trade.

It has placed more than 4,000 such people in construction related jobs throughout Westchester and Putnam Counties. It administers the only federally approved hometown plan to achieve compliance for the Executive order requiring minimum goals for the employment of women and minorities in the bicounty area. I am proud to say that all of its placements are from among the poor, bringing these people into the mainstream of productivity.

W-PAAP is celebrating by paying tribute to the Joseph T. Jackson Training Center and the man it was named after. The late Joseph T. Jackson was the first black master mechanic in the Nation.

Also being honored are those who helped make W-PAAP a success: the NYS Department of Labor, Westchester County, Con Edison, the contractors and labor unions, and original board members Virginia Monahan, Orial Redd, Napoleon Holmes, and Thomas Green.

The success of W-PAAP is an inspiration to all and I give them my congratulations for all they have accomplished.

TRIBUTE TO NOVATO COUNCILMEMBER ERNEST J. GRAY

HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, November 7, 1997

Ms. WOOLSEY. Mr. Speaker, I rise to day to pay tribute to an outstanding public servant, Mr. Ernest J. Gray. Mr. Gray is retiring as councilmember of Novato, after 20 years of outstanding service. I wish I could join his family, friends, and colleagues in celebrating his distinguished career.

Mr. Gray is the city’s longest serving councilmember. During his tenure, he served as Novato’s mayor for four terms—more often than any other member of the council. Prior to joining the city council, he served on the Novato Planning Commission.

Ernie Gray’s devotion to the community is admirable. He has been a member of the Blue Ribbon Task Force on the Homeless, the Highway 101 Corridor Action Committee, the Human rights Commission, and was involved with the Community Development Block Grant.

And, he has worked tirelessly to complete the reuse of Hamilton Air Force Base. Mr. Speaker, it is my great pleasure to pay tribute to Ernie Gray. His service to the residents of Novato will be greatly missed. I wish him the best in his retirement from public office.

INTRODUCTION OF LEGISLATION TO PROHIBIT OSHA FROM USING PENALTY QUOTAS

HON. CASS BALLENGER
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Friday, November 7, 1997

Mr. BALLENGER. Mr. Speaker, over the past years, the Subcommittee on Workforce Protections has held numerous hearings on issues surrounding OSHA, the Occupational Safety and Health Administration. While these hearings have considered a great many issues, the question that has repeatedly returned to the fundamental question: What is the purpose of OSHA? Is it to enforce rules that it has issued and the number of willful violations is accepted, the number of criminal cases referred to the Justice Department for prosecution. Are these the appropriate measures to determine the effectiveness of this Act? Or should the question be: “Are hazards in the workplace being abated? Are injury rates being reduced?”

That really is the crux of the issue: what is the most effective approach to achieving hazard abatement and injury reduction? Again, we are talking about changing long standing, systemic problems with the agency. Because the agency’s success was measured for years by its punitive activity, it has become organized accordingly.

My legislation would simply make the Clinton administration’s commitment part of the law. It makes clear that OSHA’s purpose is to improve safety and health for employers and employees—not just enforcement.

Why is this legislation necessary if the Clinton administration has already stated it agrees with the policy? First, as the above statement indicates, OSHA’s focus on enforcement numbers is long standing and systemic. Saying that the agency will change its personnel policies does not necessarily effectuate real change. Second, despite the Clinton administration’s promise to change, the leadership of the agency continues to focus on enforcement measures as the purpose of the agency. Earlier this year, the acting assistant secretary for OSHA told an OSHA official to increase the number of inspections in 1997, and to increase the number of large penalty cases. Third, putting this provision in the statute will help to assure employers and employees that OSHA’s mission is not to collect money for the Federal Government, but to promote safety and health. I view this change as a small step, but in conjunction with other steps I am proposing, helpful to redirecting OSHA away from its focus on enforcement, rather than on safety and health.

CONGRATULATING DOZIER T. ALLEN, J.R.

HON. PETER J. VISCOLOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Friday, November 7, 1997

Mr. VISCOLOSKY. Mr. Speaker, it is my distinct pleasure to congratulate Calumet Township Trustee, Dozier T. Allen, Jr., on his 30-year anniversary as an elected public official. Dozier will be honored for his years of dedicated service to the communities of northwest
Indiana at an anniversary celebration, which will be entitled “Tribute to a Statesman.” The event will be held on Thursday evening, November 20, 1997, at the Genesis Convention Center in Gary, IN. Dozier’s family and friends, as well as many prominent community leaders, will participate in this special event.

A native of Gary, IN, Dozier Allen began his political career in 1967, with his election to the post of Gary City councilman-at-large. With this election, he earned recognition for being the first Gary-born African-American to serve as councilman-at-large, and during his 5 years in this position, Dozier faithfully served several council committees, including Ordinance, Building and Grounds, Public Welfare, Police and Fire, and Housing and Urban Planning. Through his active participation in these committees, Dozier was instrumental in passing many important city ordinances and resolutions. Some such initiatives resulted in securing more money from the State of Indiana for education in Gary, securing Federal assistance for drug rehabilitation initiatives, and the annexation of Calumet Township to Gary.

While still a councilman-at-large, Dozier won the 1971 election for Calumet Township Trustee. Since then, he has been elected to seven consecutive 4-year terms, during which he has hired and managed over 500 employees, and effectively administered over $300 million to assist over two million impoverished families. During Dozier’s 25-year stewardship, the Township Trustee’s office has had an impeccable record. As township trustee, Dozier has also devoted much of his time to serving on several prestigious councils and committees, including the Indiana Township Association’s Metro Committee; the Governor’s Indiana Metropolitan Poor Relief Council; the Lake County Welfare Board; the Lake County Mental Health Board; and the Indiana Township Trustee Association, of which he is still a member. During his distinguished political career, Dozier has earned the distinction of being elected to a major executive public office longer than any African-American citizen in the history of Indiana.

