Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1505) to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.

SEC. 2. APPOINTMENT OF EMPLOYEES.
Section 206 of the Museum and Library Services Act (20 U.S.C. 9105 et seq.) is amended—
(1) by redesignating subsection (b) as subsection (c); and
(2) by inserting after subsection (a) the following:
``(b) APPOINTMENT AND COMPENSATION OF TECHNICAL AND PROFESSIONAL EMPLOYEES.—
``(1) IN GENERAL. —Subject to paragraph (2), the Director may appoint without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title (relating to the classification and General Schedule pay rates), such technical and professional employees as the Director determines to be necessary to carry out the duties of the Institute.
``(2) NUMBER AND COMPENSATION.—The number of employees appointed and compensated under paragraph (1) shall not exceed 1/3 of the number of full-time regular or professional employees of the Institute. The rate of basic compensation for the employees appointed and compensated under paragraph (1) may not exceed the rate prescribed for level GS-15 of the General Schedule under section 5332 of title 5.''

SEC. 3. SPECIAL LIBRARIES.
Section 213(2)(E) of the Museum and Library Services Act (20 U.S.C. 9122(2)(E)) is amended—
(1) by inserting “or other special library” after “a private library”; and
(2) by inserting “or special” after “such private”.

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 materials for insertion must be signed by the Member and delivered to the respective offices responsible for the Record in the House or Senate between the hours of 9 a.m. and 5 p.m., Monday through Friday (until the 10th day after adjournment). House Members should deliver statements to the Office of Floor Reporters (Room HT–60 of the Capitol) and Senate Members to the Office of Official Reporters of Debate (S–123 in the Capitol).

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.

Along with signed statements, House Members are requested, whenever possible, to submit revised statements or extensions of remarks and other materials related to House Floor debate on diskette in electronic form in ASCII, WordPerfect or MicroSoft Word format. Disks must be labeled with Members’ names and the filename on the disk. All disks will be returned to Member offices via inside mail.

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By order of the Joint Committee on Printing.

JOHN WARNER, Chairman.
H10866

CONGRESSIONAL RECORD — HOUSE
November 13, 1997

SEC. 4. RESERVATIONS.
Section 221(a)(1) of the Museum and Library Services Act (20 U.S.C. 913a(a)(1)) is amended—
(1) in subparagraph (A), by striking “1½ percent” and inserting “1.75 percent”; and
(2) in subparagraph (B), by striking “4 percent” and inserting “3.75 percent”.

SEC. 5. MAINTENANCE OF EFFORT.
The amendment to section 223(c)(1)(A)(i) of the Museum and Library Services Act (20 U.S.C. 9133(c)(1)(A)(i)) is amended to read as follows: “The amount of the reduction for any fiscal year preceding the fiscal year for which the determination is made; and
(II) the denominator of which is the average of the total level of such State expenditures for the fiscal year for which the determination is made; and
(III) the numerator of which is the result of subtracting from Delaware’s share of the total level of such State expenditures for the fiscal year preceding the fiscal year for which the determination is made; and
(b) by inserting “3.75 percent” after “1.75 percent”.

SEC. 6. SERVICE TO INDIAN TRIBES.
Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended—
(1) in the section heading, by striking “INDIAN TRIBES” and inserting “NATIVE AMERICANS”;
(2) in subsection (a)—
(A) by striking “program awarding grants or contracts” and inserting “program of awarding grants or contracts”;
(B) by striking “such organizations” and inserting “organizations”;
(C) by striking “a grant or contract” and inserting “a grant, a contract, or cooperative agreement”;
(D) by striking “1 percent of funds appropriated to serve” and inserting “the amount of funds appropriated to serve”;
(E) by striking “0.125 percent” and inserting “3.75 percent”.

SEC. 7. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.
Section 262 of the Museum and Library Services Act (20 U.S.C. 9162) is amended—
(1) in the section heading, by striking “NATIONAL LEADERSHIP GRANTS OR CONTRACTS” and inserting “NATIONAL LEADERSHIP GRANTS OR COOPERATIVE AGREEMENTS”;
(2) in subsection (a)—
(A) by striking “program awarding national leadership grants or contracts” and inserting “program of awarding grants or entering into contracts or cooperative agreements”;
(B) by striking “such grants or contracts” and inserting “such grants, contracts, and cooperative agreements”;
(3) in subsection (b)—
(A) in the section heading, by striking “Grants or Contracts” and inserting “Grants, Contracts, or Cooperative Agreements”;
(B) in paragraph (1), by inserting “or cooperative agreements,” after “contracts”;
(C) in paragraph (2), by striking “Grants and contracts” and inserting “Grants, contracts, and cooperative agreements”.

SEC. 8. CORRECTION OF TYPOGRAPHICAL ERROR.
Section 262a(3) of the Museum and Library Services Act (20 U.S.C. 9162a(3)) is amended—
(1) by striking “preservation of digitization” and inserting “preserving or digitization”;
(2) by striking “The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.”

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

Madam Speaker, I rise in support of S. 1505, the Museum and Library Services Technical and Conforming Amendments of 1997, and ask for your approval.

The legislation before us today will make technical and conforming amendments to the Museum and Library Services Act in order to improve the ability of the Institute of Museum and Library Services to foster and expand our Nation’s access to high quality museums and libraries. Specifically, S. 1505 will give the director of the IMLS the authority to waive certain civil service hiring and pay provisions in order to hire qualified library professionals to oversee the programs administered by the institute.

The director needs this authority now in order to hire qualified deputy director for the Institute. However, this authority is not open-ended. This legislation specifically limits the director’s ability to waive these hiring and pay provisions for not more than 20 percent of the institute’s employees. In addition, it will limit the pay of these individuals to not more than the equivalent of a GS-15, currently $75,935 to $99,714.

In addition, this legislation will allow States to receive library funding under the act if the States in which they are located deem them eligible. Special libraries are those owned by institutions such as hospitals or private corporations. It was never the intent of the authorizing legislation to exclude these libraries as eligible institutions, and this legislation simply clarifies that understanding.

These amendments will provide for a modest increase of one-quarter of 1 percent of funds appropriated to serve one-half of the eligible American organizations that individual Indian tribes may receive library funds provided under the act, and clarify that organizations providing services to native Hawaiians qualify for funding as native Americans. To ensure that States receive any reduction in funding, the one-quarter of 1 percent increase in funding for native Americans is offset by a corresponding reduction in the amount available to the institute for national leadership grants.

Finally, this legislation will clarify the State maintenance of effort provisions contained in the Museum and Library Services Act so that State reductions and library funding result in proportional reductions in Federal library funds to the State. This change is in keeping with the original agreements made when the act was negotiated, and it is needed because some are interpreting the current maintenance of effort provisions as requiring a dollar-for-dollar reduction rather than a straight proportional reduction.

Madam Speaker, the Museum and Library Services Technical and Conforming Amendments of 1997 are needed now in order to improve the ability of the Institute of Museum and Library Services to foster quality museums and library programs for all Americans. This legislation is budget-neutral. It has already been passed in identical form in the other body. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

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

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

Madam Speaker, I join my colleagues in urging adoption of this legislation. In the last Congress we enacted landmark legislation that created the Institute of Museum and Library Services. That legislation consolidated the museum programs under the old Institute of Museum Services and the library programs within the Department of Education into an expanded independent agency.

The legislation before us is a series of technical amendments that officials at the institute believe important in order to clarify the provisions of the act so that the institute can provide even more effective administration of our Federal museum and library services.

Madam Speaker, we are fortunate indeed to have Ms. Diane Frankel as the head of our National Museum and Library Services. She is an exceptionally strong and talented leader, and enactment of these amendments will most certainly enable her and her able staff to build upon the superb record they have compiled at this small but very important agency.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, before I yield back, I would just like to make a couple of comments, and I yield myself such time as I may consume.

First, I would like to thank and congratulate the gentleman from Michigan [Mr. KILDEE], who has been a wonderful individual to work with on the Committee on Education and the Workforce. He is knowledgeable, he is articulate, he works extraordinarily hard on both committees, and I yield myself such time as I may consume.

I also thank all of the staff people. This is a committee which does not get a lot of recognition, but in my judgment has as good staffing as any committee in the entire Congress. They work extraordinarily hard on both sides of the aisle to put together what I think is legislation in the best interests of the young people of our country, and for that we should be grateful. They are the ones who helped put together this legislation, which I think is well-needed, and for that reason we hope that all will support it.

Madam Speaker, I yield back the balance of my time.
The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the Senate bill, S. 1417.

The question was taken; and (two-thirds being voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

HISPANIC CULTURAL CENTER ACT OF 1997

Mr. PETRI. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1417) to provide for the design, construction, furnishing, and equipment of a center for performing arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes.

The Clerk read 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. 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 1528 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 1539 when a Spanish Franciscan Friar, Marcos de Niza, and his guide, Estevanico, traveled into present day New Mexico from the cabildo of Cibola in the Southwest, and made contact with the people of Zuni.

(4) The Hispanic influence in New Mexico is particularly dominant and a part of daily living. A substantial share of the New Mexico population are a diverse composite of racial, ethnic, and cultural peoples. Don Juan de Onate and the first New Mexican families established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

(5) Based on the 1990 census, there are approximately 650,000 Hispanics in New Mexico, the majority having roots reaching back ten or more generations.

(6) There are an additional 200,000 Hispanics living outside of New Mexico with roots in New Mexico.

(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 United States, 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 promote a better cross-cultural understanding of the Hispanic culture and the contributions of individuals to the society in which we all live.

(b) DEFINITIONS.—In this section:

(1) CENTER.—The term “Center” means the complex known as the New Mexico Hispanic Cultural Center.

(2) CENTER FOR PERFORMING ARTS.—The term “Center for Performing Arts” means the arts complex known as the New Mexico Hispanic Cultural Center.

(3) FEDERAL SHARE.—The Federal share of the costs described in subsection (c) shall be awarded pursuant to a competitive bidding process, following Phase I or Phase II of the New Mexico Hispanic Cultural Center complex.

(4) 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 supervising architect for the construction of the Center or any other architect subsequently named by the State;

(C) that the Director of the Hispanic Cultural Center Division shall contact for architectural engineering and design services in accordance with the New Mexico Procurement Code;

(D) that the contract for the construction of the Center shall be awarded pursuant to a competitive bidding process; and

(E) that the contract shall be awarded not later than 3 months after the solicitation for bids for the construction of the Center.

(5) FEDERAL SHARE.—The Federal share of the costs described in subsection (c) shall be 50 percent.

(6) 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 contribution received by New Mexico for the design, construction, furnishing, and operation of Phase I or Phase II of the New Mexico Hispanic Cultural Center.

(7) CONTRIBUTIONS.—In order to receive a grant under this section, the Governor of New Mexico shall accept any contributions of individuals to the society in which we all live.

(8) GRANT REQUIREMENTS.—

(A) IN GENERAL.—In order to receive a grant under subsection (c), New Mexico, acting through the Director of the Hispanic Cultural Division—

(i) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the New Mexico Hispanic Cultural Center Program document dated January 1996; and

(ii) shall exercise due diligence to expeditiously execute, in a period not to exceed 90 days after the date of enactment of this section, the memorandum of understanding under paragraph (4) 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.

(B) GRANT REQUIREMENTS.—The memorandum of understanding described in paragraph (4) shall provide—

(A) the date of completion of the construction of the Center;

(B) that 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.

(9) CONSTRUCTION OF A CENTER FOR PERFORMING ARTS.

(A) IN GENERAL.—In order to receive a grant under this section, the Governor of New Mexico shall accept any contributions of individuals to the society in which we all live.

(B) GRANT REQUIREMENTS.—

(A) IN GENERAL.—In order to receive a grant under subsection (c), New Mexico, acting through the Director of the Hispanic Cultural Division—

(i) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the New Mexico Hispanic Cultural Center Program document dated January 1996; and

(ii) shall exercise due diligence to expeditiously execute, in a period not to exceed 90 days after the date of enactment of this section, the memorandum of understanding under paragraph (4) 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.

(B) GRANT REQUIREMENTS.—The memorandum of understanding described in paragraph (4) shall provide—

(A) the date of completion of the construction of the Center;

(B) that Antoine Predock, an internationally recognized architect, shall be the supervising architect for the construction of the Center or any other architect subsequently named by the State;

(C) that the Director of the Hispanic Cultural Center Division shall contact for architectural engineering and design services in accordance with the New Mexico Procurement Code;

(D) that the contract for the construction of the Center shall be awarded pursuant to a competitive bidding process; and

(E) that the contract shall be awarded not later than 3 months after the solicitation for bids for the construction of the Center.

(F) 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 contribution received by New Mexico for the design, construction, furnishing, and operation of Phase I or Phase II of the New Mexico Hispanic Cultural Center.

(G) CONTRIBUTIONS.—In order to receive a grant under this section, the Governor of New Mexico shall accept any contributions of individuals to the society in which we all live.

(H) GRANT REQUIREMENTS.—

(A) IN GENERAL.—In order to receive a grant under subsection (c), New Mexico, acting through the Director of the Hispanic Cultural Division—

(i) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the New Mexico Hispanic Cultural Center Program document dated January 1996; and

(ii) shall exercise due diligence to expeditiously execute, in a period not to exceed 90 days after the date of enactment of this section, the memorandum of understanding under paragraph (4) 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.

(B) GRANT REQUIREMENTS.—The memorandum of understanding described in paragraph (4) shall provide—

(A) the date of completion of the construction of the Center;

(B) that 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.

(C) that 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.

(D) that 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.

(E) that 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.

(F) the term “Center” means the complex known as the New Mexico Hispanic Cultural Center.

(G) the term “Center for Performing Arts” means the arts complex known as the New Mexico Hispanic Cultural Center.

(H) the term “Secretary” means the Secretary of the Interior.

(I) the term “Office of Cultural Affairs” means the Secretary of the Interior.

(J) the term “New Mexico Hispanic Cultural Center” means the complex known as the New Mexico Hispanic Cultural Center.

(K) the term “New Mexico Hispanic Cultural Center Program” means the New Mexico Hispanic Cultural Center Program document dated January 1996.

(L) the term “New Mexico Hispanic Cultural Center Program” means the New Mexico Hispanic Cultural Center Program document dated January 1996.

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(Y) the term “New Mexico Hispanic Cultural Center Program” means the New Mexico Hispanic Cultural Center Program document dated January 1996.

(Z) the term “New Mexico Hispanic Cultural Center Program” means the New Mexico Hispanic Cultural Center Program document dated January 1996.
complex for use by the New Mexico Hispanic Cultural Center. (H) The $30,000 donation by the Sandia National Laboratories and Lockheed Martin Corporation to the New Mexico Hispanic Cultural Center and the program activities of the New Mexico Hispanic Cultural Center. (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 are appropriated to the Secretary to carry out this section a total of $17,800,000 for fiscal year 1998 and succeeding years.

There is authorized to be appropriated to the Corporation to support the New Mexico Hispanic Cultural Center and the program activities of the New Mexico Hispanic Cultural Center and the program activities of the New Mexico Hispanic Cultural Center.

Due to a 1939 pre-Home Rule statute, the authority of the preceding sentence shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. PETRI] and the gentleman from California [Mr. MARTINEZ] each yield control 20 minutes.

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

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

Madam Speaker, today I rise in support of S. 1417, the Hispanic Cultural Center Act of 1997. This bill provides for the design, construction and equipping of a Center for Performing Arts with the complex of the New Mexico Hispanic Cultural Center.

Also, $35 million has been appropriated for the center. These funds are subject to authorization, which can be provided through the passage of the bill that is before us.

Madam Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. REDMOND].

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

Mr. REDMOND. Madam Speaker, I thank the gentleman from Wisconsin [Mr. PETRI] for yielding me time to speak in support of Senate bill 1417, the Hispanic Cultural Center Act.

Madam Speaker, 1998 will mark the 400th anniversary of the establishment of the Hispanic community in New Mexico. The anniversary represents a perfect time to pay tribute to the Spanish people of New Mexico, the Southwest, and the United States.

The State of New Mexico has invested over $17.7 million toward the establishment of phase 1 of the New Mexico Hispanic Cultural Center. In addition, the city of Albuquerque has donated 10.9 acres and a historic 22,000-square-foot building. Twelve acres of bosque land near the Rio Grande have also been donated by the Middle Rio Grande Conservancy District. Private contributors are also helping to meet the Hispanic Cultural Center goals.

This bill authorizes funding to match the New Mexico contribution on this table. This authorization is to build a critical Hispanic performing arts center at an estimated cost of $17.8 million.

Mr. DAVIS of Virginia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3025) to amend the Federal charter for Group Hospitalization and Medical Services, Inc., and for other purposes.

The Clerk read as follows: H.R. 3025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

The Act entitled "An Act providing for the incorporation of certain persons as Group Hospitalization and Medical Services, Inc." approved August 11, 1939 (53 Stat. 1412), is amended—

(1) by inserting after section 9 the following new section:

"SEC. 10. The corporation may have 1 class of members, consisting of at least 1 member and not more than 30 members, as determined appropriate by the board of trustees. The bylaws for the corporation shall prescribe the designation of such class as well as the rights, privileges and qualifications of such class, which may include, but shall not be limited to—"

"(2) matters on which a member of the corporation has the right to vote; and"

"(3) meeting, notice, quorum, voting and proxy requirements and procedures.

If a member of the corporation is a corporation, such member shall be a nonprofit corporation.