Dozier expressed his devotion to public service long before his election to office, however. He first served his country in combat during the Korean War. For his outstanding service in the National Guard, Dozier received a Bronze Star. In 1954, Dozier immediately became involved in the Gary young adult branch of the NAACP, and he actively participated in the elections of countless black public officials. In 1960, Dozier was one of the founders of Mugiwenhaytha, the first local African-American organization to have an independent impact on electing black public officials. Since that time, he has probably supported more campaigns for Gary citizens to become elected officials than any other person.

Dozier’s humanitarian efforts have also positively impacted the community he serves. Over the years, Dozier has served as a board member or officer in countless organizations, always making a serious effort to contribute in a productive manner. In 1972, as a charter board member of the Indiana State Office for Sickle Cell Disease, Dozier successfully raised over $18,000 locally. Sensitive and compassionate in the face of human suffering, health and human service initiatives have always been a priority for Dozier. Other successful fundraising efforts in which Dozier participated, including raising over $12,000 for the National Civil Rights Hall of Fame in 1982-83, and over $10,000 for the Poor People Hunger Revival in 1985, which replenished exhausted township funds for his outstanding community service efforts, Dozier has received many awards, including: the Serenity House Appreciation Award; the Martin Luther King Jr. Drum Major Award; the Indiana Township Trustees’ Association’s Distinguished Service Award; the Department of Mental Health Outstanding Service Award; the American Red Cross Outstanding Service Award; the John F. Kennedy Leadership Award; and the NAACP Humanitarian Award.

Mr. Speaker, I ask you and other distinguished colleagues to join me in commending Dozier T. Allen on his years of outstanding service to the communities of northwest Indiana. The hard work and leadership he has displayed, while positively impacting the lives of many, is truly admirable.

NOTING THE SUCCESS OF NASA’S SEMAA PROJECT

HON. LOUIS STOKES
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Friday, November 7, 1997

Mr. STOKES. Mr. Speaker, as we approach the 21st century, we are hearing reports that America’s students are continuing to perform poorly in math and science. These skills will be critical in the highly technical society to which we are moving. I want to bring to the attention of my colleagues an exciting program that addresses this challenge. The program is enjoying great success in my home district, the 11th Congressional District of Ohio.

In 1993, the National Aeronautics and Space Administration [NASA] Lewis Research Center in Cleveland, OH, joined with Cuyahoga Community College in launching the Space Environment Mathematics and Aeronautics Education Academy [SEMAA]. The program was created to increase the number of under-represented and under-served students interested in science, mathematics, engineering, and technology careers. At the same time, SEMAA focuses on increasing the success rate of these students through innovative activities and programs.

I have had the opportunity of witnessing firsthand the success of this unique initiative. Students are placed in settings where they are allowed to imagine themselves on the surface of Mars, or flying across country in the mobile aeronautics laboratory. The students are not only developing math, science, and other technical skills, but they are also developing good leadership and communication skills.

For these reasons, the SEMAA program is being hailed as a great success. When it was first introduced, program heads set as a goal serving 1,000 students each program year. I am pleased to report that in its 4th program year, SEMAA served 1,939 students, nearly double the original goal.

Mr. Speaker, I am grateful that NASA Administrator Dan Goldin supports the SEMAA initiative. In my congressional district, a team of three individuals play critical roles in guaranteeing the program’s success. I want to recognize these individuals, each of whom has a strong background in education. The individuals are: Dr. R. Lynn Bondurant, Jr.; Mr. John Hairston; and Dr. Jerry Sue Thornton.

Dr. Bondurant is the education program officer for the external programs division at NASA Lewis Research Center. In this position, he is responsible for creating and implementing new educational programs, including SEMAA. He also recently completed a mobile aeronautics education laboratory. Prior to his employment at NASA Lewis, Lynn was a junior high school principal and curriculum coordinator. I should also note that Dr. Bondurant was the first education officer at the National Air and Space Museum. He is the recipient of numerous awards including NASA’s Exceptional Service and Leadership Medals; and the Challenger Seven Award from the Challenger Center.

Mr. Speaker, Mr. John Hairston serves as director of external programs at NASA Lewis Research Center. His responsibilities include the development and implementation of outreach, educational and informational programs that contribute to scientific literacy and highlight Lewis Research Center’s expertise in research and technology. Prior to joining NASA, John spent 27 years with the Cleveland city schools where he served as a board member. He, too, has received NASA’s Outstanding Leadership and Exceptional Achievement Medals. John is also a member of the Ohio Aerospace Council.

Dr. Jerry Sue Thornton is president of Cuyahoga Community College in Cleveland, OH. Under her leadership, the college serves 60,000 students annually through more than seven degree programs. She has been instrumental in spearheading the implementation of unique programs to meet the needs of Cleveland students, including the SEMAA project and other technology initiatives. In addition to leading Cuyahoga Community College, Dr. Thornton is a board member of the Greater Cleveland Growth Association, Applied Industrial Technologies, and the Cleveland Foundation, just to name a few. She has also written for several publications, including books, book chapters and professional articles.

Mr. Speaker, I salute Dr. Bondurant, Mr. John Hairston, and Dr. Jerry Sue Thornton for their efforts in ensuring the success of the SEMAA program. On behalf of the students and parents within the 11th Congressional District, I applaud their commitment to educational excellence. In my opinion, the SEMAA project should be duplicated in congressional districts across the United States. It is my hope that this will be one of our goals for the future.