(2) by redesignating section 10 as section 11 and

(3) by adding at the end of section 11 (as so redesignated) the following: "The corporation may not be dissolved without approval by Congress."

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from Virginia, Mr. DAVIS and the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, will each control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Madam Speaker, this bill amends the Federal Charter of GHSMI, the Blue Cross/Blue Shield Plan of the National Capital Area. This bill is necessary in order to enable a letter of intent between the parties to combine to be subject to regulatory approval in Maryland and the District of Columbia.

GHMSI will continue to be subject to the District’s Nonprofit Corporation Act and is under the jurisdiction of the insurance superintendent. GHMSI will continue to be bound by its existing contracts, certificates of authority and licenses and will continue to be bound by applicable laws and regulations.

H.R. 497, which passed this House in February, would have repealed the Federal charter. This bill reflects concerns which were subsequently raised. All other Blue Cross plans in the country are State-chartered corporations operating under State regulatory oversight. Due to a 1999 pre-House Rule statute,
GHMSI alone needs congressional approval to change its corporate structure.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

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

Ms. NORTON. Madam Speaker, I rise in support of H.R. 3025, a bill which simply adds a new section to the Federal charter of Group Hospitalization and Medical Services, Inc., the organization licensed to operate as Blue Cross and Blue Shield of the National Capital Area, to permit it to enter into a business combination with Blue Cross and Blue Shield of Maryland.

This new arrangement is designed to improve the delivery and to reduce their operating costs. By combining operations, the two hospital plans will be able to offer their enrollees a larger provider network offering greater portability and broader product choices. In addition, economies of scale should lead to more affordable premiums.

Should the combination go forward, a new nonprofit holding company would be established, and the two Blue Cross plans would become its subsidiaries. H.R. 3025 would give D.C. Blue the requisite legal and corporate authority to have one class of members whose rights and privileges would be set out in the plan’s bylaws. Only one member will be authorized, which would be the holding company.

I wish to emphasize that H.R. 3025 does not create or mandate the plans’ combination. That arrangement would first have to be approved by the District of Columbia and Maryland insurance commissioners before taking effect.

Madam Speaker, I can support H.R. 3025 because of ironclad safeguards. No conversion of tax-exempt assets will be allowed under the language of this bill. As I speak, the District and Maryland both have been holding hearings on this affiliation. There have been 4 days of hearings by the D.C. insurance commissioner.

There are three safeguards that are most important to my support.

One, for a substantial change to occur, there must be an 80 percent vote. This assures that the District of Columbia will not be overthrown by the larger Maryland company. This House is aware that in the District we are jealous in guarding our jurisdictional rights. The 80 percent vote is very appropriate in that regard.

Secondly, no conversion can take place without review and approval by the respective insurance commissioners. They, of course, would have every reason not to want to see the tax-exempt assets squandered, and therefore to guard against that on their own accord.

Third and perhaps most important, any conversion could have to come before this body before it could be approved.

Madam Speaker, I support this bill with these safeguards, because I want this corporation to live. I am not sure that it will do so without this combination. As recently as 1993, Blue Cross of Washington was almost out of business. The competitive landscape does not make it easy for a health care provider to remain in business.

What Blue Cross/Blue Shield is up against, for example, are combinations between Humana and Kaiser, Aetna’s acquisition of U.S. Health, and to name just one more, United Health Care has bought Chesapeake Health Plan. In the face of these combinations, there is every reason for Blue Cross, which has had very severe problems, to want to consolidate to get efficiencies of scale, such as one computer center, as it begins to rebuild its computer operation, for example.

Ironically, the best shot at keeping this a viable plan, for example, is to allow this combination. That is why I can support it. The D.C. “Blue” can make no change in its nature, purpose, or structure without the Congress taking further action on its charter, and, again, I emphasize that.

I want to say how much I appreciate the concern of other Members who have had experiences with such combinations that have not been at all productive. Their experience and their advice have been instructive and helpful. Congressional action on this legislation must be taken before adjournment for the year, because the agreement between the plans to pursue the combination expires at the end of next month.

Madam Speaker, I strongly support H.R. 3025 because I believe that the proposed combination between the District and Maryland Blue Cross plans will benefit the people I represent. I am pleased to point out that the bill also affects the Members in this region whose constituents will be benefited as well. All of us are confident that our local regulators will ensure that the public interest is well protected, should they approve this combination. I ask that Members give H.R. 3025 their support.

Madam Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Madam Speaker, let me thank my friend, the gentlewoman from the District of Columbia, for yielding me this time, and join the gentlewoman from the District of Columbia [Ms. NORTON] and the gentlewoman from Virginia [Mr. Davis] in support of H.R. 3025. I think it is important to point out that this bill will not repeal the Federal charter for the D.C. Blue Cross/Blue Shield plan. It amends the charter. It makes it possible for the merger to take place. It does not mandate anything.

The bill makes it clear that the benevolent and charitable status of the D.C. Blue Cross plan remains in place. As the gentlewoman from the District of Columbia [Ms. Norton] has pointed out, by passing this bill, we ensure that the D.C. Blue Cross plan will remain a benevolent and charitable organization.

The bill allows the local regulators, and that is where the venue should be, to debate the issues of the merger. As to whether it should take place and what conditions it should be ordered to comply with, it is the local regulators who should make that judgment, not the Congress of the United States.

I think this bill makes it clear that the merger can move forward, but it is subject to the normal regulatory process. I think H.R. 3025 is the appropriate action for us to take. I applaud my colleagues for bringing it to the floor. I hope we can act on it today so it can be enacted before Congress adjourns for the year.

Mr. CUMMINGS. Mr. Speaker, the proposal that we are considering today will help bring improved services and benefits to the many Blue Cross/Blue Shield subscribers in my district in Baltimore and to many of the constituents of representatives from suburban Maryland, Northern Virginia, and Washington, D.C.

I commend the gentleman from Virginia and the gentle lady from the District of Columbia for their leadership in this area.

A merger between the National Capital Area Blue Cross/Blue Shield and Maryland Blue Cross/Blue Shield will create a billion-a-year nonprofit company—providing health care coverage to 25 percent of the 8 million residents of Maryland, the District, and the Northern Virginia suburbs and employ 5,000 people.

Just as importantly, my constituents in Baltimore that are enrolled in the Blue Cross/Blue Shield plan will receive tangible results from the merger. It will increase competition, which will result in better service, more options and access to a larger number of doctors, hospitals and pharmacies at a lower cost for its customers.

The passage of this bill is essential to giving my constituents in Baltimore, and the constituents of Members from Maryland, Virginia, and Washington, D.C. the type of comprehensive, quality health care they deserve.

I am glad to know that we in Congress are doing all that we can to give health care providers greater flexibility to meet our constituents’ health care needs.

Again, I congratulate the gentleman from Virginia [Mr. Davis] for introducing this meaningful legislation and for working with the minority in such a bipartisan fashion.

Mr. CARDIN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Virginia. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. Davis] that the House suspend the rules and pass the bill, H.R. 3025.

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

A motion to reconsider was laid on the table.
Mr. DAVIS of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the matter just considered.

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

There was no objection.

EXPRESSING SENSE OF HOUSE CONCERNING NEED FOR INTERNATIONAL CRIMINAL TRIBUNAL TO TRY MEMBERS OF IRAQI REGIME

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 137) expressing the sense of the House of Representatives concerning the urgent need for an international criminal tribunal to try members of the Iraqi regime for crimes against humanity.

The Clerk reads as follows:

H. Con. Res. 137

Whereas the regime of Saddam Hussein has perpetrated a litany of human rights abuses against the citizens of Iraq and other peoples of the region, including summary and arbitrary executions, torture, cruel and inhuman treatment, arbitrary arrest and imprisonment, disappearances and the repression of freedom of speech, thought, expression, assembly and association;

Whereas Saddam Hussein and his associates have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, the Anfal campaigns of 1987-1988 that resulted in the disappearance of more than 182,000 persons and the destruction of more than 4,000 villages, the placement of more than ten million landmines in Iraqi Kurdistan, and the continued ethnic cleansing of the city of Kirkuk;

Whereas the Iraqi Government, under Saddam Hussein's leadership, has repressed the Sunni tribes in western Iraq, destroyed Assyro-Chaldean churches and villages, deported and executed Turkmen, massacred Shiites, and destroyed the ancient Marsh Arab civilization through a massive act of ecocide;

Whereas Saddam Hussein, dam Hussein has also continued to commit ecocide against the ancient Marsh Arab civilization.

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Whereas Saddam Hussein's brutality is not limited only to his fellow Iraqis. We recall the dark days of the Gulf War, which witnessed Saddam's holding Kuwait and its innocent citizens hostage for so many months. The whereabouts of more than 600 Kuwaitis who were taken prisoner during the Gulf War still remains unknown and unaccounted for by the Iraqi Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

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

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

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

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

General leave

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

1400

Madam Speaker, the resolution before us today, House Concurrent Resolution 137, which I introduced, along with our colleague the gentleman from Illinois [Mr. PORTER], cochairman of the Human Rights Caucus, expresses a sense of the House concerning urgent need for an international war crimes tribunal to try Saddam Hussein and members of his Iraqi regime for crimes against humanity.

I want to thank the gentleman from Illinois [Mr. PORTER] for his leadership on this important issue. The critical need for this measure is highlighted by the events taking place just as we speak. House Concurrent Resolution 137 notes that dictator Saddam Hussein has perpetrated a litany of human rights abuses against the citizens of Iraq, including arbitrary executions, torture, cruel and inhuman treatment, arbitrary arrest and imprisonment, and disappearances.

Saddam Hussein has attempted to destroy the Kurdish population in Iraq through the use of chemical weapons. He has repressed Sunni tribes in western Iraq, destroyed Assyro-Chaldean churches and villages, executed Turkmen, and massacred Shiites. Saddam Hussein has failed to commit ecocide against the ancient Marsh Arab civilization.

Saddam Hussein's brutality is not limited only to his fellow Iraqis. We recall the dark days of the Gulf War, which witnessed Saddam's holding Kuwait and its innocent citizens hostage for so many months. The whereabouts of more than 600 Kuwaitis who were taken prisoner during the Gulf War still remains unknown and unaccounted for by the Iraqi Government.

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

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

Mr. Speaker, I commend the Chair and the gentleman from Illinois [Mr. PORTER] for their efforts on this timely resolution. And I know that I speak for my colleagues, particularly the ranking member, the gentleman from Indiana [Mr. HAMILTON], in indicating our feelings with reference to this particular resolution.

We do not oppose this resolution. I join the chairmen at this time in condemning Iraq's gross violation of human rights. Those who commit such crimes should be brought before an international criminal court, as this resolution correctly states. I do question, however, and several of us do, whether this resolution is likely to have much impact.

The resolution calls for an international court to bring Saddam Hussein to justice. But this resolution does not set the stage for such a court to exist.
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will be created. But we do not, by our actions today, create a court or make it significantly more likely that such a court will be created.

I do, however, strongly support the resolution. It urges the United States to support an international criminal court for Iraq. I would hope that we would continue in a vigorous manner to urge the United Nations to do that.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon [Ms. Furse].

Ms. FURSE. Mr. Speaker, I thank the gentleman from Florida [Mr. HASTINGS] for yielding me the time.

I rise in support of this bill. What I would like to say, though, is that every great human rights struggle has involved personal responsibility and sacrifice. Today, Mr. Speaker, a brave group of hunger strikers are highlighting the human rights issues posed by the Turkish Government against the Kurdish population, also the Kurdish population, you notice a connection with this bill, the Kurdish population and Kurdish elected officials.

I would like to quote to my colleagues a letter which was sent to President Clinton and signed by 153 Representatives which highlights the terrible situation of a Kurdish politician who was elected by her people and who is in prison for violating Kurdish law. All she is doing is speaking out against any Parliamentary deed. As I today speak out for human rights, she was speaking out.

In our letter to Mr. Clinton we say, one of the charges against Mrs. Zana was her 1993 appearance, here in Washington, at the invitation of the U.S. Congress. We say, we find it outrageous that although she had been invited to participate, her activities led to her imprisonment. We actively today, Mr. Speaker, seek and call on the administration to work for the release of Leyla Zana and to look at the terrible situation of the Kurdish people in Turkey.

I got a letter just the other day from our Representative to the United Nations, former Congressman Bill Richardson, and he said, Leyla Zana’s case is one of four convictions which are being appealed to the European Human Rights Commission. Four of those convictions.

Mr. Speaker, I say today that we must focus the light of the American conscience on those people who are standing today in solidarity with the Turkish citizens, whether they be in Iraq or Turkey. And especially I want to draw attention to those brave citizens who have decided to take their lives at stake, their own health, by standing with Mrs. Zana and other Kurdish officials who have been imprisoned in Turkey.

I thank the chairman for allowing me to speak on this. This is an issue, just as the bill is an issue, of human rights violations to the Kurdish population. It is up to us, as Members of Congress and members of the greatest democracy in the world, to speak out when we see human rights violations, whether it be our friends or our enemies who are creating these violations.

I thank the gentleman from Florida [Mr. HASTINGS] for letting me use this time, and I thank him for his great work for human rights, as also the chairman the gentleman from New York [Mr. GILMAN], who have stood for human rights in this country, in this body. And together, I think that we can join in the release of Leyla Zana, of these Turkish elected officials who are Kurdish and who are speaking for their own citizens.

So, today, I join in solidarity with those hunger strikers. And I have heard them say, “Oh, well, these are terrorists.” I remember when Nelson Mandela in South Africa was termed a “terrorist.” A terrorist is also a freedom fighter. These people are seeking freedom for their people.

Mr. GILMAN. Mr. Speaker, I yield 7 minutes to the gentleman from Illinois [Mr. PORTER], the distinguished co-chairman of the Human Rights Caucus. Mr. PORTER. Mr. Speaker, let me thank the able and distinguished chairman the gentleman from New York [Mr. GILMAN] for yielding me this time, but more importantly, for bringing this very significant legislation to the floor today.

In light of what is going on in Iraq at this moment, this could not be a more timely resolution. Once again, Saddam Hussein is showing his true colors as a ruthless dictator who will attempt to do anything to manipulate his way out of sanctions and weapons monitoring through whatever means he can.

Mr. Speaker, I grew up in an era characterized, unfortunately, by ruthless dictators—Hitler, Mussolini and Stalin—individuals who committed crimes of unspeakable horror against the people of Europe and their minorities. And the regime in Iraq is identical to the types that were run in Nazi Germany, in Fascist Italy, and in Communist Soviet Union under Stalin.

We must stop Saddam Hussein now. We must isolate him and make certain that the world understands the nature of his ruthless regime. We must make certain that Saddam Hussein and every one of his henchmen are indicted as war criminals and individuals who commit crimes against humanity. And the regime in Iraq is identical to the types that were run in Nazi Germany, in Fascist Italy, and in Communist Soviet Union under Stalin.

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I am pleased to be an original co-sponsor of this legislation to bring him to justice for the crimes he has committed against the Iraqi people and against the citizens of other countries whom he has harmed, including our own people. The Kurdish people, the Marsh Arabs, the Assyrian minority, the members of the Iraqi National Congress, the Kuwaiti prisoners of war, these are just a few of the victims of Saddam Hussein’s reign of terror.

Mr. Speaker, he has used chemical weapons against his own people. In 1988, 8,000 Kurds were killed in Halabja by one poison gas attack using the chemical agent sarin that he had produced. Now we are in Iraq trying to determine where he keeps those supplies and of an even worse nerve agent, VX, that just like sarin can kill people in the way he killed Iraqi Kurds in Halabja. Saddam Hussein is an arrested criminal and human rights violator.

He has waged ecological war against his own people, the Marsh Arabs. He has tortured, murdered, and kidnapped thousands. And the United States Government has clearly committed, in my judgment, crimes against humanity, crimes against the peace, and gross breaches of humanitarian law. If there is any individual in the world who deserves to be brought to justice today, it is Saddam Hussein.

I would commend this resolution to my colleagues and urge all of them to join me in sending a strong message to Saddam Hussein and the international community that the world understands the nature of his crimes, that we hold him accountable for these abuses, and we demand justice for his victims.

Mr. Speaker, on the steps of the Capitol now there are Kurds, who are starving themselves. They are I believe 25 days into a hunger strike to free Leyla Zana, a Turkish Parliamentarian who was elected in 1991, came to the United States in 1993 to testify about human rights abuses against the Kurdish minority in her country, testified before a standing committee of Congress and before the Congressional Human Rights Caucus, went home, was then stripped of her office by her government, placed in jail, tried for what is equivalent to treason, and given a 15-year sentence for merely speaking her mind and testifying before the United States Congress.

Turkey and Iraq together at this moment, Mr. Speaker, are targeting the Kurds in northern Iraq. Turkey has come across the line with tens of thousands of their elite troops, using napalm and cluster bombs against the Kurdish minority that has fled their country. Iraq is joining on the other side. Both are persecuting the Kurds at this moment. Each of the countries in which the Kurds exist as a minority, in Turkey, in Iraq, in Iran, in Syria, each one of them oppresses that minority. Each one of them turns Kurds against Kurds in an effort to oppress them, and each one of them calls the Kurdish people, who would seek only basic human rights, terrorists, when they are only protecting themselves from oppression.

Mr. Speaker, the oppression must end. The Kurds are not terrorists. There may be some who believe they have no other way out, but the Kurdish people are not terrorists. They are people, not terrorists. They are looking for their rights against the Turkish Government, their rights against the Iranian Government, their rights against the Syrian Government, and their rights also against the Iraqi regime of Saddam Hussein.