HONORING THE SERVICE OF ALASKA VIETNAM ERA NATIVE VETERANS

HON. DON YOUNG
OF ALASKA
IN THE HOUSE OF REPRESENTATIVES
Friday, November 7, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce legislation on behalf of numerous Alaska Native veterans who answered the call of their country to serve, fight,
and preserve the rights of all citizens of the United States during the Vietnam war. Many of these same Alaska Native veterans continue to serve their country by becoming involved in their communities, and in local and State government. Others continue to serve their country by their enlistment in the Alaska National Guard, a reserve component of the Army.

Alaska Natives, who were in service to their country during the Vietnam war, missed their opportunity to apply for a Native allotment under the Native Allotment Act. Many were in war zones and others had not received their application from the Bureau of Indian Affairs [BIA]. It is my firm belief that our Alaska Native Vietnam veterans merit the same rights as other Alaska Natives under this act. It is morally wrong of our country, of which our Alaska Native veterans are first class citizens, to deny them the basic right afforded to other Alaska Native citizens under this act. This legislation will correct this inequity and give them the opportunity to apply for their allotment under the Native Allotment Act.

I think it is appropriate that I offer this legislation prior to our national observance of Veterans Day, November 11, 1997. My legislation respectfully requests of this administration not to tarnish the service of our Alaska Vietnam era Native veterans and to grant them the same rights to apply for their Native allotment.

Another provision in this bill would restore land to the Elim Native Corp. By Executive Order 2508, January 3, 1917, President Woodrow Wilson set aside the Norton Bay Reservation “for use of the United States Bureau of Education and the natives of indigenous Alaskan race”, including adjacent islands within 3 miles of the coast. This area contained 350,000 acres.

In 1919, Congress mandated that the withdrawal of public lands for use as Indian reservations could only be made by an act of Congress (43 U.S.C. 150, 41 Stat. 34). Congress in 1927 declared that no changes could be made in the boundaries of Executive Order reservations for the use of Indians except by an act of Congress (25 U.S.C. 398d, 44 Stat. 1347). The 1927 act is applicable to Alaska (70 I.D. 166 (1963)). After the 1927 act, President Herbert Hoover issued Executive Order 5207 which revoked approximately 50,000 acres of land from the Norton Bay Reservation for use of homesteading by ex-servicemen of World War I. No ex-servicemen applied for any land within the old Norton Bay Reservation.

When I brought this issue before the 102d Congress, the Secretary of Interior agreed that Elim was entitled to the 50,000 acres. See April 21, 1992, letter from deputy Assistant Secretary for Land and Minerals Management to Chairman MILLER. The administration is investigatting the fact that by Executive Order 5207 land can be withdrawn from reservation lands. Therefore, it is my lawful belief that Elim Native Corp. is entitled to the 50,000 acres and that the administration should disregard Executive Order 5207 issued by President Hoover and restore the 50,000-acre Elim entitlement.


Hon. George Miller, Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This responds to your request for the Department of the Interior's (the Department's) views on eight proposed amendments to H.R. 3157, the “Alaska Land Status Technical Corrections Act of 1991,” a bill which would amend the Alaska Native Claims Settlement Act (ANCSA).

On February 24, 1991, the Department submitted written testimony on H.R. 3157, as introduced. The issues raised in our testimony still are of concern to the Department. This letter summarizes the Department's concerns with the eight proposed amendments. The proposed amendments will be discussed in the same order and have been given the same headings as those submitted with your letter requesting our views.

RATIFICATION OF LAND TRANSFERS TO CASWELL AND MONTANA CREEK

This proposed amendment involves the Cook Inlet Region, Inc. (CIRI) and the Caswell and Montana Creek Native Groups, all of whom entered into a settlement agreement in 1982. Pursuant to the settlement, CIRI conveyed approximately 11,000 acres to each group with the understanding that the conveyances satisfied their entitlements under section 12(b) of ANCSA. The Department was not a party to the settlement agreement. The purpose of the proposed amendment is to ratify the transfers and satisfy the Department's ANCSA land transfer obligations to the two groups and CIRI.

The conveyances to Caswell and Montana Creek were made by CIRI from lands received from the State of Alaska under Paragraph II and Appendix C, Part 1A, (Kashwitna Pool) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area (ratified by Section 12(b) of the Act of January 2, 1976, 43 U.S.C. 1611 n.). Conveyances from Appendix C are deeded from CIRI's entitlement under Section 12(c) of the ANCSA. The Terms and Conditions provided for methods of satisfying entitlements that are somewhat different from the normal procedures, i.e., ordinarily, the United States conveys land directly to groups but, by virtue of special legislation affecting CIRI, land is conveyed to the regional corporation and it then reconveys to village corporations and groups. In order to avoid a double inclusion for the Caswell/Montana Creek group entitlements, we recommend the following language by adding at the end of the proposed amendment: “The ratification of the conveyances made by CIRI in this section shall not be a basis for or generate a claim by CIRI, or either of the groups named herein, for additional conveyances of land or money or any other thing of value against either the State of Alaska or the United States.”

E L I M N A T I V E L A N D E N T I T L E M E N T

Under this proposed amendment, 50,000 acres of land would be withdrawn, subject to valid existing rights, for selection by the Elim Native Corporation. These lands were excluded in 1929 by Executive Order from the original Elim reserve. Elim was one of five native corporations that elected to take lands set aside in reserve for the benefit of Natives instead of participating in the ANCSA land selection process. Pursuant to its election, Elim received patent to 297,982 acres on September 14, 1979—the lands that would be included in the Elim reserve on the date of entitlement under the ANCSA. Elim did not appeal the decision to convey and accepted the patent.

We suggest that proposed amendment tie the authority for conveyance of additional acreage to some existing entitlement. Moreover, the proposed amendment presents a problem in that about 11,440 acres of the described lands proposed for conveyance to Elim have been validly selected by the Native village of Koyuk. This would leave only 38,560 acres for Elim instead of the 50,000 they desire. If the proposed amendment is included in H.R. 3157, it should include clear Congressional intent and guidance as to which entity will receive the 11,440 acres, and a proviso that the conveyance is in full satisfaction of Elim's entitlement under Section 19(b) of the ANCSA.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD ROLDAN, Deputy Assistant Secretary, Land and Minerals Management.

November 7, 1997
Friday, November 7, 1997

Daily Digest

HIGHLIGHTS

Senate passed Further Continuing Appropriations.
The House agreed to S. 858, Intelligence Authorization Conference Report—clearing the measure for the President.
The House agreed to H.R. 2264, Labor, HHS, and Education Conference Report.

Senate

Chamber Action

Routine Proceedings, pages S11905-S12071

Measures Introduced: Sixty bills and two resolutions were introduced, as follows: S. 1397-1456, and S. Res. 146-147.

Measures Reported: Reports were made as follows:

- H.R. 2366, to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture. (S. Rept. No. 105-141)
- S. 1287, to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants, with an amendment. (S. Rept. No. 105-142)
- S. 1115, to amend title 49, United States Code, to improve one-call notification process. (S. Rept. No. 105-143)
- S. 222, to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies, with an amendment in the nature of a substitute. (S. Rept. No. 105-144)
- H.R. 1787, to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

Measures Passed:

- Amtrak Reform and Accountability Act: Senate passed S. 738, to reform the statutes relating to Amtrak, and to authorize appropriations for Amtrak, after withdrawing the committee amendments, and agreeing to the following amendment proposed thereto:

  Hutchison Amendment No. 1609, in the nature of a substitute.

- Apalachicola-Chattahoochee-Flint River Basin Compact: Senate passed H.J. Res. 91, granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact, clearing the measure for the President.

- Alabama-Coosa-Tallapoosa River Basin Compact: Senate passed H.J. Res. 92, granting consent of the Congress to the Alabama-Coosa-Tallapoosa River Basin Compact, clearing the measure for the President.

- Retirement Income Savings: Committee on Labor and Human Resources was discharged from further consideration of H.R. 1377, to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings, and the bill was then passed, after agreeing to the following amendment proposed thereto:

  Lott (for Grassley) Amendment No. 1612, in the nature of a substitute.
Clone Pager Authority: Senate passed S. 170, to provide for a process to authorize the use of clone pagers.

Indian Mineral Rights: Senate passed S. 1079, to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease, after agreeing to a committee amendment in the nature of a substitute.

Kennedy Center Parking Improvement: Senate passed H.R. 1747, to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, clearing the measure for the President.

New Mexico Center for Performing Arts: Senate passed S. 1417, to provide for the design, construction, furnishing and equipping of a Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center.

Testimony and Document Authority: Senate agreed to S. Res. 147, to authorize testimony, production of documents, and representation in First American Corp., et al. V. Sheikh Zayed Bin Sultan Al-Nahyan, et al.

Missile Technology Proliferation: Senate agreed to S. Con. Res. 48, expressing the sense of Congress regarding proliferation of missile technology from Russia to Iran.

Continuing Appropriations: Senate passed H.J. Res. 101, making further continuing appropriations for the fiscal year 1998, clearing the measure for the President.

Highway Authorizations: Senate passed S. 1454, to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law authorizing the Intermodal Surface Transportation Efficiency Act of 1991.

Haffenreffer Museum: Senate passed S. 1455, to provide financial assistance for the relocation and expansion of Haffenreffer Museum of Anthropology, Providence, Rhode Island.

Fort Peck Dam Interpretive Center: Senate passed S. 1456, to authorize an interpretive center at Fort Peck Dam, Montana.

Adoption of Amendment Vitiated: By unanimous-consent, adoption of Inhofe Amendment No. 1602, to establish a research and monitoring program for the national ambient air quality standards for ozone and particulate matter and to reinstate the original standards under the Clean Air Act, agreed to on Thursday, November 6, to S. 1269, Reciprocal Trade Agreement, was vitiated.

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:


The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed.

Appointment:

Panel to Review Long-Range Air Power: The Chair, pursuant to Public Law 105–56, and on behalf of the Majority Leader, announced the appointment of the following individuals as members of the Panel to Review Long-Range Air Power: Samuel D. Adcock, of Virginia, and Merrill A. McPeak, of Oregon.

Nominations Confirmed: Senate confirmed the following nominations:

By 93 yeas to 6 nays (Vote No. 297 EX), Christina A. Snyder, of California, to be United States District Judge for the Central District of California.

Jerome B. Friedman, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Saul N. Ramirez, Jr., of Texas, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 1999.

Nancy H. Rubin, of New York, for the rank of Ambassador during her tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

Kirk K. Robertson, of Virginia, to be Executive Vice President of the Overseas Private Investment Corporation.

John M. Campbell, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Anita M. Josey, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Betty Eileen King, of Maryland, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Terrence J. Brown, of Virginia, to be an Assistant Administrator of the Agency for International Development.
Seth Waxman, of the District of Columbia, to be Solicitor General of the United States.