It is the governments who oppress them that are the terrorists. It is the governments who deny them their human rights who are terrorists. It is the governments who deny them their freedom who are terrorists. It is the governments who deny them their democracy who are terrorists.
basic human rights, deny them respect and standing in their communities, kill them and their children on a daily basis, attempt to drive them out of their societies—those are the true terrorists, Mr. Speaker.

The chief among them is Saddam Hussein, whose regime responds to nothing, not to public pressure, not to resolutions from the Security Council. It is time that we isolate this regime. It is time that we declare Saddam Hussein to be what he is, a person who commits crimes, and an enemy that all of us abhor. It is time that we indict him and try him and remove him from power, and that we return Iraq to a State that can live in the world community at peace with its neighbors and stop this murderous, ruthless dictatorial regime from further oppressing its people and threatening its neighbors.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from California [Mr. LANTOS], a continuing champion for human rights around the world.

Mr. LANTOS. Mr. Speaker, I speak the gentleman for yielding me this time. I want to commend the cochairman on the Republican side of the Congressional Human Rights Caucus, the gentleman from Illinois [Mr. PORTER], for his powerful and eloquent statement, and I want to commend the chairman of the Committee on International Relations, who has been indefatigable in his fight for human rights, in bringing H. Con. Res. 137 before us.

I fully concur with all previous statements made concerning Saddam Hussein and his despicable regime. It is remarkable, Mr. Speaker, that even at this late date there are apologies for Saddam Hussein and his brutal and cruel regime. There are countries that can hardly wait to renew on a large scale their lucrative business deals with Iraq, despite the fact that the Saddam Hussein regime has been attempting to conceal, hide, obfuscate its continuing development of weapons of mass destruction.

Later this afternoon, this body will have an opportunity of dealing with a resolution that expresses the view of the House that if peaceful and diplomatic measures do not succeed, military action, preferably on a multinational scale, be undertaken to eliminate Hussein's chemical, biological, nuclear and missile capability. But while that is a military issue, this is a human rights issue. A regime which has perpetrated crimes against humanity, a regime which perpetuates the worst human rights violations of the 20th century against its own people, does indeed need to be hauled before an international tribunal and tried for crimes against humanity. If there was a war criminal in an affluent country, a war criminal were accused of crimes against humanity, it is Saddam Hussein. His brutality, his ruthlessness, his bloodthirstiness, knows no bounds.

I call on all of my colleagues across the aisle to vote to approve this important measure.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER], a member of our committee.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the Porter amendment to indict Saddam Hussein for crimes against humanity and war crimes as well. I voted for the gulf war, and I did so reluctantly but I knew that our national well-being and our national security were at stake. I then cheered the troops when they came home victorious, what seemed to be one of the greatest and most glorious victories in our country's history.

Yet the job was not finished. If President Bush has anything to regret, it should be the fact that he sent our troops by the hundreds of thousands to the Persian Gulf and we did not finish the job when our people were there.

It is clear that the enemy of the United States was not the people of Iraq. The Porter amendment today focuses on the people of the United States but people who believe in democratic rights and human rights, Saddam Hussein and his clique of thugs that control Iraq. During the gulf war we killed hundreds of thousands, perhaps some millions of young men and perhaps some women and children as well, who were not enemies of the United States. Many of those people had just been drafted into the army by a tyrant named Saddam Hussein.

This amendment goes straight to the heart of the issue. Saddam Hussein is our enemy. We should indict this man. He should be brought to trial like any other war criminal, whether it was Adolf Hitler or some of the Serbian gangsters who committed genocide more recently in Bosnia.

Again, this underscores and what has happened underscores that there is a relationship between peace and freedom and prosperity. If we go for short-term peace and we try to bring our troops home too soon or we cut deals with tyrants, it will bring us neither peace nor freedom. We cannot compromise the value of freedom because in the end it will bring us to a situation on where our security is under attack.

Let us not forget, as well, that over 600 Kuwaiti POW's have yet to be accounted for. There are thousands upon thousands of Kuwaiti families who are missing a member of their family who have never been accounted for, who were killed or taken away by the Iraqis when they invaded that country and occupied it for that year. That is the equivalent of millions of Americans who would have a family member lost and never accounted for. There must be an accounting of the Kuwaiti prisoners of war. There must be an accounting of Saddam Hussein for all of his crimes.

Let us remember that when the Soviet Union began to evolve into what is now a democratic Russia or continues to struggle to try to be a democratic Russia, the chances for peace went up. A demand for freedom in Iraq and an elimination of this tyrant, Saddam Hussein, will increase chances for peace in that entire region and secure the United States of America as well. I strongly support the amendment of the gentleman from Illinois [Mr. PORTER] to bring Saddam Hussein to task.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in very strong support of H. Con. Res. 137, which condemns the government of Saddam Hussein for the crimes against humanity that it has basically been for the last several years, a reign of terror that unfortunately the West has not focused on. But with this resolution and with the effort that the Kurds are now making, I think more and more people are focusing on it.

What this would do is encourage the establishment of a war crimes tribunal to try Saddam Hussein and the other Iraq officials for the crimes against humanity. I want to commend the gentleman from Illinois [Mr. PORTER], the gentleman from New York [Mr. GILMAN], and the other Members for sponsoring this resolution. Hopefully this resolution will send a message not only through the United States, but to the Kurdish population around the world and particularly in that area, that the United States Congress, the people’s House, cares very, very deeply.

Iraq is a bad actor government. Saddam Hussein is a brutal dictator who cares about nothing more than hanging onto his power. He has persecuted the people of Iraq. He is engaging in a dangerous showdown with the West. He is not afraid to murder members of his own family who threaten to tell the truth about his brutality that threaten his reign.

He is seeking to wipe out the Kurds of northern Iraq who are trapped because of their geography. The Kurds of north Iraq have tried to escape their plight. They have been and are being murdered, imprisoned, tortured and repressed. Hopefully with this resolution, sponsored by the gentleman from Illinois [Mr. PORTER] and supported by the gentleman from New York [Mr. GILMAN] and so many other Members, it will send a message to Saddam Hussein that the West cares, and send a message to the Kurds that are going through this problem that we deeply care and that we stand with them.

Mr. GILMAN. I thank the gentleman from Virginia [Mr. WOLF] for his kind remarks in support of the resolution.
Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. I thank the gentleman for yielding me this time.

Mr. Speaker, I agree certainly with the gentleman from California and the leaders of Iraq, I do disagree with what we are trying to do here, not because it is not well motivated, but I do not see that we have the authority to all of a sudden impose our system of justice across the entire world. I do not think it is effective. I think it drums up anti-American hostility more than it achieves justice.

But there is a bit of inconsistency here. Earlier it was mentioned that it is not only the Iraqis that abuse the Kurds, the Turks do it as well. Why are the Turks not included in this? Why do we not call them out and put them on the carpet and demand justice from the Turks? But they happen to be our allies.

At the same time, we ignore other major problems. What did we do with China? The leaders of China came here, they got the red carpet treatment and a promise of more money. But, how do they treat their people at Tiananmen Square and currently throughout their whole country? They abuse civil liberties there.

But are we going to do the same thing? Do Members think we can do that? We pick and choose and pretend that we are going to perform this great system of justice on the world. Indonesia today, they are getting bailed out by the American taxpayer to the tune of ten billion dollars. They mistreat in a serious manner the people in East Timor. But here we decide all of a sudden that we are going to, through the United Nations, expose the American taxpayer, expose young American soldiers, because how are we going to enforce these things? Where do we get this authority to be the policeman of the world?

I do not believe we have this authority. It is detrimental overall to our national security. I believe it is a threat to the American people and indirectly, in many ways, to the taxpayer. I object. I object generally to so many of these amendments, so well-intended. I do not disagree with the challenges, the charges made against Iraq and the leadership. I strongly criticize the approach to trying to solve this very serious problem.

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

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

Mr. ROHRABACHER. First, would the gentleman suggest that there is not a relationship between freedom and peace?

Mr. PAUL. Mr. Speaker, I am not sure what the gentleman is getting at. I know the most important thing for freedom and peace is for me to obey the Constitution. Where is it the authority of the Constitution for us to police the world?

Mr. ROHRABACHER. The gentleman is suggesting, then, that this body should not have condemned Adolf Hitler until he actually attacked the United States, is that what he would suggest? Is that his foreign policy?

Mr. PAUL. I think that is not the debate on the floor right now. I think when he threatened, the American people have a right to vote through their Congressmen for a declaration of war.

This is the kind of thing that leads to Vietnam War-type wars and U.N. sanctions. This is the kind of thing that leads to Koran and useless wars. This is why we did not win the war in the Persian Gulf and why we are still faced with this problem.

Mr. ROHRABACHER. Short of a declaration of war, the gentleman does not think the United States Government should do anything about tyranny?

Mr. PAUL. I believe in the responsibility of this U.S. Congress to assume that they are the ones that declare war in a proper manner.

Mr. Speaker, I am closing. I have no criticism about those who are challenging the leadership in Iraq. I condemn them. I challenge, though, the technique that we are using, the process that we are using. I do not believe we have the authority. Long-term, it is not effective.

It is totally inconsistent when we are dealing with China. These token resolutions that we deal with on China will have nothing to do with solving the problem. At the same time, we give them more money, we give the Turks more money, we give China more money, we give Indonesia more money, and they are all in the process of abusing civil liberties. I just think that we have conveniently picked a whipping horse and we are pretending that we are doing something good.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I just wanted to yield to the gentleman who just finished speaking that I certainly respect the consistency of his ideas, but I disagree. If he had expressed those ideas as a member of the Parliament in Turkey or if he expressed them in Iraq or in Indonesia, he might well find himself in the same situation as Leyla Zana and the Kurdish parliamentarians found themselves and, that is, behind bars. It seems to me that if we do not recognize that we are our brothers' and sisters' keepers, that our freedoms and theirs are in some way connected, we will invite the kind of terrorism that Saddam Hussein practices on his people and others' practice on their people throughout this world.

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate Bill (S. 463) to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000, and ask for its immediate consideration in the House.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk reads the Senate bill, as follows:

S. 476

B e it enacted by the Senate and House of Representa-tives of the United States of America in Congress assembled,

SECTION 1. 2,500 BOYS AND GIRLS CLUBS BEFORE 2000.

(a) IN GENERAL.—Section 401(a) of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking paragraph (2) and inserting the following:

"(2) PURPOSE.—The purpose of this section is to provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,000 additional local housing projects and distressed areas, and to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation not later than December 31, 1999.";

(b) ACCELERATED GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking subsection (c) and inserting the following:

"(c) ESTABLISHMENT.—";

"(1) IN GENERAL.—For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall make a grant to the Boys and Girls Clubs of America for the purpose of establishing and extending Boys and Girls Clubs facilities where needed, with particular emphasis placed on establishing clubs in and extending services to public housing projects and distressed areas.

"(2) A PPLICATIONS.—The Attorney General shall accept an application for a grant under this subsection if submitted by the Boys and Girls Clubs of America, and approve or deny the grant promptly, not later than 90 days after the date on which the application is submitted, if the application—";

"(A) includes a long-term strategy to establish and extend Boys and Girls Clubs and detailed summary of those areas in which new facilities will be established, or in which existing facilities will be expanded to serve additional youths, during the fiscal year;

"(B) includes a plan to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation before January 1, 2000;

"(C) certifies that there will be appropriate coordination with those communities where clubs will be located; and

"(D) explains the manner in which new facilities will operate with additional, direct Federal financial assistance to the Boys and Girls Clubs of America facilities under this subsection is discontinued.");

(c) ROLE MODEL GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by adding at the end the following:

"(f) ROLE MODEL GRANTS.—Of amounts made available under subsection (e) for any fiscal year—";

"(1) not more than 5 percent may be used to provide a grant to the Boys and Girls Clubs of America for administrative, travel, and other expenses associated with a national role-model speaking tour program; and

"(2) no amount may be used to compensate speakers other than to reimburse speakers for reasonable travel and accommodation costs associated with the program described in paragraph (1).";

MOTION OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer a motion.

The Clerk reads as follows:

Mr. MCCOLLUM moves to strike out all after the enacting clause of Senate 476 and insert in lieu thereof the provisions of H.R. 1753, as passed by the House.

The motion was agreed to.

The Senate bill was ordered read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1753) was laid on the table.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. MCCOLLUM. Mr. Speaker, pursuant to H. Res. 314, the following suspensions are expected to be considered today:

H.R. 3034, the Customs User Fees;
H.R. 3037, Children of Vietnamese Refugees;
And H.R. 2796, Reimbursing Bosnia Troops for Out-Of-Pocket Expenses.

CONGRATULATING ASSOCIATION OF SOUTH EAST ASIAN NATIONS ON ITS 30TH ANNIVERSARY

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 282) congratulating the Association of South East Asian Nations [ASEAN] on the occasion of its 30th anniversary.

The Clerk reads as follows:

H. Res. 282

Whereas 1997 marks the 30th anniversary of the Association of South East Asian Nations (ASEAN);

Whereas the emphasis of ASEAN on cooperation and the nonviolent settlement of disputes has fostered peace among the nations of the region which for decades had been characterized by instability and conflict;

Whereas the economies of the member nations of ASEAN have experienced significant economic growth benefiting the lives of many of their people;

Whereas ASEAN as a group is the 4th largest trading partner of the United States and constitutes a larger market for United States exports than the People's Republic of China, Taiwan, and Hong Kong combined;

Whereas ASEAN has successfully fostered a sense of community among its member nations despite differing interests, including securing the establishment of the region's only security forum, the Association of South East Asian Nations Regional Forum (ARF), and the Association of South East Asian Nations Free Trade Area (AFTA);

Whereas ASEAN has played a pivotal role in international efforts of global and regional concern, including securing the withdrawal of Vietnamese forces from Cambodia and diplomatic efforts to foster a political settlement to the civil war in Cambodia;

Whereas the United States relies on ASEAN as an important partner in fostering regional stability, enhancing prosperity, and promoting peace; and

Whereas the 30th anniversary of the formation of ASEAN offers an opportunity for the United States and the nations of ASEAN to renew their commitment to international cooperation on issues of mutual interest and concern; Now, therefore, be it

Resolved, That the House of Representa-tives of the United States of America, by a majority vote, does hereby:

(1) congratulate the Association of South East Asian Nations (ASEAN) and its member nations on the occasion of its 30th anniversary;

(2) look forward to a broadening and deepening of friendship and cooperation with ASEAN in the years ahead for the benefit of all of the people of the United States and the nations of ASEAN;

(3) encourage progress by ASEAN members toward the further development of democracy, respect for human rights, enhancement of the rule of law, and the expansion of market economies; and

(4) recognize the greatest achievements of ASEAN and pledges its support to work closely with ASEAN as both the United States and the nations of ASEAN face current and future regional and global chal-lenges.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks on this measure.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I am proud to have had the opportunity to bring to the floor this measure congratulating the Association of South East Asian Nations, known as ASEAN, on the occasion of their 30th anniversary.

The ASEAN organization has a lot to be proud of. Its emphasis on cooperation and a nonviolent settlement of disputes has fostered peace among its members in a region of the world which has long been wrought with instability and conflict.

The United States has important strategic, economic, and political interests at stake in Southeast Asia. Maintaining stability remains an overriding U.S. security interest in the region. Instability would not only threaten significant U.S. economic interests but could also undermine important U.S. political relationships.

ASEAN's Regional Forum (ARF), the region's only security consultative platform, is a key partner of the United States in maintaining regional stability. The ASEAN countries provide our Nation with significant commercial opportunities. ASEAN as a group is the fourth largest trading partner of the United States. Additionally, ASEAN is a larger market for U.S. exports than does the People's Republic of China, Taiwan, and Hong Kong combined.
November 13, 1997

The Congress rightfully has expressed its concern about the development of human rights and democracy in the nations of ASEAN but is pleased with the flourishing of democracy in Thailand and the Philippines. It is hoped that the region can encourage progress by the other nations of ASEAN and the furthering of democratic principles and practices, respect for human rights, and the enhancement of the rule of law.

The Congress looks forward to a broadening and deepening of friendship and cooperation with ASEAN in the years ahead for the mutual benefit of the people of the United States and the nations of ASEAN.

In closing, I want to thank for their support the distinguished ranking minority member, the gentleman from Indiana [Mr. HAMILTON]; the distinguished chairman of the Subcommittee on Asia and the Pacific, the gentleman from Nebraska [Mr. BEREUTER]; and the subcommittee's ranking minority member, the gentleman from California [Mr. Berman]; as well as another gentleman who has had strong interest in this matter, the gentleman from American Samoa [Mr. FALOEFAVAGEA]. I urge all my colleagues to support this resolution.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would echo the remarks of the chairman, the gentleman from New York [Mr. Gilman], particularly as it pertains to the gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. BERMAN], the gentleman from American Samoa [Mr. FALOEFAVAGEA], and those of us that serve on the Subcommittee on Asia and the Pacific.

Mr. Speaker, I am one of the authors of the resolution, as is the ranking member, the gentleman from Indiana [Mr. HAMILTON], and I urge my colleagues to join the gentleman from New York [Mr. Gilman] and those of us on the Democratic side in supporting its adoption.

Some 32 years ago, a handful of underdeveloped and not very influential Southeast Asian countries banded together to create the Association of Southeast Asian Nations, or ASEAN. I dare say that at the time of ASEAN's founding in 1967, not even the most optimistic would have guessed how far the ASEAN nations would have traveled down the road of economic development.

It is true that in a number of instances political reform has lagged behind economic development, but I remain confident, as do my colleagues, that political pluralism and full-fledged democracy will one day prevail throughout the region.

Today, ASEAN has established itself as one of the premier regional groupings in the world. It has also shown itself to be a good friend of the United States. It deserves our accommodation on its 30th anniversary, and I urge adoption of this resolution as a gesture of friendship and support.

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

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], the distinguished vice chairman of our committee.

Mr. BEREUTER. Mr. Speaker, I do rise as a cosponsor in strong support of H. Res. 282, a resolution congratulating ASEAN on the occasion of its 30th anniversary of creation.

I would, however, like to take a few minutes here or a part of a minute or so to speak extemporaneously on what took place on this floor just a minute or two ago when we were debating an Iraqi resolution. I would have requested time if I had known what was going to be said in some of the closing comments of that debate.

What we do on this floor is in no way to be considered the sum of the role that the United States should play in international relations. We must use our influence carefully, not to promote our own self-interests, but to promote democracy.

Now it was said a few minutes ago, in some hyperbole no doubt, that the U.S. taxpayer stands behind tens of billions of dollars of assistance to Indonesia. That is not factual. There is a standby allocation to assist with the financial problems and the currency exchange rates in Indonesia. The U.S. is willing to be a backup to the IMF, but it is nothing approaching that amount, and perhaps that backup will not be used.

We also heard a lot of rhetoric here about even-handedness when it comes to Turkey and the Kurds and Iraq. Well, we also might have said we need even-handedness when it comes to terrorist organizations like the PKK, and I think it is inappropriate for us to demize countries unless the facts are on our side.

Now one of the gentleman here misunderstands the situation in East Timor. There are problems in East Timor, alleged human rights violations, and there has been violence on both sides on that issue. This has been a major source of contention and conflict since the Portuguese walked away from that colony of East Timor and the Indonesians came in. But the problem is not that people cannot practice their religion in Indonesia. That is not the problem, as was suggested out here. So it is important that we not demonize countries for things that are not true. We should not be depopulating countries at all, and when we have a legitimate reason for criticism, we should exercise that criticism.

Now back to the ASEAN resolution. This Member would congratulate the distinguished chairman of the subcommittee on International Relations, the gentleman from New York [Mr. Gilman], for his leadership demonstrated on recognizing the increasing significance of this important multilateral organization. Through his authorship of the resolution as the chairman of the Subcommittee on Asia and the Pacific, I was pleased to expedite consideration of this resolution.

In the last three decades, ASEAN has emerged into a critically important South Pacific expansionism, it is now an umbrella institution in Southeast Asia. Originally created as a means to respond to the threat of Vietnamese expansionism, it is now an umbrella organization where all of Asia, including Vietnam, can eventually work together to promote their common interests, and most of the countries now are members in Southeast Asia. Cambodia is not yet because of what happened there in what can only be called legitimately a coup.

ASEAN has had an important role in promoting a peaceful resolution to the Spratly Islands crisis and has brought significant pressure to bear regarding the ongoing crisis in East Timor.

This Member would also note that the United States, Russia, the People's Republic of China, and other countries interested in Asian security, and I could have mentioned Japan, have been able to work constructively through the ASEAN Regional Forum, or the ARF. While ASEAN certainly has a significant challenge as authoritarian governments are brought into that organization, we can also hope and push that the Vietnamese, the Laotians, the Burmese. Their association with the ASEAN will have a democratizing effect on these one-party states.

While the State Department does not, as a rule, take a position on such nonbinding resolutions like this one, this Member would note the gentleman from New York worked very closely with the State Department and the minority to ensure unanimous support for H. Res. 282.

His success in this effort has been demonstrated by the fact that the distinguished ranking Democrat on the Committee on International Relations, the gentleman from California [Mr. Berman], and the distinguished ranking Democrat on the Subcommittee on the Asian Pacific, the gentleman from California [Mr. BERMAN], are cosponsors of this resolution, and it was unanimously approved by the Committee on International Relations on October 31, 1997. This Member is also pleased to be a cosponsor.

Mr. Speaker, this Member once again congratulates the gentleman from New York and urges adoption of H. Res. 282.

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

Mr. HASTINGS of Florida. Mr. Speaker, does the gentleman from Nebraska have additional speakers?

Mr. BEREUTER. I have one more speaker.

Mr. HASTINGS of Florida. Then, Mr. Speaker, I yield back the balance of my time.
Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this amendment.

Mr. Speaker, ASEAN has proven a great example for developing countries around the world. It was not that long ago, in fact 30 years ago, when these same countries which we laud today for their 30th anniversary were the ultimate in developing countries. They were no different than the developing countries in Africa and in Latin America and elsewhere.

Yet these countries, through a strong support for the economic rights of their people, at the very least the economic rights of their people, have shown that free enterprise and a respect for property rights will indeed bring a fountain of wealth and well-being for the people of the societies that so respect those rights.

The rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SHOWING COMMITMENT OF AMERICAN PEOPLE IN SUPPORT OF DEMOCRACY AND RELIGIOUS AND ECONOMIC FREEDOM FOR PEOPLE OF SOCIALIST REPUBLIC OF VIETNAM

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 231) urging the President to make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam, as amended.

The Clerk read as follows:

H. RES. 231

Whereas the Department of State Country Reports on Human Rights Practices for 1996 notes that the Government of the Socialist Republic of Vietnam "denied citizens the right to change their government and significantly restricted freedom of speech, the press, assembly, association, privacy, and religion";

Whereas, since May 1997, non-violent demonstrations against corruption and abuse of power at the local level have occurred in Thai Binh Province and perhaps in Thanh Hoa, Hung Yen, Nghe An, and Bien Hoa provinces as well;

Whereas the criminal law of the Socialist Republic of Vietnam is used to punish individuals who are critical of the government, and on April 14, 1997, an administrative decree was signed into law granting enhanced judicial powers to the security forces to place under house arrest or subject to reeducation camps, for up to two years, any civilians expected of "endangering national security";

Whereas the leaders of the Socialist Republic of Vietnam have expanded trade relations with the United States; whereas there is widespread discontent within the foreign business community in the Socialist Republic of Vietnam, with some companies pulling out entirely, others freezing new investments, and nearly all complaining about endemic corruption, inaction, and a lack of clear commitment to legitimate economic reform;

Whereas, in August 1997, the United Nations Children's Fund (UNICEF) reported that child labor on the rise in the Socialist Republic of Vietnam with tens of thousands of children under 15 years of age being exploited for labor; and

Whereas the United States has a special responsibility to the United States to promote political and economic freedom throughout the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the Government of the Socialist Republic of Vietnam to release immediately and unconditionally all political prisoners, including Dr. Nguyen Dan Que, Prof. Doan Viet Hoat, Venerable Thich Quang Do, Reverend Pham Minh Tri, and evangelist To Dinh Trung, of their civil and human rights;

(2) requests the President to make clear to the leadership of the Government of the Socialist Republic of Vietnam—

(A) the firm commitment of the American people to political and religious and economic freedom for the people of the Socialist Republic of Vietnam; and

(B) the United States fully expects equal protection under the law to all Vietnamese, regardless of religious belief, political philosophy, or previous association; and

(3) urges the Government of the Socialist Republic of Vietnam—

(a) to permit all political organizations in the Socialist Republic of Vietnam to function without intimidation or harassment; and

(b) to announce a framework and timetable for free and fair elections that will allow the Vietnamese people to peacefully choose their local and national leaders.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROHRABACHER] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 231.

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

There was no objection.

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

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

Mr. ROHRABACHER. Mr. Speaker, this past Tuesday, on our Veterans Day, Vietnamese Communist Party officials in Hanoi confirmed that in the southern province of Dong Nai, 40 miles from Saigon, several thousand people have been involved with clashes, in clashes, with police. Hundreds of women and children have been demonstrating for freedom and human rights outside of government offices, despite a heavily armed police presence in the area.

By all accounts, including a report by the Human Rights Watch organization, the clashes started when the Communist Government intensified repression against the Catholic Church and the popular bishop of the Xuan Loc Diocese. In addition, land owned by the church has been confiscated and sold by corrupt Communist Party officials.

Demonstrations against the corrupt Communist regime have also been occurring in other areas of the country. In north Vietnam, beginning in May of this year, ongoing demonstrations in the Thai Binh Province and a number of other historic Communist Party strongholds show growing public dissatisfaction with the rampant corruption of that country and the lack of freedom of the Vietnamese people.

Recently, new directives and proclamations by the Communist Politburo have tightened State control of all forms of media. The new laws have restricted access to foreign journalists and their translators. The Human Rights Watch/Asia report states, while...
the Vietnamese Government pursues an open door in terms of their economic policy and continues to woo foreign investments, domestically it is strengthening Communist Party control, repressing dissent, and stifling any economic development.

This resolution urges the President to “make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam.”

This resolution calls attention to the proliferation of human rights violations and new policies by the Communist regime that prohibit the 70 million people of Vietnam from achieving a democratic government through free and fair elections. It expresses the strong support of the House of Representatives in support of the rights of all Vietnamese, as well as for the release of all religious and political prisoners.

The resolution requests the release from detention of Robert F. Kennedy Human Rights Award recipients Dr. Win Dan Kway and Prof. Dvon Viet Hwat, as well as other senior religious leaders who have been imprisoned by the regime.

My resolution also calls attention to the difficulties that American business people are experiencing in Vietnam, caused by epidemic corruption, and that is exactly what we must expect in a one-party state, as well as the intransigent bureaucracy and the absence of enforceable business law.

It is especially important at a time when Vietnamese leaders are seeking expanded trade relations with the United States that the President and the Congress make clear that, just as our stock market made a strong rebound in recent months, we must and can expect, that the foundation of a strong, resilient economy is an open and democratic society.

It was not too long ago, Mr. Speaker, that people all over Asia were saying the next big jump in productivity, the next tiger in Southeast Asia, is going to be Vietnam. Now when you go to Southeast Asia and throughout the world and you ask people about Vietnam, they say it is never going to work, it never materialized, and it was a big nothing.

Why is this? Why that happened is because there is a relationship, between freedom and peace and between freedom, peace and prosperity.

In Vietnam, there was no freedom and there is no freedom. Thus, the prosperity that is desired by the people, and perhaps even by the Communist Party bosses themselves, is unobtainable. They cannot obtain prosperity as long as there is a lack of freedom, because without freedom of the press or an opposition party, corruption will run rampant.

Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Speaker, I would like to express my support for this resolution for which I am an original co-sponsor. I would like to commend the work of my colleague, the gentleman from California [Mr. ROHRABACHER], on this resolution. This resolution has been well crafted by the Subcommittee on Asia and the Pacific, and we commend its chairman, the gentleman from Nebraska [Mr. ROYCE], with us today, and basically this resolution enjoys the strong support of the Committee on International Relations.

It asks the administration to put pressure on Vietnam to improve its human rights record and move toward greater democracy. This is needed because while the Vietnamese Government has undertaken some economic reforms over the last few years, unfortunately it has not matched that record with political and human rights reforms.

As my colleagues have noted, too many Vietnamese suffer from political and religious persecution. Faced with that, the United States needs to take a clear, strong and important and timely resolution. It is all the more critical we keep the focus on human rights as the administration has seen fit to improve relations with Hanoi.

I believe this resolution reflects the democratic aspirations that the Vietnamese people have. It is a worthy resolution that deserves the support of this body.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Mr. HAMILTON and those of us on the Democratic side support this resolution, and I certainly do, and I commend my distinguished colleague and friend from California [Mr. ROYCE], who has already spoken as topical author. This resolution restates our commitment to political, religious and economic freedom in Vietnam. It urges the Government of Vietnam to announce a framework and timetable for free and fair elections. It places the Congress of the United States squarely in support of political pluralism and personal freedom for the Vietnamese people.

I urge my colleagues to show their support for these worthy aspirations by voting for this resolution.

I will take a moment of personal parochial privilege to say that when this resolution is passed, and when the position of Congress and the executive branch of government are made known, much of the message will be carried by a former colleague of ours, Pete Peterson, who is from Florida, who not only understands the dynamics of being a prisoner, not only political, but a prisoner of war, and as Ambassador to Vietnam, I am certainly glad Pete is going to be there to help state our position.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield to the gentleman from Nebraska.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], a hero of the Vietnam War and a hero of mine, I might add.

Mr. CUNNINGHAM. Mr. Speaker, I would make one correction: There is no such word as “hero.” You do what you have to do and try to survive.

I rise in support of this resolution. One of the most victorious things I think that has ever happened to me is we sponsor an art contest, like many of the Members. A young lady named Foo Lee, a Vietnamese refugee, won that contest. I found out that her mom had actually had to stay back while the whole family escaped in the boat, in a rickety old boat, which the picture was about. If you could see the picture you would actually have tears in your eyes. You could see the pain in that family.

It took us 2 years to get Foo Lee’s mom out of a reeducation camp in Vietnam. She stayed behind, knowing that if the rest of the family was caught, they would be put into this reeducation camp, and not many people survive.

After 2 years, on Christmas Eve, Foo Lee’s mom came into San Diego. That is the kind of treatment that you can expect in Vietnam.

I commend Pete Peterson, who asked me to come over just a couple months ago and raise the American flag over Hanoi, Minh City, in many years in about 25 years. Pete and I and a delegation did so with Hal Rogers.

I want to tell you something. They are moving forward. As a matter of fact, I told the President of the Philippines this, that they are studying English. You see people on bicycles, carrying computers, they are studying economics, and they are going to move. Yet they are still repressed. It is still a Communist regime.

For example, there are over 39 Americans in prison there. Our State Department cannot even be present while they are convicted and going through court. I don’t know how many of you recently saw Richard in the current movie in China. That is the type of environment that they still have.

So this resolution is very, very important, I think, to send a clear message. We must engage, just like we do with China, and we need to send a loud and clear message.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from
We are supposed to be on the side of the good guys. I mean, it is as simple as that. We should be on the side of the good guys. We should be on the side of the oppressed and those people who want more freedom and democracy and to treat people honestly and decently, and against the tyrants and the thugs of this world.

Mr. Speaker, this resolution goes to the heart of that. Whether it is Saddam Hussein or the dictatorship in Vietnam, we are on the side of democracy and human rights.

I would ask my colleagues to join me in support of this resolution.

Mr. DAVIS of Virginia. Mr. Speaker, I rise to voice my strong support for House Resolution 231, the sense of Congress regarding Viet- nam, which urges the President to make clear to the Socialist Republic of Vietnam that we are committed to economic, religious, and po- litical freedom for the people of Vietnam. As you know, the United States continues to open diplomatic relations with Vietnam. Because of the growing relationship the United States has with Vietnam, we must be concerned with its poor human rights record.

May 9, 1997 was the third anniversary of Vietnam Human Rights Day here in the United States. However, current human rights' condi- tions in Vietnam exemplify religious leaders and political dissidents are still being arrested and jailed. Dr. Doan Viet Hoat and Dr. Nguyen Dan Que are two, among many political prisoners with serious medical conditions who are held in harsh conditions with little, if any, access to medical care.

Despite prohibitions on physical abuse, there is evidence that security officials beat detainees as well as use threats and other psychological coercion to elicit false confes- sions. The Vietnamese Government denies citizens the right to change their government and significantly restricts freedom of speech, the press, assembly, association, privacy, and religion. Vietnamese citizens are generally prohibited from contacting international human rights organizations.

The Vietnamese Government is currently negotiating a trade agreement with our Government to seek MFN status and privileges associated with Overseas Private Investment Corporation (OPIC). In January 1997, the United States and Viet- nam agreed on implementing the resettlement program allowing the United States to interview some of the Vietnamese returned from camps in Southeast Asia. However, this is not enough.

Child labor and human rights abuses are on the rise as well as the suppression of freedom of thought, freedom of the press, and as- sembly. The Vietnamese-American community in my congressional district supports House Resolution 231. We believe that fair and open democratic elections, equal protection of all Vi- etnamese citizens, and the release of all political prisoners are basic and necessary steps beyond normalization.

Since this resolution is crucial to these ob- jectives, I urge all of my colleagues to support House Resolution 231.

Mr. GILMAN. Mr. Speaker, I want to thank Mr. ROHRABACHER for his resolu- tion urging the President to make it clear to the Socialist Republic of Vietnam that America is committed to democracy, economic and reli- gious freedom for the people of Vietnam.

Freedom is not bound by history or geog- raphy. Just as our forefathers said, people have certain inalienable rights. Democracy and basic civil liberties are not eastern or western—they are universal.

Regrettably, today, the people of Vietnam are not afforded these basic liberties. This Na- tion, as my colleague Mr. ROHRABACHER has noted, has the moral imperative to foster freedom and democracy and oppose tyranny wherever it appears—this legislation expresses that senti- ment.