Stanley Marcus, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

A. Peter Bursleigh, of California, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Deputy Representative of the United States of America to the United Nations.

Bill Richardson, of New Mexico, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

Richard Sklar, of California, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for UN Management and Reform.

Norman K. Moon, of Virginia, to be United States District Judge for the Western District of Virginia.

Mark Erwin, of North Carolina, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1999.

Betty Eileen King, of Maryland, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

Harriet C. Babbitt, of Arizona, to be Deputy Administrator of the Agency for International Development.

Thomas H. Fox, of the District of Columbia, to be an Assistant Administrator of the Agency for International Development.

Carl Spielvogel, of New York, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 1999. (Reappointment)

William Dale Montgomery, of Pennsylvania, to be Ambassador to the Republic of Croatia.

Linda Key Breathitt, of Kentucky, to be a Member of the Federal Energy Regulatory Commission for a term expiring June 30, 2002.

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.

Donald J. Barry, of Wisconsin, to be Assistant Secretary for Fish and Wildlife.

Joan Avyln Dempsey, of Virginia, to be Deputy Director of Central Intelligence for Community Management.

Alan Greenspan, of New York, to be United States Alternate Governor of the International Monetary Fund for a term of five years.

Winter D. Horton, Jr., of Utah, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2002.

Robert J. Shapiro, of the District of Columbia, to be Under Secretary of Commerce for Economic Affairs.

Elaine D. Kaplan, of the District of Columbia, to be Special Counsel, Office of Special Counsel, for the term of five years.

Robert T. Dawson, of Arkansas, to be United States District Judge for the Western District of Arkansas.

Wilma A. Lewis, of the District of Columbia, to be United States Attorney for the District of Columbia for the term of four years.

1 Army nomination in the rank of general.

Nomination Withdrawn: Senate received notification of the withdrawal of the following nomination:

James S. Ware, of California, to be United States Circuit Judge for the Ninth Circuit, which was received by the Senate on June 27, 1997.

Messages From the House: Pages S11961–62

Measures Referred: Page S11962

Executive Reports of Committees: Page S11962

Statements on Introduced Bills: Pages S11964–S12022

Additional Cosponsors: Pages S12022–23

Amendments Submitted: Pages S12028–37

Notice of a Cancellation of a Hearing: Page S12037

Authority for Committees: Page S12037

Additional Statements: Pages S12037–58

Record Votes: One record vote was taken today. (Total—297) Page S11940

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:40 p.m., until 12 noon, on Saturday, November 8, 1997. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S12070.)
Committee Meetings

(Committees not listed did not meet)

NOMINATIONS
Committee on Armed Services: Committee ordered favorably reported the nominations of Robert M. Walker, of Tennessee, to be Under Secretary of the Army, Jerry MacArthur Hultin, of Virginia, to be Under Secretary of the Navy, F. Whitten Peters, of the District of Columbia, to be Under Secretary of the Air Force, and 32 routine military nominations in the Air Force, Army, and Navy.

NOMINATION
Select Committee on Intelligence: Committee ordered favorably reported the nomination of Robert M. McNamara, Jr., of Maryland, to be General Counsel of the Central Intelligence Agency.

House of Representatives

Chamber Action


Reports Filed: Reports were filed as follows:
- H.R. 2578, to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non-immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General (H. Rept. 105-387);
- Gulf War Veterans' Illnesses: VA, DOD, Continue to Resist Strong Evidence Linking Toxic Causes to Chronic Health Effects (H. Rept. 105-388);
- H.J. Res. 95, granting the consent of Congress to the Chickasaw Trail Economic Development Compact (H. Rept. 105-389);
- Conference report on H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998 (H. Rept. 105-390);
- H. Res. 311, providing for consideration of certain resolutions in preparation for the adjournment of the First Session sine die (H. Rept. 105-391); and
- Conference report on S. 1026, to reauthorize the Export-Import Bank of the United States (H. Rept. 105-392).

Motion to Adjourn: Rejected the Pallone motion to adjourn by a yea and nay vote of 85 yeas to 308 nays, Roll No. 606.

Extension of Remarks: Agreed by unanimous consent that members may have until publication of the last edition of the Congressional Record authorized for the First Session by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the First Session Sine Die.

Agreed to:
- The Martinez amendment, as modified, that provides for the completion of the national study of charter schools and related studies that evaluate student achievement;
- The Smith of Oregon amendment that extends to the State of Oregon the eligibility to receive program grants;

Intelligence Authorization Conference Report:
The House agreed to the conference report on S. 858, to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, by a yea and nay vote of 385 yeas to 36 nays, Roll No. 607—clearing the measure for the President.

Pursuant to the unanimous consent agreement of October 30, it was made in order to waive all points of order against the conference report and against its consideration, and to consider it as read when called up.

Community-Designed Charter Schools Act: The House passed H.R. 2616, to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, by a recorded vote of 367 ayes to 57 noes, Roll No. 611. The House completed general debate and began considering amendments to the bill on Nov. 4.

Agreed to table the motion to reconsider the vote by a recorded vote of 256 ayes to 163 noes, Roll No. 612.

Agreed To:
- The Martinez amendment, as modified, that provides for the completion of the national study of charter schools and related studies that evaluate student achievement;
- The Smith of Oregon amendment that extends to the State of Oregon the eligibility to receive program grants;

Pages H10175-H10178
The Pastor en bloc amendment (consisting of Pastor, Kingston, and Traficant amendments) that directs the States which designate a tribally controlled school as a charter school to not consider payments under the Tribally Controlled Schools Act when determining the amount or eligibility to receive either Federal, State, or local aid; changes the title of the bill to "Community-Designed Charter Schools Act;" and prohibits contracts with any person who affixes a fraudulent label bearing a "Made in America" inscription; and 

Pages H10188–89

The Martinez amendment that requires grant applicants to comply with the Individuals with Disabilities Education Act and describe how special education and related services will be provided to children with disabilities.