I support this resolution and call upon my colleagues to do so as well.
WHEREAS Mongolia has some of the most pristine environments in the world, which provide habitats to plant and animal species that have been lost elsewhere, and has shown a strong commitment to enrich its environment through the Biodiversity Conservation Action Plan while moving forward with economic development, thus serving as a model for nations in the region and throughout the world;

WHEREAS Mongolia has established civilian control of the military—a hallmark of democracy and is now working with the Mongolian parliamentary and military leaders, through the United States International Military Education and Training program, to further develop oversight of the military;

WHEREAS Mongolia is seeking to develop political and military relationships with neighboring countries as a means of enhancing regional stability; and

WHEREAS Mongolia has demonstrated a strong commitment to the same ideals that the United States and Mongolia share as a nation, and has indicated a strong desire to deepen and strengthen its relationship with the United States; Now, therefore, be it

RESOLVED by the House of Representatives (the Senate concurring), That—

(I) the Congress—
(A) supports the efforts of the Mongolian parliament to establish "United States-Mongolian Friendship Day";
(B) strongly supports efforts by the United States to use Mongolia's resources to the benefit of their respective countries to strengthen political, economic, educational, and cultural ties between the 2 countries;
(C) confirms the support of the United States for an independent, sovereign, secure, and democratic Mongolia;
(D) applauds and encourages Mongolia's simultaneous efforts to develop its democratic and free market institutions;
(E) commends Mongolia for its foresight in establishing Mongolia's conservation and biodiversity Conservation Action Plan and encourages Mongolia to obtain the goals illustrated in this plan;
(F) encourages Mongolia's efforts toward economic development that is compatible with environmental protection and supports an exchange of ideas and information between Mongolian and United States scientists;
(G) commends Mongolia's efforts to strengthen civilian control, through parliament, over the military;
(H) supports future contacts between the United States and Mongolia in such a manner as will benefit the parliamentary, judicial, and political institutions of Mongolia, particularly through the creation of an interparliamentary exchange between the Congress of the United States and the Mongolian parliament;
(2) it is the sense of the Congress that the President—
(A) should, both through the vote of the United States in international financial institutions and in the administration of the bilateral assistance programs of the United States, such as the Central Asian Enterprise Fund, support Mongolia in its efforts to expand economic opportunity through free market structures and policies;
(B) should assist Mongolia in its efforts to integrate itself into international economic structures, such as the World Trade Organization; and
(C) should promote efforts to increase commercial investment in Mongolia by United States businesses and should promote policies which will increase economic cooperation and trade between the United States and Mongolia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to amend their remarks on H. Con. Res. 172, now under consideration.

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

There was no objection.

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

Mr. Speaker, H. Con. Res. 172 was introduced on the fall of the Berlin Wall, the distinguisched gentleman from Illinois [Mr. PORTER] together with the distinguisched gentleman from California [Mr. DRIEJER], and a second distinguisched gentleman from California [Mr. LANTOS].

This resolution commends the people of Mongolia for the remarkable progress that country has made since 1990, and as chairman of the Subcommittee on Asia and the Pacific, I was pleased to expedite this resolution. This Member also authorized a congratulatory resolution on Mongolia which was approved by the previous Congress.

Mongolia has indeed made great strides from a one-party Communist country with a command economy to a multiparty, free market democracy. In the last 7 years Mongolia has also freed itself from Soviet domination. Within a year of the fall of the Berlin Wall, the popularly elected Mongolia legislature, whose election we are commemorationg in this resolution, enacted a new constitution which declared Mongolia an independent, sovereign republic with guaranteed civil rights and freedoms. These changes were not only dramatic in scope and speed, they were also accomplished without firing a shot and with little concrete support from the outside world.

Mongolia’s accomplishments are worthy of congressional commendation, and that is the major thrust of H. Con. Res. 172.

The Committee on International Relations, to which this resolution was referred, unanimously approved this resolution on October 31. The committee did make a number of minor alterations to the resolution, the most notable being language supporting Mongolia’s membership in NATO’s Partnership for Peace, which the Department of Defense indicates is not feasible.

Mr. Speaker, while the State Department does not make a habit of formally taking a position on non-controversial resolutions such as this, for the balance at this time, we have been assured that this resolution fully conforms with U.S. policy and has the administration’s support.

Mr. Speaker, again I congratulate these gentlemen for bringing this to our attention. We need to take time to recognize particular successes among our friends and allies and not just focus on negative things. This Member would urge approval of this congratulatory resolution for a Nation that has taken extraordinary strides.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations for expediting this particular resolution, as he has on so many occasions on other very important legislation that has been brought before this body.

Mr. Speaker, this resolution recognizes the remarkable political evolution Mongolia has undergone over the past 7 years. The principal author of this matter, the gentleman from Illinois [Mr. PORTER] is to be commended, as well as our colleagues, the gentleman from California [Mr. DRIEJER], and the gentleman from California [Mr. LANTOS], who are also original cosponsors.

It clearly states, this resolution does, the desire of the United States Congress for further cooperation and friendship between our two countries. This resolution deserves our support. The gentleman from Indiana [Mr. HAMILTON], our ranking member, intends to vote ‘yes’ on this resolution, as do I, and I urge our colleagues to do likewise.

One aside, Mr. Speaker. I would urge all of our colleagues, in consideration of matters as important as this relationship and others, that we begin as often as we can visiting these locales so that we can learn firsthand exactly what is needed for us to maintain our friendship and to make our friendships grow around the world.

Mr. PORTER. Mr. Speaker, I want to thank the chairman of the subcommittee, Mr. BEREUTER, for his assistance in reporting this resolution out of the full committee, and for his strong support of Mongolia. I would also like to thank Mr. DRIEJER and Mr. LANTOS for their support of this resolution as original cosponsors.

Too often, we come to the floor of the House to criticize other countries for what we see as their failure to live up to our standards in the areas of human rights, economic freedom, or environmental protection. Today, however, we are coming to the floor to celebrate a success story—the country of Mongolia. I am pleased to be a part of this positive message of afirmation that we are sending to one of the greatest, but most often overlooked success stories to come out of the end of the Soviet Empire.

The first democratic elections were only held in Mongolia in 1990, but this country has made real progress in implementing democratic reforms while improving their economy, promoting human rights and protecting their vast and unique environment. In just 7
years, the people of Mongolia have rejected one-party rule, elected a new President firmly established civilian control over the military, and gained economic freedom. This transition—conducted in a peaceful manner—has proven to be a rarity, especially in this area of the world.

Mongolians are very positively disposed towards the United States and have modeled many of their democratic reforms on the United States system. This past June, the new prime minister ran on a platform titled, “the Contract with the Mongolian Voter.” The Mongolian Government considers their transition to be very similar to our settling of the West. The Mongolian nomads—which make up 40 percent of the population—are not unlike the American cowboys. They cherish their freedom but are eager to benefit from the economic reforms that are gradually being implemented.

The Mongolian Government places a high priority on its relationship with the United States and is eager to be our partner in North and Central Asia, an area where we democratic, free and stable partners are hard to find. Moreover, as Mongolia gains confidence in its own voice within the region, they are seeking to prove that democracy, freedom, and human rights are universal values, and that Asian countries can promote these values and economic growth at the same time. The United States could look for no better role model for the region, or no better partner in the region than a country which has committed itself to the values that we promote as a nation.

With this resolution, the United States is recognizing the Mongolian people and their government for their unparalleled achievements in establishing a democracy. We are also encouraging them to continue to follow through with many of the proposed reforms. The next 5 years will be a critical period in Mongolian as the social costs of economic and political reform begin to take a heavy toll on some segments of the population. We must help Mongolia to stay the course on democratic self-government and free market economics through the difficult times ahead.

As the Mongolian Government charges ahead with economic reforms, they have not neglected their environment. Because of their small population relative to their land mass, Mongolia consists of some of the most pristine ecosystems in the world. The Mongolian Government has recognized this tremendous asset and has approved many environmental regulations to protect these ecosystems. Specifically, the previous regime pledged to preserve 30 percent of Mongolia as a national park under the Biodiversity Conservation Action Plan. While this pledge may prove difficult to keep while progressing with economic reforms, the new government has shown a commitment to adhere to this pledge. With this resolution, the United States applauds the Mongolian Government’s foresight and encourages them to continue to promote economic development without sacrificing their rich environment.
Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 130, the matter now under consideration.

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

There was no objection.

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

Mr. Speaker, when the gentleman from Florida [Mr. HASTINGS] introduced this resolution last July, I felt it was timely and much needed, given the violence that pro-democracy demonstrators experienced at the hands of the Kenyan police. Since that time, after the Subcommittee on Asia and the Pacific held a hearing, the gentleman from Florida [Mr. HASTINGS] updated this resolution so that it is relevant to the situation existing today. This includes the recent announcement that elections will be held in Kenya on December 28.

Despite the recent actions by the Kenyan Parliament to put in place legal and constitutional reforms, there are serious doubts about the Government's willingness to honor its commitments. Last July, President Moi promised to allow opposition political party meetings without permits. Since then, even opposition events with permits have been disrupted. This reform is supposed to allow for political parties to be registered, but the Safina Party still has not been registered nearly 2 years after applying for approval.

In short, the Kenyan Government has shown little commitment to follow through on its promises to implement democratic reforms. This is why this resolution is so important. The U.S. Government must be on record as strongly supporting genuine reforms. We also must firmly oppose the violence threatened in advance of the December elections.

This resolution is balanced, and it will be noted in Kenya. The Kenyan Government takes notice of what the United States Government thinks about its actions. Kenya is too important to east Africa and too important to the continent for the United States to stand by without supporting true reform. And firm in its opposition to electoral violence and vote fraud, a bad election could produce chaos in what has been an island of stability in east Africa.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this resolution today in response to the ongoing violence in Kenya. I wonder that this idea has just been talked about by our distinguished Chair of the Subcommittee on Africa, the gentleman from California [Mr. ROYCE], and I want to thank the chairman of the Subcommittee on Asia and the Pacific [Mr. BERREUTER], as well as other members, not only for their expeditious handling of this matter, but also for the conscientious and expeditious handling of matters as they have arisen on the Subcommittee.

In the absence of a genuine commitment to democracy, we have seen violence be established in Kenya. This resolution calls on President Moi, the ruling party, opposition leaders, and protesters, to immediately cease all violence, pursue the constitutional and legal reforms necessary to bring Kenya from a colonial outpost to a multiparty democracy.

On Monday, November 12, 1997, President Moi dissolved parliament after they passed three reform bills which would have paved the way for general elections, as spoken about a moment ago by the gentleman from California [Mr. ROYCE]. These reforms repeal laws restricting freedom of speech and assembly, give opposition parties greater representation on the electoral commission, and establish a multiparty commission to review the constitution after the elections.

Quite frankly, I am outraged that President Moi dissolved the parliament because it was clearly moving in a direction he had found threatening. This action is unacceptable and must not be ignored by the international community.

Mr. Speaker, I would also like to thank the ranking member of the Subcommittee on Asia and the Pacific for his continuing diligence, not only with reference to this particular matter but others that will be spoken about later today, as well as on a continuing basis.

To sum up, my resolution lets the Kenyan people know that the United States is watching and expects progress from all quarters. Please join me in sending a message to all of the citizens of Kenya, especially those who have no voice in their governance, that their aspirations for democracy are attainable.

Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Speaker, I want to thank first of all my colleague on the Subcommittee on Africa, the gentleman from Florida [Mr. HASTINGS]. He has been an articulate and thoughtful member of the committee and has added much to our debates, and I want to commend him on bringing this resolution, as well as the chairman, for all of the work we have done this year in a very bipartisan way, and to his credit, we commend him for the manner in which he has run the committee.

Mr. Speaker, Kenya is an important and strategic country in Africa, the continent for the United States is watching and expects progress from all quarters.

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

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

That is what we are doing in this resolution. We are sending a message to President Moi, and the Kenyan people, we hope that he is listening. I congratulate the gentleman from Florida [Mr. HASTINGS].

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

In closing, Mr. Speaker, I ask my colleagues to support this resolution, which makes an important statement on U.S. concern about possible violence in a country that has been and remains vital to American interests. It is particularly important to me to make this statement now, since we are about to adjourn weeks before the Kenyan election will be held.

Mr. GILMAN. Mr. Speaker, I appreciate the leadership of the gentleman from California, Mr. ROYCE, the subcommittee chairman, for managing this resolution.

I would like to thank Mr. HASTINGS for introducing this resolution and directing the House's attention to the situation in Kenya.

As we all know, Kenya is expecting to have elections later this year or early next year, and there has already been a high-level of violence in Kenya in the run-up to the election.

On a positive note, the Kenyan parliament recently adopted a number of important legal and constitutional reforms. This action was made possible by brave advocacy of human rights and democracy by Kenyans.

These reforms offer the promise of a significant expansion of political activity in Kenya.

It is important that the Congress continues to express solidarity with those in Kenya who advocate democratic reforms and respect for human rights and civil rights. This resolution is an appropriate method to do that. Accordingly I urge my colleagues to support it.

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

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

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from
California [Mr. Royce] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 130, as amended.

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

A motion to reconsider was laid on the table.

CONDEMN NG MILITARY INTERVENTION BY THE GOVERNMENT OF THE REPUBLIC OF ANGOLA INTO THE REPUBLIC OF THE CONGO

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 273) condemning the military intervention by the Government of the Republic of Angola into the Republic of the Congo, and for other purposes, as amended.

The Clerk read as follows:

H. Res. 273

Whereas President Pascal Lissouba defeated former President Denis Sassou-Nguesso in a 1992 election in the Republic of the Congo that was determined to be free and fair;

Whereas in October 1997 troops of the Government of the Republic of Angola assisted in the capture of Pointe Noire, a city in the southern part of the Republic of the Congo;

Whereas the Government of Angola sent more than 1,000 troops into the Republic of the Congo from neighboring Cabinda, including a Soviet Su-23 fighter and ground attack squadrons;

Whereas the Government of Angola provided military supplies and support to former President Denis Sassou-Nguesso to assist his efforts to unseat the democratically-elected President Pascal Lissouba;

Whereas the Lusaka Protocol of 1994 required the Angolan military to withdraw all of its forces from the United Nations Observer Mission in Angola (MONUA) of any troop movements;

Whereas the actions by Angola are a violation of the Lusaka Protocol, the United Nations Charter, and the Organization of African Unity Charter which forbids member states from "the threat or use of force against the territorial integrity or political independence of any state";

Whereas the actions by Angola are a violation of Article III of the Organization of African Unity Charter which mandates "Respect for the sovereignty and territorial integrity of each state";

Whereas the United Nations Security Council has imposed travel and other sanctions on the National Union for the Total Independence of Angola (UNITA) for making insufficient progress in its commitments under the Lusaka Protocol, including demobilization of UNITA soldiers, the forfeiture of weapons to the United Nations, and the extension of state administration to regions under UNITA control;

Whereas this action by the United Nations Security Council comes shortly after the Government of Angola participated in the overthrow of a democratically elected government in the Republic of the Congo; and

Whereas the United Nations Security Council has failed to condemn this action by the Government of Angola: Now, therefore, be it

Resolved, That the House of Representa-
(1) condemns the military intervention by the Government of the Republic of Angola into the Republic of the Congo;
(2) calls on the Government of Angola to immediately withdraw all military troops, supplies, and other assistance from the Republic of the Congo;
(4) urges the United States Government to withhold any military training and assistance to Angola until it ceases all military activities in the Republic of the Congo;
(5) expresses concern that the United States Government should not strengthen military ties with the Government of Angola in advance of the full implementation of the Lusaka Protocol and the creation of a meaningful role for former members of the National Union for the Total Independence of Angola (UNITA) in the Angolan military; and
(6) urges both the Government of Angola and UNITA to continue their commitments to the Lusaka Protocol and Angolan peace process despite the imposition of sanctions on UNITA by United Nations Security Council Resolutions 1127 (1997) and 1135 (1997).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. Royce] and the gentleman from New Jersey [Mr. Menendez] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. Royce].

MR. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution.

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

There was no objection.

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

Mr. Speaker, this resolution concerns the troubling situation that is made worse by Angola's armed intervention in the civil war in Congo, Brazzaville. The introduction of Angolan troops, armor, and aircraft tipped the balance of that civil war in favor of former President Dennis Sassou-Nguesso, who was inaugurated recently, despite having received no popular mandate for his return as President.

The Angolan intervention has resulted in the overthrow of the Government of President Pascal Lissouba, who was elected in the country's first multi-party election in 1992. Despite the end of the fighting, Congo-Brazzaville is no more stable today because of the Angolan intervention, and, indeed, it may be facing more turmoil in the coming weeks because of the imposition of an unpopular dictator who was overwhelmingly voted out of office 5 years ago.

Certainly the Angolan soldiers made life more difficult for the Congo by pounding the city with artillery for days and then looting that city. These are not the actions of genuine liberators. The Angolan intervention in Congo Brazzaville following the Angolan intervention in what was then Zaire has led many observers to wonder if we are now in a new era on the continent in which borders and democratic elections are meaningless.

The rationale by the Angolan government that Angolan forces operating in Congo-Brazzaville put to the government of their country does not justify its violation of international conventions, as cited in this resolution. President Lissouba testified last week before the Committee on International Relations that any UNITA presence in his country would not damage the Angolan sovereignty. However, this intervention likely will harm the peace process in Angola itself by further hardening relations between the Angolan government and UNITA.

Angolan government spokesmen tabled, for consideration in the Security Council that is supposed to be turned over by UNITA. Although the United Nations placed sanctions on UNITA, the U.N. acknowledged that extension of territorial administration has been moving forward over the last few weeks.

I support the resolution of the gentleman from New Jersey [Mr. Menendez] as a timely and necessary response to this situation. I understand the Angolan government has announced its intention to withdraw its forces from Congo by November 15. This resolution will help the government know we expect them to fulfill that commitment.