Pages H10197–98

Rejected the Tierney amendment that sought to strike the State priority order and requirements provisions relating to grant awards by the Secretary of Education (rejected by a recorded vote of 164 ayes to 260 noes, Roll No. 610). Pages H10191–97, H10198

The Weyand amendment was offered but subsequently withdrawn that sought to extend grants to each state that complies with the requirements in the bill dealing with applications from State agencies.

Pages H10189–91

Rejected the Menendez motion to rise by a recorded vote of 71 ayes to 348 noes, Roll No. 608; and

Pages H10187–88

Rejected the Velázquez motion to rise by a recorded vote of 75 ayes to 334 noes, Roll No. 609.

Page H10189

The Clerk was authorized to make technical and conforming changes in the engrossment of the bill.

Page H10200

The House agreed to H. Res. 288, the rule that provided for consideration of both H.R. 2746 and H.R. 2616 on October 31.

Pages H9814–32

Motion to Adjourn: Rejected the Becerra motion to adjourn by a recorded vote of 61 ayes to 348 noes, Roll No. 613.

Page H10204

Commercial Activities of the People's Liberation Army of China: The House passed H.R. 2647, to ensure that commercial activities of the People's Liberation Army of China or any Communist Chinese military company in the United States are monitored and are subject to the authorities under the International Emergency Economic Powers Act, by a yea and nay vote of 408 yeas to 10 nays, Roll No. 614.

Page H10204–10, H10304–05

On November 5, the House agreed to H. Res. 302, the rule providing for consideration of nine measures relating to the policy of the U.S. with respect to China: H. Res. 188, H.R. 967, H.R. 2195, H.R. 2232, H.R. 2358, H.R. 2386, H.R. 2570, H.R. 2605, and H.R. 2647. Subsequently, on November 6, agreed that the Clerk be authorized to make technical corrections in the engrossment of any measure made in order under the rule, to include corrections in spelling, punctuation, section numbering, and cross-referencing, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

Pages H10054–63


Pages H10305–13

Earlier, agreed by unanimous consent that it be in order at any time on Friday, November 7, 1997, or any day thereafter, to consider the conference report on H.R. 2264, that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read when called up.

Page H10304

Intention to Discharge: Pursuant to section 1025(d) of the Congressional Budget Act of 1974, as amended, Representative Packard gave notice of his intention to offer a motion to discharge H.R. 2631 as follows: "Mr. Packard moves to discharge the Committee on Appropriations from further consideration of H.R. 2631, disapproving the cancellations regarding Public Law 105–45."

Page H10314

Legislative Program: The Majority Leader announced the Legislative Program for Saturday, November 8.

Pages H10316–17

Meeting Hour—November 8: Agreed that when the House adjourns today it adjourn to meet at noon on Saturday, November 8.

Page H10317

Meeting Hour—November 9: Agreed that when the House adjourns on Saturday, November 8, it adjourn to meet at 2 p.m. on Sunday, November 9.

Page H10317

Postponed Suspensions: Agreed that the Speaker be authorized to designate a time not later than November 9, 1997, for resumption of proceedings on the seven remaining motions to suspend the rules originally debated on September 29, 1997.

Page H10317


Page H10318

Earlier, agreed by unanimous consent that the Committee on Appropriations be discharged from the further consideration of H.J. Res. 101 when
called up; that it be in order at any time on Friday, November 7, 1997, or any day thereafter, to consider the joint resolution in the House; that it be considered as read for amendment; debatable for not to exceed one hour to be equally divided and controlled by the Chairman of the Committee on Appropriations and the ranking minority member; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit, with or without instructions.

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative LaTourette to act as Speaker pro tempore to sign enrolled bills and joint resolutions on November 7.

Senate Messages: Message received from the Senate today appears on page H10321.

Quorum Calls—Votes: Four yea-and-nay votes and six recorded votes developed during the proceedings of the House today and appear on pages H10175-76, H10182, H10187-88, H10189, H10198, H10199, H10199-H10200, H10204, H10304-05, and H10313. There were no quorum calls.

Adjournment: Met at 9:00 a.m. and adjourned at 10:13 p.m.

Committee Meetings

MOLTEN METAL TECHNOLOGY FUNDING
Committee on Commerce Subcommittee on Oversight and Investigations continued hearings on the Department of Energy's Funding of Molten Metal Technology. Testimony was heard from the following officials of the Department of Energy; Gerald Boyd, Acting Deputy Assistant Secretary for Technology Development; Eli Bronstein, Director, Office of Budget; Vicki Barden, Budget Analyst; Michael M. Torbert, Program Manager, Office of Waste Management; and Lawnie Taylor, Senior Technical Member, Office of Environmental Restoration, all with the Office of Environmental Management; Carl Cooley, Senior Technical Advisor; Tom Anderson, Deputy Director, Office of Technology Systems; and Paul Lurk, Program Manager, all with the Office of Science and Technology; Charles M. Zeh, Director, Gas Power Systems Division; Robert Bedick, Product Manager, Industry and University Programs; and Denise Riggi, Contract Specialist, all with the Federal Energy Technology Center; William Owca, Field Lead, Mixed Waste Focus Area; John H. Kolts, Principle Scientific Advisor and Kathleen E. Hain, Director, Environmental Restoration Program, all with the Office of Idaho Operations; and public witnesses.

COMMITTEE SUBPOENAS—WHITE HOUSE COMPLIANCE
Committee on Government Reform and Oversight: Continued hearings on the "White House Compliance with Committee Subpoenas." Testimony was heard from the following officials of the Executive Office of the President: Charles F.C. Ruff, Counsel; Cheryl D. Mills, Deputy Counsel; Lanny Breuer, Special Counsel and Dimitri Nionakis, Associate Counsel.

CAMPAIGN FINANCE REFORM
Committee on House Oversight: Continued hearings on Campaign Finance Reform: Unions, Fundraising Abuses/ Disclosure. Testimony was heard from Representatives Schaffer of Colorado; Fawell, Fox of Pennsylvania; Petri and Payne.

BOSNIA: THE U.S. ROLE
Committee on International Relations: Held a hearing on Bosnia: The U.S. Role. Testimony was heard from Ambassador Robert Gelbard, Special Representative of the President and the Secretary of State for Implementation of the Dayton Peace Accords.

COMBATING CRIMES AGAINST CHILDREN FACILITATED BY THE INTERNET
Committee on the Judiciary: Subcommittee on Crime held a hearing on combating crimes against children facilitated by the Internet. Testimony was heard from Steven Wiley, Section Chief, Violent Crimes Unit, FBI, Department of Justice; and public witnesses.

FINAL REPORT—COMMISSION ON IMMIGRATION REFORM
Committee on the Judiciary: Subcommittee on Immigration and Claims held an oversight hearing on the Final Report of the Commission on Immigration Reform. Testimony was heard from Shirley M. Hufstedler, Chair, U.S. Commission on Immigration Reform; and public witnesses.

PREPARATION FOR ADJOURNMENT OF THE 1ST SESSION 105TH CONGRESS SINE DIE
Committee on Rules: Granted by voice vote, a resolution providing for consideration of a joint resolution waiving certain enrollment requirements with respect to certain specified bills, which shall be considered as read. The rule provides for one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader, and one motion to commit. The rule provides for consideration of a
joint resolution appointing the day for the convening of the second session of the 105th Congress, which shall be considered as read and provides one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader and one motion to commit. The rule also provides that the Speaker, the Majority Leader and the Minority Leader may accept resignations and make appointments to commissions, boards, and committees following the adjournment of the first session sine die. The rule provides that a resolution providing that a committee of two Members of the House be appointed to inform the President that the House is ready to adjourn unless the President has some other communication to make to them, is considered as adopted. The rule also provides that a concurrent resolution providing that the two Houses of Congress assemble in the Hall of the House on Tuesday, January 27, 1998, at 9 p.m. to receive any communication from the President is considered as adopted. The rule provides that H. Res. 306 is laid on the table.

Joint Meetings

EMPLOYMENT-UNEMPLOYMENT

Joint Economic Committee: Committee held hearings to examine the employment-unemployment situation for October and the status of the Consumer Price Index, receiving testimony from Katharine G. Abraham, Commissioner, Bureau of Labor Statistics, Department of Labor.

Committee recessed subject to call.

APPROPRIATIONS—LABOR/HHS/EDUCATION

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998.

APPROPRIATIONS—COMMERCE/JUSTICE/STATE

Conferees met to resolve the differences between the Senate- and House-passed versions of H.R. 2267, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, but did not complete action thereon, and recessed subject to call.

EXPORT-IMPORT BANK AUTHORIZATION

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 1026, to reauthorize the Export-Import Bank of the United States.

COMMITTEE MEETINGS FOR SATURDAY, NOVEMBER 8, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, business meeting, 12 noon, S–128, Capitol.

Committee on Armed Services, to hold hearings on the nomination of William J. Lynn, III, of the District of Columbia, to be Under Secretary of Defense (Comptroller), 1:30 p.m., SR–222.

House

No committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of November 10 through 15, 1997

Senate Chamber

Senate's program is uncertain.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: November 13, to hold hearings to examine ways renewable fuels could aid in decreasing greenhouse gas emissions and increasing United States energy security, 9 a.m., SR–332.

Committee on Armed Services: November 12, Subcommittee on Readiness, to hold hearings to examine military training on readiness impact of the Protocols to the Framework Convention on climate change, 1 p.m., SR–222.

Committee on the Judiciary: November 12, to hold hearings to examine the Copyright Office Report on Compulsory Licensing of Broadcast Signals, 10 a.m., SD–226.

November 13, Full Committee, business meeting, to consider pending calendar business, 10 a.m., SD–226.

Committee on Labor and Human Resources: November 12, business meeting, to consider pending calendar business, 9:30 a.m., SD–430.

House Committees

Committee on Banking and Financial Services, November 13, hearing on East Asian Economic Conditions, 10 a.m., 2128 Rayburn.

Committee on Commerce, November 13, hearing on the Tobacco Settlement: Views of the Administration and the State Attorneys General, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, November 13, Subcommittee on Employer-Employee Relations, to markup H.R. 758, Truth in Employment Act of 1997, 10 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, November 12, Subcommittee on the District of Columbia, oversight hearing on the District of Columbia Water Authority, 2 p.m., 2247 Rayburn.

November 12, Subcommittee on Government Management, Information, and Technology, oversight hearing on
Federal Debt Collection Practices, 10 a.m., 2154 Rayburn.

November 13 and 14, full Committee, hearings on “Johnny Chung—His Unusual Access to the White House, His Political Donations, and Related Matters”, 10 a.m., 2154 Rayburn.