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

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

Mr. Speaker, last month Mr. Sassou-Nguesso was sworn in as the President of the Republic of Congo after seizing power from the democratically elected government with the help of the Angolan military, and with virtually no opposition from the international community.

While President Lissouba testified before the Committee on International Relations last week, he made it very clear that the Angolan intervention was a decisive factor in the deposing of his government.

This resolution addresses three important issues: First, the Angolan government's military's incursion into Congo-Brazzaville is not a timely and necessary response to the situation. I understand the Angolan government has announced its intention to withdraw its forces from Congo by November 15. This resolution will help the government know we expect them to fulfill that commitment.

Second, the Angolan government's military's incursion into Congo-Brazzaville is a timely and necessary response to the situation. I understand the Angolan government has announced its intention to withdraw its forces from Congo by November 15. This resolution will help the government know we expect them to fulfill that commitment.

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I understand the Angolan government has announced its intention to withdraw its forces from Congo by November 15. This resolution will help the government know we expect them to fulfill that commitment.
Mr. Speaker, I commend the gentleman from New Jersey [Mr. MENENDEZ] for bringing this resolution forward. I also commend the gentleman from New York, Chairman GILMAN, and the gentleman from California, Mr. ROYCE, for their work on the bill. We have before us a meaningful and balanced resolution. The national community must forcefully speak against the overthrow of a democratically-elected President, especially when an outside power intervenes in a critical way. The Congress in this action goes on record as condemning Angola’s intervention in the Republic of the Congo. Angola’s actions could set a dangerous precedent in a volatile area, and the Congress here is working to avoid this kind of precedent.

The resolution also urges both sides in Angola to implement their commitments to the peace process. I would urge, and I believe the gentleman from Florida would, as well, adoption of the resolution. I thank again the gentleman from New Jersey [Mr. MENENDEZ] and the gentleman from California [Mr. ROYCE] and the gentleman from New York [Mr. GILMAN], and the gentleman from California and the gentleman from New Jersey, especially, since we traveled to this area and we all recognize its volatility, and the likelihood that unless stability is brought there, that it will cause a continuing explosion in that area of the world.

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

Mr. ROYCE. Mr. Speaker, I yield 2 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. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to thank the chairman of the subcommittee on Africa, the distinguished gentleman from California [Mr. ROYCE] for his leadership in bringing this resolution before us, as well as the distinguished gentleman from New Jersey [Mr. MENENDEZ], who is our ranking member on the subcommittee of Africa, for introducing this important resolution.

This resolution condemns the actions by the government of Angola that contribute to the overthrow of a democratically-elected government and its neighbor, the Republic of the Congo. Our committee recently took testimony from President Pascal Lissouba of the Republic of Congo, who was ousted from his nation last month by the Armed Forces of Angola, working in conjunction with Congolese rebel forces. President Lissouba was democratically elected by the Congolese people in 1992.

It must be made clear that the Angolan government, they must refrain from intervening in the affairs of their neighbors, and continue to honor their commitments to the Lusaka protocol, which governs Angola’s internal peace process. There are reasons to begin to suspect that Angola may become a rogue state, showing no restraint in its efforts to undermine its neighbors. With the imposition of sanctions on UNITA by the U.N. Security Council, tensions in Angola right now are as high as they have been in the last 3 years, since the signing of the Lusaka Protocol. It is imperative, therefore, that the Congress remind both sides that a return to war is unacceptable. Renewed hostilities would only result in the collapse of the peace process and the total isolation of the offending party. This resolution sends that kind of a message.

Accordingly, I urge my colleagues to fully support the resolution.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Florida [Mr. SHAW].

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

Mr. Speaker, I want to thank my colleagues within the last year I was in the Republic of the Congo. I went deep into the Ndoki forest, and saw what was going on; spent almost a full day with President Lissouba and got to know him, and got to concern, the deep concern he had for his people and his country.

Sure, it is a fragile democracy. It was the only democracy that the Republic of the Congo has ever known. For it to be brought down so cleanly by not only the rebel forces but from the intervention of Angola, is inexcusable.

I think when we talk about what is our interest in that part of the world, we have to ask ourselves certain questions. Sure, there is oil that is of great value and should be conserved. We would like for our American oil producers to have access to it. But there is much more than that.

In the Ndoki forest, traveling hours in dugout canoes, and going back and hiking hours through the swamp, and sleeping on the ground, we were able to actually see for the first time the silver-backed gorillas that are coming closer and closer to extinction. On the way we were able to see the results of what happens in clear-cutting the rain forest, which is going to have a lot to do with our world climate.

We talked to President Lissouba and know of his concern, his cooperation with USAID and other organizations that are trying to conserve the forest, trying to conserve the rain forest, elephants, and silver-backed gorilla, together with other endangered species.

If we care about this earth that we live in, if we care about the freedom of individuals, if we care about democracy, we must turn our attention to the struggling democracies in Africa, and ask ourselves exactly what course this Congress should take, what actions should the United States take,
what should our relations be with nations that would destroy cities such as the leveling of Brazzaville, and actually the illegal conduct of Angola and what it has been doing.

1530

I want to compliment the gentleman from California [Mr. MENENDEZ] for bringing this to the floor and the gentleman from California [Mr. ROYCE] for his good leadership in this regard. And I urge a yes vote on this important resolution.

Mr. MENENDEZ. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. PAYNE] on a related matter, since he was unavoidably detailed on the Kenya resolution, but has just come back from a trip to the whole area as one of our outstanding members in the Subcommittee on Africa.

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

Mr. PAYNE. Mr. Speaker, let me, first of all, commend the gentleman from New Jersey [Mr. MENENDEZ], the ranking member of the Subcommittee on Africa, for the outstanding work that he has done on the Subcommittee on Africa. I would like to stand here in support of the previous Concurrent Resolution 130, as has been indicated regarding Kenya.

As has been mentioned, I visited Kenya on a brief trip from July 4 to July 6. When I went there, it was to evaluate the situation there and to listen to what was going on. My mission had two principal objectives: First, to urge the President to meet with opposition and religious leaders to discuss opposition demands for constitutional reforms; and, second, encourage the government to create a level playing field for the upcoming election. I also delivered a letter from President Clinton.

Kenya is one of the most important countries in Africa, and I think today for many reasons we are seeing Kenya's unwavering commitment and leadership of IGAD. Starting on October 28 in Nairobi, President Moi, as chairman of IGAD, was instrumental in getting the SPLA and the National Islamic Front, NIF, to agree on a joint communiqué. Nelson Mandela concluded that Inter-Governmental Authority on Development remained the best forum, and President Moi was working hard to try to get those two groups together.

After much prodding, after the World Bank and the IMF suspended its loan program and the subsequent fall of the Kenya shilling, I suppose that Mr. Moi had no other option but to meet with the opposition party members in the Inter-Parties Parliamentary Group, IPPG. In all fairness, though, President Moi stated that the opposition was divided and fractionalized, and I think that was one of his reasons for ambiguity on the reform package that he presented.

I do not think that the people of Kenya can survive any more uprisings and civil unrest like they had in 1995 and Saba Saba in July of this year, when 10 people were killed.

I also had an opportunity to meet with President Moi again last month on a Presidential mission with Ambassador Richard L. Solomon. The statement that President Moi has truly been responsive to the calls for reform. He is the promoter of a bill amending the Constitution. It sailed through its third reading in the Parliament on November 4. The opposition was pleased that the chamber as members of different parties celebrated the bill's passage.

The political and constitutional reforms of November 7 that Mr. Moi signed into law will make Kenya a multiparty democracy and will allow residents greater freedom of speech. The reforms repeal laws restricting freedom of speech and assembly, give greater representation on the Electoral Commission to opposition parties, and establish a multipartisan commission to review the Constitution after general elections.

I do feel that President Moi should allow all political parties to become a part of the procedures, that he has signed into law, that party that has not been registered. I think that should be done. And, also, I think we need to take a look at the fact that there has been abolition of the Parliament. But I understand that, according to the procedures, that this happens right before elections.

So I would just like to once again thank the gentleman from Florida [Mr. HASTINGS] for this resolution. I support it, and I hope that we go on the right track of its election, have freedom of speech and assembly, give residents greater freedom of speech. The reforms repeal laws restricting freedom of speech and assembly, give greater representation on the Electoral Commission to opposition parties, and establish a multipartisan commission to review the Constitution after general elections.

The title of the resolution was amended so as to read: "Condemning the military intervention by the Government of the Republic of Angola into the Republic of the Congo, urging both the Government of Angola and the National Union for the Total Independence of Angola (UNITA) to continue their commitments to the Lusaka Protocol and Angolan peace process despite the imposition of sanctions on UNITA by United Nations Security Council Resolutions 1127 (1997) and 1135 (1997), and for other purposes."

A motion to reconsider was laid on the table.

SENIOR CITIZEN HOME EQUITY PROTECTION ACT

Mr. LAZIO of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 329) providing for the concurrence by the House with an amendment to the Senate amendment to the House amendments to S. 562.

The Clerk read as follows:

H. RES. 329
Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill S. 562, together with the Senate amendment to the House amendment to the bill, and to have concurred in the Senate amendment with an amendment as follows:

In the matter proposed to be inserted by the Senate amendment at the end of section 304 add the following new subsection:

(c) APPLICABILITY.—This section shall apply only during the period beginning on October 1, 1997, and ending at the end of March 31, 1998.

The SPEAKER pro tempore. The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] each will control 20 minutes.

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

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

I ask that my colleagues support this resolution, an important message to the region. In 2 days, Angolan troops are supposed to be withdrawn from Congo-Brazzaville, and at this point it is unlikely that they will complete their withdrawal on time. Nevertheless, this is a key deadline. My colleagues' support of this resolution today will confirm American determination that this deadline must be kept, absent some good reason why it cannot be kept.

Since this is the last of 6 resolutions produced by the Subcommittee on Africa this session, let me take this opportunity to commend the gentleman from California [Mr. MENENDEZ], the ranking minority member, and all my subcommittee colleagues on both sides of the aisle for a very cooperative working relationship this year, including the gentleman from Florida [Mr. HASTINGS] and the gentleman from New Jersey [Mr. PAYNE], who have spoken on the last two resolutions and look forward to a productive second session.

MR. ROYCE. Mr. Speaker, I yield back the balance of my time.
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Mr. Speaker, I urge the Senate to pass this bill, this House bill in order to further study the effect of the provisions on tenant rent increases and on good owners.

Additionally, a new provision was added which would allow the owner's right to prepay a mortgage insured by the FHA. This provision is apparently necessary because the recently enacted fiscal year 1998 VA, HUD and Independent Agencies Appropriations Act extended only a segment of the prepayment authority. Regarding this particular provision, the House believes it is appropriate to extend the necessary authority for a period of 6 months, sufficient time to allow for a more complete analysis of the impact of extending this provision in a more permanent basis.

Finally, the Senate amendment makes a series of technical and clarifying changes to the Native American Housing Assistance and Self-Determination Act. These changes include the addition of owners of section 8 housing to prepay their mortgage, a clarification of the Native American Housing Assistance and Self-Determination Act of 1996. This law was enacted in the 104th Congress, and like any new major law, technical corrections are often necessary. These are appropriate.

Mr. Speaker, the legislation before us today has the support of the administration, the gentleman from Massachusetts [Mr. Kennedy], my friend and colleague, the ranking member of the Subcommittee on Housing and Community Opportunity, and numerous senior citizen organizations. I urge my colleagues here in the House and Members of the Senate to support passage of this critical legislation.

Let me end, Mr. Speaker, by complimenting and thanking the gentleman from Massachusetts [Mr. Kennedy], the ranking member of the Subcommittee on Housing and Community Opportunity, for working tirelessly with me to ensure that we protect seniors, ensure that we have the flood insurance protection in full force and effect for the next few months, as a matter of fact, for the next 2 years, and extend the opportunities for housing throughout America.

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

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, let me rise in strong support of this extended bill. I want to congratulate the gentleman from New York [Mr. LaZIO], chairman of the Subcommittee on Housing and Community Opportunity, on his efforts to make certain that this bill came to the floor and spoke up this session of Congress. This is an important series of protections that will be provided in this legislation, first and foremost, the senior citizens protection.

This bill provides important provisions that will protect senior citizens from unscrupulous practices dealing with reverse mortgages.

In recent years, scam artists have been charging seniors excessive and unnecessary fees in conjunction with HUD reverse mortgages, which allows seniors to borrow against equity in their home for needed expenses. The bill ends these scam practices by outlawing excessive fees and increasing disclosure requirements.

I want to just briefly read a letter from the Secretary of HUD, Andrew Cuomo, who writes,

If this bill had not been moved to adjournment, thousands of senior citizens would continue to be at risk of being defrauded. Many cash-poor elderly families have significant untapped equity in their homes. And HUD's home equity conversion mortgage program allows them to tap into this resource to meet medical costs, living expenses, and other needs, without selling their longtime home.

I know that the outrages that have been perpetrated need to be fixed, and we need to stop them from being able to seek profits by charging the elderly excessive fees. This program will make HUD's benefits available to more people.

Mr. Speaker, the chairman of the committee ought to again take credit for making certain that this bill did come to the House floor in an appropriate time frame, because without this action taken on the floor today, more senior citizens would have been taken advantage of. In addition, it provides many improvements and extenders on existing housing programs.

For instance, the rural housing program. The bill extends affordable rural housing programs, including section 515 and 538 rental housing programs, in the underserved areas of the rural housing programs.

It also extends the multifamily programs. The bill extends federal assistance to multifamily programs, including an expansion of a multifamily risk sharing program. The public housing provisions will also be extended, including the ceiling on minimum rent provisions as well as the suspension of various outdated rules.

It includes an important provision that extends greater financing flexibility for mixed income housing under the HOPE 6 program, critical for projects in cities like Baltimore and Philadelphia and Boston and others. It also extends the critical National Flood Insurance program, which I know we will be working on even more in the coming year in terms of some of the issues that have come forward regarding some of the very large and expensive and difficult flood and other natural disaster problems that are facing our country.

Third, it provides Indian housing. The bill makes technical corrections to the Native American Housing Assistance and Self-Determination Act.

Finally, the bill clarifies the rights of owners of section 8 housing to prepay their mortgage, a clarification...
made necessary by this year’s failure to fund the preservation program. While the House bill differs slightly from the Senate bill in its time extension, I am quite hopeful that the Senate will concur with this small change.

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume. I would like to thank again the gentleman from Massachusetts [Mr. KENNEDY], his hard work on this. This will be the third time actually that these provisions protecting seniors will have passed on the House floor. We have some additional provisions I think that will be helpful, in particular the flood insurance provisions which have been mentioned by both myself and by the gentleman from Massachusetts [Mr. KENNEDY].

Mr. Speaker, let me take this opportunity if I can to bid farewell to somebody who has served Congress very well, very admirably and will be missed. I know on both sides of the aisle, and that is Kelsay Meek, who has been the staff director I know of the committee and has served with distinction. I know we have already had plenty of opportunity to acknowledge the contributions that the gentleman from Texas [Mr. GONZALEZ] has made to this body and to America. I want to reiterate again my respect for him, and again, my hat off to Kelsay Meek and wish him good luck in his future endeavors.

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

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume. I want to just let the Speaker know how much I appreciate his mentoring not only Kelsay Meek. Obviously this has come as a result of the retirement of one of the great Members and great advocates of housing policies in this country, HENRY GONZALEZ, who is going back to Texas and leaves a tremendous staff that has been dedicated to him.

Kelsay is the leader of that staff, and someone whom I have come to know and deeply appreciate in terms of his knowledge of housing issues and his deep commitment to protecting the very, very poor people of this country, but he also has many other members of his staff that are also moving on. We wish all of those the best, and are delighted that many of the members of the staff are going to be staying to do battle with others on the other side of the aisle at times in the future.

I do want to also acknowledge, while we have just a moment on the House floor, the fact that I know the gentleman from Ohio [Mr. BROWN], and I will miss the gentleman from New York [Mr. FLAKE], a dear friend who is leaving the committee, another fine member of the Committee on Banking and Financial Services who did tremendous work on housing issues over the course of his career. I know he is going back to the city of New York. It is the first time I have had a chance to just acknowledge the loss of a deep personal friend here in the House who will be going back, but serving a higher calling than perhaps even we in the House of Representatives.

Mr. Speaker, I thank the chairman of the committee for his actions, and I yield back the balance of my time.

The Speaker. The gentleman from New York [Mr. LAZIO] tempore [Mr. SNOWBARGER]. The question is on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and agree to the resolution, House Resolution 328.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 562.

The Speaker. The motion is in order. Is there objection to the request of the gentleman from New York?

There was no objection.

CORRECTING ENROLLMENT OF S. 830, FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 196) to correct the enrollment of the bill S. 830.

The Clerk read as follows:

H. Con. Res. 196

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to provide for the regulation of food, drugs, devices, and biological products, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 112(b) of the bill, (A) Strike paragraph (2) (relating to conforming amendments).

(2) Strike ‘‘(b) SEC. 505. Effective date.’’ and all that follows through ‘‘(30)(A) The Secretary shall ’’ and insert the following:

(‘‘(b) SECTION 505.SEC. 505. (21 U.S.C. 355j) is amended by adding at the end the following paragraph:

(30)(A) The Secretary shall—

(2) in section 123(c) of the bill, strike subsection (g) and insert the following:

(g) APPLICATION OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.-(1) IN GENERAL.—Section 351 of the Public Health Service Act (42 U.S.C. 262), as amended by subsection (d), is further amended by adding at the end the following—

‘‘(d) The Federal Food, Drug, and Cosmetic Act applies to a biological product subject to regulation under this section, except that—

(1) the amendment made by this section to title I of Public Law 98-417 shall not apply to a biological product for which a license has been approved under subsection (a) shall not be required to have an approved application under section 505 of such Act; and

(2) the amendment made by this section to title II of such Act shall take effect on the date of enactment of such Act.’’.