Committee on the Judiciary, November 13, Subcommittee on Commercial and Administrative Law, hearing regarding the National Bankruptcy Review Commission Report, 1 p.m., 2237 Rayburn.

Committee on National Security, November 13, hearing on U.S. supercomputer export control policy, 10 a.m., 2118 Rayburn.

Committee on Transportation and Infrastructure, November 12, Subcommittee on Water Resources and Environment, to mark up H.R. 2727, Superfund Acceleration, Fairness, and Efficiency Act, 4 p.m., 2167 Rayburn.

November 13, Subcommittee on Aviation, hearing on the increasing number of aircraft mishaps on our Nation's runways, 9:30 a.m., 2167 Rayburn.

November 14, Subcommittee on Water Resources and Environment, hearing on Wetlands Protection and Mitigation Banking, 10 a.m., 2167 Rayburn.
NExt Meeting of the SENATE  
12 noon, Saturday, November 8

Senate Chamber

Program for Saturday: After the transaction of any morning business (not to extend beyond 1 p.m.), Senate will consider any conference reports that become available, and any cleared legislative and executive business.

NExt Meeting of the HOUSE OF REPRESENTATIVES  
12 noon, Saturday, November 8

House Chamber

Program for Saturday: Consideration of 12 Suspensions:
1) H.R. 2534, Agricultural Research, Extension and Education Reauthorization Act of 1997;  
2) H. Res. 122, Senses of the House Regarding Tactile Currency for the Blind and Visually Impaired;
3) H.R. 2614, Reading Excellence Act;  
4) S. 813, Veterans’ Cemetery Protection Act of 1997;  
5) S. 1377, A Bill Making Technical Corrections to the American Legion Act;  
6) S. 1139, Small Business Reauthorization Act of 1997;  
7) S. 714, Homeless Veterans Act;  
8) H.R. 2513, Line Item Veto Fix;  
9) H.R. 2813, Waive Time Limitation on Awarding Medals of Honor;  
10) H.R. 2631, Disapproving the Cancellation Transmitted by the President on October 6, 1997, Regarding Public Law 105-45 (Military Construction Appropriations);  
11) H.R. 1129, Microcredit for Self-Reliance Act of 1997; and  

NOTE: Suspensions May Be Brought up with an Hour’s Notice.  
A appropriations Conference Reports May Be Brought up at Any Time.

Extensions of Remarks, as inserted in this issue

Frelinghuysen, Rodney P., N.J., E.2186  
Gekas, George W., Pa., E.2184, E.2188, E.2198, E.2210  
Gillmor, Paul E., Ohio, E.2200  
Goss, Porter J., Fla., E.2193  
Hall, Ralph M., Tex., E.2192  
Hamilton, Lee H., Ind., E.2190, E.2219  
Harman, Jane, Calif., E.2200  
Hefley, Joel, Colo., E.2203  
Hilliard, Earl F., Ala., E.2188  
Hunter, Duncan, Calif., E.2217  
Jones, Walter B., Jr., N.C., E.2214  
Kennelly, Barbara B., Conn., E.2192  
Kildee, Dale E., Mich., E.2203, E.2210  
Kind, Ron, Wis., E.2192, E.2221  
Kucinch, Peter J., Ind., E.2201  
Lantos, Tom, Calif., E.2185, E.2188, E.2194, E.2209, E.2211  
Lipinski, William O., Ill., E.2191, E.2008  
Lobiando, Frank A., N.J., E.2192, E.2196  
Lowey, Nita M., N.Y., E.2213  
McCollum, Bill, Fla., E.2200  
McIntyre, Mike, N.C., E.2183  
Maloney, Carolyn B., N.Y., E.2216  
Nadler, Jerald, N.Y., E.2187  
Norton, Eleanor Holmes, D.C., E.2189, E.2197, E.2216  
Owens, Major R., N.Y., E.2196  
Packard, Ron, Calif., E.2215  
Payne, Donald M., N.J., E.2210  
Portman, Rob, Ohio, E.2206, E.2217  
Rahall, Nick J., W.Va., E.2166  
Ramstad, Jim, Minn., E.2204  
Riley, Bob, Ala., E.2185, E.2191  
Roukema, Marge, N.J., E.2207  
Sabo, Martin Glav, Minn., E.2196  
Sandlin, Max, Tex., E.2192

Schafer, Dan, Colo., E.2205  
Schaffer, Bob, Colo., E.2218  
Sessions, Pete, Tex., E.2192  
Shimkus, John, Ill., E.2183, E.2189  
Smith, Christopher H., N.J., E.2213  
Solomon, Gerald B.H., N.Y., E.2197  
Spence, Floyd, S.C., E.2209  
Stokes, Louis, Ohio, E.2220  
Thompson, Bennie G., Miss., E.2190  
Torres, Esteban Richard, Calif., E.2216  
Traffinant, James A., Jr., Ohio, E.2204  
Turner, J. im, Tex., E.2192  
Visclosky, Peter J. Ind., E.2195, E.2202, E.2204, E.2219  
Walsh, James T., N.Y., E.2211  
Weldon, Dave, Fla., E.2203, E.2004, E.2212  
Weller, Jerry, III., E.2207  
Wolf, Frank R., Va., E.2186  
Wyden, Lynn C., Calif., E.2219  
Young, Don, Alaska, E.2208, E.2220

The Congressional Record is published daily, except on Federal holidays. The Congreessional Record is produced and distributed to the public by the Government Printing Office. Each issue of the Congreessional Record is filed in the Office of the Superintendent of Documents.