(2) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall affect the question of the applicability of any provision of section 526 of the Federal Food, Drug, and Cosmetic Act to a biological product for which an application has been approved under section 505 of such Act.

(3) In section 125(d)(2) of the bill, in the matter preceding subparagraph (A), insert after ‘‘antibiotic drug’’ the following: ‘‘including any salt or ester of the antibiotic drug’’.

(4) In section 127(a) of the bill: In section 505A of the Federal Food, Drug, and Cosmetic Act (as proposed to be amended by such section 127(a)), in the second sentence of subsection (d)(2), strike ‘‘or other criteria’’ and insert ‘‘and other criteria’’.

(5) In section 412(c) of the bill: (A) In subparagraph (3) of section 502(e) of the Federal Food, Drug, and Cosmetic Act (as proposed to be amended by such section 412(c)), in subclause (iii) of clause (A), insert before the period the following: ‘‘or to prescription drugs’’.

(B) Strike ‘‘(c) MISBRANDING.—Subparagraph (1) of section 502(e)’’ and insert the following:

(C) MISBRANDING.—

(1) IN GENERAL.—Subparagraph (1) of section 502(e).

(2) Add at the end the following:

(2) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall affect the question of the authority of the Secretary of Health and Human Services regarding inactive ingredient labeling for prescription drugs under sections of the Federal Food, Drug, and Cosmetic Act other than section 502(e)(1)(A)(iii).’’. (B) Strike section 501 of the bill and insert the following:

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) IMMEDIATE EFFECT.—Notwithstanding subsection (a), the provisions of and amendments made by sections 111, 121, 125, and 307 of this Act, and the provisions of section 510(m) of the Federal Food, Drug, and Cosmetic Act (as added by section 206(a)(2)), shall take effect on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. BURR] and the gentleman from Ohio [Mr. BROWN] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BURR].
Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials in this royal presentation.

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

There was no objection.

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask support for a concurrent resolution to correct the enrollment of S. 830, the Food and Drug Administration Modernization Act of 1997. This concurrent resolution makes 6 small changes in the FDA reform act to correct technical drafting problems that have been identified since the bill was passed in the House and voice voted on Sunday. This concurrent resolution corrects section references, the definition of terms used in the bill, makes grammatical changes and corrects the effective date of the act. These corrections have the full support of the Republican and Democrat sponsors of this legislation in both the House and the Senate.

In addition, I have a letter from Health and Human Services Secretary Donna Shalala regarding the user fees authorized by this act. These fees will be dedicated toward expediting the drug development process and the review and human drug applications. The specific performance goals that FDA has agreed to which are referenced in section 101(4) of this act are specified in the letter entitled PDUFA Reauthorization Performance Goals and Procedures from Secretary Shalala.

Mr. Speaker, I hope that these corrections will be adopted by the entire House.

Mr. Speaker, the text of the letter is as follows:

The Secretary of Health and Human Services, Washington, DC, November 13, 1997.

Hon. Thomas J. Bliley, Jr., Committee Chairman, House of Representatives, Washington, DC.

Dear Mr. Chairman: As you are aware, the Prescription Drug User Fee Act of 1992 (PDUFA) expired at the end of Fiscal Year 1997. Under PDUFA, the additional revenues generated from fees paid by the pharmaceutical and biological prescription drug industries were dedicated to expedite the prescription drug review and approval process, in accordance with performance goals that were developed by the Food and Drug Administration in consultation with industries. To date, FDA has met or exceeded the review performance goals agreed to in 1992, and is reviewing over 90 percent of priority drug applications in 6 months and standard drug applications in 12 months.

FDA has worked with representatives of the pharmaceutical and biological prescription drug industries and the staff of your Committee, to develop a reauthorization proposal for PDUFA that would build upon and enhance the success of the original program. The Senate and the House of Representatives, respectively, agreed on a reauthorization proposal, which was included in the Food and Drug Administration Modernization Act of 1997, S. 830, as passed by the House and Senate on November 9, 1997, reflects the fee mechanisms developed in these discussions. The performance goals referenced in Section 101(4) are specified in the enclosure to this letter entitled “PDUFA Reauthorization Performance Goals and Procedures.” I believe they represent a realistic projection of what FDA can accomplish with industry cooperation and the additional resources identified in the bill.

This letter and the enclosed goals document pertain only to Title I, Subtitle A (Fees Relating to Drugs) of S. 830, the Food and Drug Administration Modernization Act of 1997.

OMB has advised that there is no objection to the presentation of these views from the standpoint of the Administration’s program. We appreciate the support of you and your staffs, the assistance of other Members of the Committee, and that of the Appropriations Committees, in the reauthorization of this vital program.

Sincerely,

DONNA E. SHALALA.

PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES

The performance goals and procedures of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the reauthorization of the prescription drug user fee program in the “Food and Drug Administration Modernization Act of 1997,” are summarized as follows:

I. FIVE-YEAR REVIEW PERFORMANCE GOALS

| Fiscal year | Review and action on 90 percent of standard original New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 1998 within 12 months of receipt.
| Fiscal year | Review and action on 90 percent of standard original New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 1998 within 6 months of receipt.
| Fiscal year | Review and action on 90 percent of standard original New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 1998 within 10 months of receipt.
| Fiscal year | Review and action on 90 percent of standard original New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 2000 within 6 months of receipt.
| Fiscal year | Review and action on 90 percent of priority original New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 1999 within 12 months and review and act on 50 percent within 10 months of receipt.
| Fiscal year | Review and action on 90 percent of priority original New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 1999 within 9 months of receipt.
| Fiscal year | Review and action on 90 percent of priority New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 2001 within 6 months of receipt and review and act on 50 percent within 10 months of receipt.
| Fiscal year | Review and action on 90 percent of priority New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 2001 within 9 months of receipt.
| Fiscal year | Review and action on 90 percent of priority New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 2001 within 12 months and review and act on 50 percent within 10 months of receipt.
| Fiscal year | Review and action on 90 percent of priority New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 2001 within 12 months of receipt and review and act on 50 percent within 10 months of receipt.
| Fiscal year | Review and action on 90 percent of priority New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 2002 within 6 months of receipt.
| Fiscal year | Review and action on 90 percent of priority New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 2002 within 12 months of receipt.
5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 2002 within 6 months of receipt and review and act on 90 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 2002 within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

These review goals are summarized in the following tables:

### ORIGINAL NDAs/BLAs/PLAs AND EFFICACY SUPPLEMENTS

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<th>Standard</th>
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<td>2004</td>
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### MANUFACTURING SUPPLEMENTS

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### RESUBMISSION OF ORIGINAL NDAs/BLAs/PLAs

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<tr>
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<tr>
<td>2002</td>
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### II. NEW MOLECULAR ENTITY (NME) PERFORMANCE GOALS

The performance goals for standard and priority original NMEs in each submission cohort will be the same as for all of the original NDAs (including NMEs) in each submission cohort but shall be reported separately.

For biological products, for purposes of this performance goal, all original BLAs/PLAs will be considered to be NMEs.

### III. MEETING MANAGEMENT GOALS

**A. Responses to meeting requests**

1. **Procedure:** Within 14 calendar days of the Agency's receipt of a request for a formal meeting (i.e., a scheduled face-to-face, teleconference, or video conference), CBER and CDER should notify the requester in writing (letter or fax) of the date, time, place, and attendees for the meeting, as well as expected Center participants.

2. **Performance Goal:** FDA will provide this notification within 14 days for 70% of requests (based on request receipt cohort years) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

**B. Scheduling meetings**

1. **Procedure:** The meeting date should reflect the next available date on which all applicable Center personnel are available to attend, consistent with the component's other business; however, the meeting should be scheduled consistent with the type of meeting requested. If the requested date for any of these types of meetings is greater than 30, 60, or 90 days, respectively, from the date the request is received by the Agency, then the meeting date will be within 14 calendar days of the date requested.

   - **Type A Meetings** should occur within 30 calendar days of the Agency receipt of the meeting request.
   - **Type B Meetings** should occur within 60 calendar days of the Agency receipt of the meeting request.
   - **Type C Meetings** should occur within 75 calendar days of the Agency receipt of the meeting request.

2. **Performance goal:** 70% of meetings are held within the time frame (based on cohort year of request in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

3. **C. Meeting minutes**

   - **1. Procedure:** The Agency will prepare minutes which will be available to the sponsor 30 calendar days after the meeting. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the meeting in bulleted form and need not be in great detail.

   - **2. Performance goal:** 70% of minutes are issued within 30 calendar days of date of meeting (based on cohort year of meeting) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

**D. Conditions**

For a meeting to qualify for these performance goals:

1. A written request (letter or fax) should be submitted to the review division; and
2. The letter should provide: a. A brief statement of the purpose of the meeting; b. A listing of the specific objectives/outcomes the requester expects from the meeting; c. A proposed agenda, including estimated times needed for each agenda item; d. A listing of planned external attendees; e. A listing of requested participants/disciplines representative(s) from the Center; f. The approximate time that supporting documentation (i.e., the "backgrounder") for the meeting will be sent to the Center (i.e., "x" weeks prior to the meeting, but should be received by the Center at least 1 week in advance of the scheduled meeting for Type A or C meetings and at least 1 month in advance of the scheduled meeting for Type B meetings);

   - The Agency will provide a written response to the sponsor within 30 calendar days of the date the request is received by the Agency (including any advice from an advisory committee), the person to whom the appeal was made, again has 30 calendar days from the receipt of the required information in which to either deny or grant the appeal.

3. **4. Again, if the decision is to deny the appeal, the response should include the reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

4. **5. If the Agency decides to present the issue to an advisory committee and there are not 30 days before the next scheduled advisory committee, the issue will be presented at the following scheduled meeting in order to allow conformance with advisory committee administrative procedures.

**V. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT GOALS**

**A. Procedure**

1. Upon specific request by a sponsor (including specific questions that the sponsor desires to be answered), the agency will evaluate certain protocols and issues to assess whether the design is adequate to meet scientific and regulatory requirements identified by the sponsor.

   - The sponsor should submit a limited number of specific questions about the protocol design and scientific and regulatory requirements for which the sponsor seeks agreement (e.g., is the dose range in the carcinogenicity study adequate, considering the intended clinical dosage; are the clinical endpoints adequate to support a specific efficacy claim).

2. **Within 45 days of agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the agency does not agree that the protocol meets the scientific and regulatory requirements, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

3. **Protocols that qualify for this program include:** carcinogenicity protocols, stability
protocols, and Phase 3 protocols for clinical trials that will form the primary basis of an efficacy claim. (For such Phase 3 protocols to qualify for this comprehensive protocol assessment, they must have had an end of Phase 2 pre-Phase 3 meeting with the review division so that the division is aware of the developmental context in which the protocol is being reviewed and the questions being addressed.)

4. N.B. For products that will be using Subpart E or Subpart H development schemes, the Phase 3 protocols mentioned in this paragraph should be construed to mean those protocols for trials that will form the primary basis of an efficacy claim no matter what form of the category development in which they happen to be conducted.

5. If a protocol is reviewed under the process outlined above and agreement with the Agency is reached on design, execution, and analyses and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in protocols reviewed under this process, the Agency will not alter its perspective on the information generated, on analyses unless public health concerns unrecognized at the time of protocol assessment under this process are evident.

B. Performance goals

60 percent of special protocols assessments and agreement requests completed and returned to sponsor within time frames (based on cohort year of request) starting in FY 1998; 70 percent in FY 2000; 80 percent in FY 2001; and 90 percent FY 2002.

VII. ELECTRONIC APPLICATIONS AND SUBMISSIONS

The Agency shall develop and update its information management infrastructure to allow, by fiscal year 2002, the paperless receipt and processing of INDs and human drug applications, as defined in PDUFA, and related submissions.

VIII. ADDITIONAL PROCEDURES

A. Simplification of action letters

To simplify regulatory procedures, the CBER and the CDER intend to amend their regular correspondence to provide for the issuance of either an "approval" (AP) or a "complete response" (CR) action letter at the completion of a review cycle for a marketing application.

B. Timing of sponsor notification of deficiencies in applications

To help expedite the development of drug and biologic products, CBER and CDER intend to submit deficiencies to sponsors in a timely manner as the Agency determines the significance of the deficiencies in the context of the overall protocol design, execution, and analyses proposed in the protocol. The action letter (or a not approval or approvable letter) that include the following items only (or combinations of these items):

1. Final printed labeling;
2. Draft of protocol;
3. Safety updates submitted in the same format, including tabulations, as the original safety summary and new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission);
4. Stability updates to support provisional or final dating periods;
5. Commitments to perform Phase 4 studies, including proposals for such studies;
6. Assay validation data;
7. Final release testing on the last 1-2 lots used to support approval;
8. A minor reanalysis of data previously submitted to the application (determined by the Agency as fitting the Class 1 category); and
9. Other minor clarifying information (determined by the Agency as fitting the Class 1 category); and
10. Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry.

Class 2 resubmissions are resubmissions that include any other items, including any item but would require presentation to an advisory committee.

A. Type A Meeting is a meeting which is necessary for an otherwise stalled drug development program to proceed (a "critical path" meeting).

B. Type B Meeting is a (1) pre-IND, (2) end of Phase 1 for Subpart E or Subpart H or similar products) or end of Phase 2 pre-Phase 3 or (3) a pre-NDA/PLA/BLA meeting. Each requestor should usually only request 1 each of these Type B meetings for each potential application (NDA/PLA/BLA) or (combination of closely related products, i.e., same active ingredient but different dosage forms being developed concurrently).

H. A Type C Meeting is any other type of meeting.

1. The performance goals and procedures also apply to original applications and supplements for human drugs initially marketed on an over-the-counter (OTC) basis through an NDA or switched from prescription to OTC status through an NDA or supplementary application.

Mr. BURR of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume. This is primarily a technical corrections bill to correct some provisions of the FDA reform bill that this House passed by voice on Sunday. This correction resolution does not change any of the underlying policies of the FDA legislation, nor does it make any new substantive policy changes.

Mr. Speaker, I ask for House support.

Mr. RUSH. Mr. Speaker, I am proud to speak today in support of the conference report to pass FDA reform legislation.

During the subcommittee hearing of H.R. 1411, the Drug and Biological Products Modernization Act of 1997, I offered an amendment to the bill to ensure that women and members of minority and ethnic groups would be adequately represented in clinical trials of new drugs that are submitted to the Food and Drug Administration [FDA] for approval.

This amendment specifically directs the Secretary of Health and Human Services to consult with the National Institute of Health [NIH] to review and develop guidelines on the inclusion of women and minorities in clinical trials.

This important amendment was unanimously adopted by the committee by voice vote.

In passing H.R. 1411, the Committee engaged in a vigorous debate about the respective roles of government and the industry. We have heard a lot about how we must not sacrifice the public health and consumer safety by allowing faster approval of new drugs. In the same spirit, we must not lose sight of equity issues.

I congratulate Members on both sides of the aisle for working hundreds of hours to craft this bill. And staff, on both sides, are to be commended for their dedication to fine-tuning this landmark legislation.

I look forward to working with Members of Congress, the administration, and medical and consumer groups to help expand the inclusion of women and minorities in clinical trials.

I rise in strong support of the conference report and urge all Members to vote "yes" on this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. BURR] that the House suspend the rules and agree to the current resolution, House Concurrent Resolution 196.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985 RELATING TO CUSTOMER USER FEES

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3034) to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customer user fees, to allow the use of such fees to provide for customs inspection personnel in connection with the arrival of passengers in Florida and for other purposes.

The Clerk read as follows:

H.R. 3034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDS FOR CUSTOMS INSPECTION PERSONNEL.

(a) Access to Customs User Fee Accounts.


(1) in clause (ii), by striking "and" at the end;

(2) in clause (ii)—

(A) by striking "to make reimbursements" and inserting "after making reimbursements"; and

(B) by striking the period at the end and inserting ";" and
Mr. THURMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is going to address a critical situation for Florida's tourist industry. On September 30, the Customs Service lost authority to collect user fee revenue at a time when we are trying to enhance the economy through tourism.

Mr. Speaker, enactment of the temporary provision beyond September 30, 1998, that enhance customs services in connection with the arrival of passengers aboard commercial vessels, regardless of whether those passengers are required to pay fees under paragraphs (1) through (8) of subsection (a) will allow Customs more than enough time to develop a long-term solution that ensures the continuation of inspection services for air and sea passengers and for all affected ports of entry.

Mr. Speaker, this is a very important bill for Florida. I am pleased that the Committee on Ways and Means has agreed to allow Customs to access the Customs user fee account to provide for up to 50 full-time inspectors. The account contains about $12 million, far more than the $1 million or so needed to maintain these positions.

I understand because of the expiration of the user fee authority, Customs intends to reduce its inspection of passenger boats that will be arriving at Long Beach, CA, and for the preclearance of aircraft passengers in Canada. I believe that the Committee on Ways and Means should work with the Customs Service to develop a long-term solution that ensures the continuation of inspection services for air and sea passengers and for all affected ports of entry.

I will work with the gentleman from Florida [Mr. SHAW] to correct this situation in 1998, but Congress must approve this legislation before we adjourn. If we do not, the cruise industry in Florida will be decimated this winter.

Finally, I want to thank the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means; the gentleman from New York [Mr. RANGEL], the ranking member; the gentlemen from Illinois [Mr. CRANE] the chairman of the Subcommittee on Trade; and the gentleman from California [Mr. MATSUI] for their assistance, and certainly the gentleman from Florida [Mr. SHAW] for his advancement of this piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. Speaker, this is a fair, appropriate piece of legislation in terms of funds that we need to use to have several, as was mentioned, a very few, customs officials because of the way the law is being interpreted. I talked with the Commissioner himself about this, and again I want to thank the staff and the members of the committee for their help in this matter.

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

Mr. Speaker, I am pleased to rise in support of H.R. 3034 introduced by both the gentleman from Florida [Mr. SHAW] and the gentleman from Illinois [Mr. CRANE], a measure that would allow the user fee account to be used for the Customs Service in the Florida area.

I just visited that region in Miami and was appalled to learn that 50 inspectional positions would help arriving vessels, cruise ships, in Florida would be unable to provide inspection services to vessels that will be arriving at Long Beach, CA, and for the preclearance of aircraft passengers in Canada. I believe that the Committee on Ways and Means should work with the Customs Service to develop a long-term solution that ensures the continuation of inspection services for air and sea passengers and for all affected ports of entry.

I want to thank the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means; the gentleman from New York [Mr. RANGEL], the ranking member; the gentlemen from Illinois [Mr. CRANE] the chairman of the Subcommittee on Trade; and the gentleman from California [Mr. MATSUI] for their assistance, and certainly the gentleman from Florida [Mr. SHAW] for his advancement of this piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. Speaker, this is some shortsightedness here we have a limitation on customs inspectors, and I hope that the Congress can join in this measure that would help alleviate that problem for the Florida ports so that ships should not be able to come in, so that the region could obtain that kind of revenue at a time when we are trying to enhance the economy throughout the Nation.

Lastly, this is an important measure, and I urge my colleagues to support it.

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

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

Very briefly, I would like to thank the gentleman from Texas [Mr. ARCHER] and the gentleman from Illinois [Mr. CRANE] as well as the ranking Democrat, Member from California [Mr. MATSUI] and the gentleman from New York [Mr. RANGEL], for allowing this to come to the floor in this expedited procedure. This is a very important bill for Florida. I would also like to commend the gentleman from Florida [Mr. THURMAN] and the gentleman from Florida [Mr. DEUTSCH] for their involvement in moving this bill along.

Mr. CRANE. Mr. Speaker, yesterday Mr. Salomon introduced H.R. 3034, a bill to allow the U.S. Customs Service limited and temporary access to the Customs COBRA User Fee Account fund, through September 30, 1998, up to 50 inspectional positions for processing these ships, multi-million-dollar ships. Probably more importantly, these are ships that have already advertised and collected money from hundreds of people, if not thousands of people, who are planning their vacations to go on these ships and, in fact, would have to cancel without this legislation.

It is a fair, appropriate piece of legislation in terms of funds that we need to use to have several, as was mentioned, a very few, customs officials because of the way the law is being interpreted. I talked with the Commissioner himself about this, and again I want to thank the staff and the members of the committee for their help in this matter.
passengers arriving on commercial vessels—cruise ships—in Florida. As of September 30, 1997, Customs no longer collects user fees from passengers arriving from Canada, Mexico, and the Caribbean. Current law states that the funds can only be used to enhance inspectional positions at ports if Customs COBRA User fees are collected. Thus, Customs may not use any money from the Customs COBRA User Fee Account to fund positions in those ports to enhance the inspection of passengers who arrive from Canada, Mexico, and the Caribbean.

As of September 30, 1997, fees are no longer collected from cruise ship passengers arriving in Florida from Caribbean countries. Therefore, Customs no longer has the authority to access the user fee account to pay for inspectional positions previously acquired in these Florida ports. Forty-three of these positions have been added in Florida ports where user fees had previously been collected from cruise ship passengers. Mr. SHAW's bill would give Customs limited access to the user fee account to fund these 43 positions, plus an additional 7 positions to account for any growth in the cruise ship industry in fiscal year 1998.

The bill has no pay-go impact because revenues to fund these inspectors would come from the Customs COBRA User Fee Account, under the current permanent, indefinite appropriation.

Mr. Speaker, I must emphasize three important points with regard to the decision of the Committee on Ways and Means to allow this bill to come to the floor under suspension of the rules. First, this is being done with the understanding that the committee will be treated without prejudice in the future as to its jurisdictional prerogatives on this or similar provisions. This bill should not be considered as precedent for consideration of matters of jurisdictional interest to the committee in the future. Second, the bill provides limited relief for the processing of cruise ship passengers in Florida only. The bill sets no precedent for providing Customs access to the Customs COBRA User Fee Account to fund inspectional positions for the processing of passengers arriving on commercial vessels arriving at any port of entry outside of Florida. Third, the committee's decision to allow the provision to be considered under suspension of the rules shall set no precedent for allowing additional access to the user fee account after fiscal year 1998. The Subcommittee on Trade intends to review several issues involving Customs user fees next year, including H.R. 2262, my bill to reform the overtime and nighttime pay reform system for Customs inspectors. I would like to add that the Customs Service could fund these and other positions through its salaries and expenses account. The bill will therefore provide Customs additional time to develop a plan by which current and future cruise ship passengers can be processed as part of Customs ongoing commitment to process passengers as efficiently as possible. The bill will provide short-term relief for the cruise ship industry in Florida, the group most immediately impacted by Customs' failure to develop such a plan.

Mr. Speaker, I rise in support of H.R. 3034, a bill to allow the U.S. Customs Service limited and temporary access to the Customs COBRA User Fee Account to fund, through September 30, 1998, up to 50 inspectional positions for processing passengers arriving on commercial vessels in Florida.

Cutbacks in the U.S. Customs Service have threatened the voyages of numerous cruise ships in Florida, due to the fact that the Customs Service no longer has authority to access the user fee account to pay for inspectional positions. H.R. 3034 will give Customs limited access to the user fee account to fund 43 positions, plus an additional 7 positions to account for any growth in the cruise ship industry in fiscal year 1998.

I applaud my colleague, the distinguished gentleman from Florida, Mr. SHAW, and commend him for his efforts to ensure the success of the cruise ship industry. Mr. SHAW, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. SHAW] that the House suspend the rules and pass the bill, H.R. 3034.

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

A motion to reconsider was laid on the table.

UNSAFE TO VICTIMS OF COMMUNISM ACT OF 1997

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3037) to clarify that unmarred children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program.

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

The Speaker. The Chair recognizes the gentleman from Florida [Mr. H ANSON] for 20 minutes.

Mr. HANSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. C ANADY], the gentleman from South Carolina [Mr. W ATT], and the gentleman from New Jersey [Mr. DAVIS].

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

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentleman from New Jersey [Mr. DAVIS], the gentleman from California [Mr. BERMAN], and the gentleman from South Carolina [Mr. B RICKER].

Briefly, this is a bill which will extend and clarify an important State Department and Immigration and Naturalization Service authority that expired on September 30, 1997, which is necessary to help protect the victims of communism. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. DAVIS] for further explanation.

Mr. SMITH of New Jersey. Mr. Speaker, this authority was necessary for longtime reeducation camp victims who had been persecuted in Vietnam for their pro-U.S. associations to bring their unmarried children with them to the United States if these children have reached the age of 21 during their incarceration or the long wait for an exit visa from the Communist authorities. A member of these former prisoners of conscience have refused to leave Vietnam unless they can bring their children with them. These families have been trapped in Vietnam until the provision is reauthorized.

I would like to point out to the Members that extension of this authority has been endorsed by the administration, on the other side of the building, Senators MCCAIN, ABRAHAM, and KENNEDY, and it has the bipartisan support of the gentleman from Illinois [Mr. HYDE], the gentleman from New York [Mr. GILMAN], and the gentleman from California [Mr. BERMAN], and I appreciate their cosponsorship of this legislation, and Mr. BERMAN and Mr. DAVIS, as a matter of fact, are additional cosponsors as well.

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3037) to clarify that unmarred children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program.

The Speaker. Pursuant to the rules of the House, the gentleman from Florida, Mr. SMITH, and the gentleman from South Carolina, Mr. W ATT, each will control 20 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, this authority was necessary for longtime reeducation camp victims who had been persecuted in Vietnam for their pro-U.S. associations to bring their unmarried children with them to the United States if these children have reached the age of 21 during their incarceration or the long wait for an exit visa from the Communist authorities. A member of these former prisoners of conscience have refused to leave Vietnam unless they can bring their children with them. These families have been trapped in Vietnam until the provision is reauthorized.
I know because of the many times that I have worked with refugees in California, trying to help their families away from the oppression, that people still face in Vietnam how important this measure is, and I commend the authors of the bill. Although I do not know how many legislative hoops to get it on this floor today.

I would also like to bring, because she was not aware it was going to be on the floor any more than I was before I got the call, that the gentlewoman from California [Ms. SANCHEZ] and I learned firsthand from the testimony how important this measure is. And so I am sure I join with others, including my colleague from California, in urging support of this bill.

I thank the gentleman from North Carolina for allowing me to say these few words in support.

Mr. WATT of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I have no further speakers. I do, however, ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I will be brief so as not to prolong this debate because I do not think there is anybody who opposes this bill. The bill serves a useful purpose of extending and clarifying an important policy and the authority that expired on September 30, 1997. This authority was necessary to allow long time reeducation camp victims who have been persecuted in Vietnam for their pro-U.S. associations to bring their unenrolled children with them to the United States if these children have reached the age of 21 during their incarceration or the long wait for an exit visa from the Communist authorities. A number of these former prisoners of conscience have refused to leave Vietnam unless they can bring their children. These families are trapped in Vietnam until this provision is reauthorized.

The extension of this authority has been requested by the Clinton administration. Senators MCCAIN, ABRAHAM, and KENNEDY, the gentleman from Illinois [Mr. HYDE], the gentleman from New York [Mr. GILMAN], the gentleman from California [Mr. BERMAN], and many others. As I say, there is no real objection to this.

I do want to raise one point, however, that I think can go unnoticed in the waning moments of a congressional session. This is a matter of immigration policy, and because this bill was just introduced, just dropped within the last minutes, the bill never had a chance to go through the Subcommittee on Immigration and Claims of this Judiciary, and so we continue to make somewhat haphazard immigration policy in this country, and we yesterday on an appropriations bill made exceptions for Nicaraguans, Guatemalans, Salvadorans, other persecuted second-class countries, to be treated as refugees.

Under this bill, we make exceptions for some Vietnamese who obviously are very deserving, and the thing that is troubling is that we keep making these exceptions, all of which we support, but we keep leaving out the Haitians, which a number of people rose on the floor yesterday, especially Representatives from Florida, to try to see why we keep leaving out the Haitians, who have already been given an exception similar to the exceptions that we have given, we are giving, under this bill, that we gave under an appropriations bill to the Salvadorans, Guatemalans, and others yesterday.

Why do we keep leaving out the Haitians? And that question cries out for a response even though they are not people who oppose this particular bill. The question still is out there, why can we not find a bill and support for the Haitian people who came to this country under parole of Republican and Democratic Presidents, were given a status, and yet we are not dealing with them, we are ignoring them in the process of passing these bills?

So having expressed the procedural concern that we are haphazardly and kind of case-by-case making immigration policy without this bill having gone through the Subcommittee on Immigration and Claims of the Judiciary, and having expressed a concern that nobody seems to be paying attention to the plight of the Haitians even though there is a bill which could just as easily be picked up and moved on the floor as this bill is being moved, I encourage my colleagues nonetheless to support this bill.

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

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for his exception for the bill. The Speaker pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CANADY] that the House suspend the rules and pass the bill, H.R. 3307.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. BATEMAN. Mr. Speaker, pursuant to H. Res. 314, I would like to announce that the following suspension is expected to be considered today:

H.Con.Res. 197, calling for the resignation or removal from office of Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs.

ARMY RESERVE-NATIONAL GUARD EQUITY REIMBURSEMENT ACT

Mr. BATEMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2796) to authorize the reimbursements of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning October 1, 1996, and ending on May 31, 1997, as amended.

The Clerk read as follows:

H.R. 2796

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 "Army Reserve-National Guard Equity Reimbursement Act".

SEC. 2. REIMBURSEMENT OF MEMBERS OF THE ARMY DEPLOYED IN EUROPE IN SUPPORT OF BOSNIA OPERATIONS FOR OUT-OF-POCKET EXPENSES INCURRED TO TRANSPORT PERSONAL PROPERTY.

(a) REIMBURSEMENT AUTHORIZED.—The Secretary of the Army may reimburse an individual described in subsection (b) for expenses incurred by that individual while a member of the Army for shipment of personal property from the United States to Europe during the period beginning on October 1, 1996, and ending on May 31, 1997, if the shipment of the personal property, if made on or before June 1, 1997, would have been covered by a temporary change of station weight allowance for shipment of personal property authorized by the Department of the Army. Such reimbursement shall be made from amounts available as of the date of the enactment of this section for the payment of the temporary change of station weight allowance.

(b) COVERED INDIVIDUALS.—An individual referred to in subsection (a) is an individual who, as a member of the Army during the period beginning on October 1, 1996, and ending on May 31, 1997, was deployed from the United States to Europe in support of operations in Bosnia or reassigned from Europe to United States upon the completion of such deployment, or both, under travel orders that did not authorize a temporary change of station weight allowance for shipment of personal property authorized by the Department of the Army. Such reimbursement shall be made from amounts available as of the date of the enactment of this section for the payment of the temporary change of station weight allowance.
Mr. BATEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2796 would not be direct, but would indeed authorize reimbursement for certain out-of-pocket expenses incurred by certain members of the United States Army, who were deployed to Europe in support of the Bosnian operations in late 1996.

The bill has been amended from the introduced version to more clearly specify who in the Army is eligible for such reimbursement if the Secretary of the Army elects to exercise its authority. The Army supports this initiative, and I am not aware of any controversy at this time associated with the bill.

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

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

Mr. Speaker, the bill before us today, H.R. 2796, is an example of what I and more colleagues consider good governmental legislation. This bill will correct a gross inequity that impacts upon approximately 4,200 of our Army Reserve and National Guard personnel who are deployed in Europe in support of our operations in Bosnia.

It is the necessary authority for the Army to reimburse those soldiers, who had to take money out of their pockets to pay for shipment of personnel items, which the Army has paid for in the past and has started paying to again.

I am especially pleased that this legislation has been developed at the request of the Department, in that it demonstrates their sincere concern for the welfare of the junior grade enlisted personnel who are the intended beneficiaries of this legislation.

Further, Mr. Speaker, I am pleased to be the cosponsor of this bill, and I would like at this time to extend my congratulations to my distinguished colleague, the gentlewoman from North Carolina, Mrs. CLAYTON, for persisting in this effort. I underscore for emphasis “persisting in this effort.”

Mr. Speaker, the distinguished gentlewoman brought this matter to my attention several weeks ago. We were not able to address this matter in the normal course of events in the context of the conference report that was the vehicle for our fiscal year 1998 defense authorization bill, but were able to do it in the context of this legislation.

Mr. Speaker, the gentlewoman, as I said, brought this matter to my attention and worked with great diligence to bring us to this moment. I again congratulate the gentlewoman and loudly applaud her for her efforts on behalf of the 4,200 men and women of our Army Reserve and National Guard.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the distinguished gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Speaker, I also want to commend both sides of the House, both the majority and the minority on this issue, for allowing this to come up. I want to pay particular attention to the care and attention and the direction that the gentleman from California, Mr. DELLUMS, gave to this issue, and thank the gentleman from Virginia, Mr. BATEMAN, for leading this effort. We would not be here unless there was cooperation on both sides. I want to acknowledge that.

This issue came to me because 125 National Guardsmen in eastern North Carolina had experience going at the direction of their country, serving there very well, but also having to pay for that engagement. What it meant was they had to pay for the shipment of their personal goods back to the United States.

Here before, military personnel would be reimbursed for the shipment of their personal goods. Why? Because there had been an administrative change or policy change within the administration of the Pentagon.

When we brought that to them, they said unless we sought legislative remedy, they could not make this correction, which we thought was an issue of fairness for the 125 military personnel in eastern North Carolina. We did it for the whole. So this particular legislation is really an extremely important effort.

Mr. Speaker, I want to point out this is really an extremely important effort on behalf of our Army and National Guard participating soldiers. The gentlewoman from North Carolina, Mrs. CLAYTON, and the gentleman from Virginia, Mr. BATEMAN, have set the stage for us to come up. I want to pay particular attention to the bill before us today. It is, in fact, the Army Reserve-National Guard Equity Reimbursement Act, and I strongly urge my colleagues on both sides of the aisle to support the legislation.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the gentlewoman from North Carolina.

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to join the long list of people commending the gentleman from North Carolina, Mrs. CLAYTON, for bringing this to our attention.

Over 4,200 reservists will be affected in their pocketbooks by this. They do not make much money. Most of them volunteered to go to Bosnia. Some of them were involuntary called up. All of them took a pay cut, in all probability, to serve their country. So it is very important that, where we can and
when we can, we see to it that they incur no unnecessary expense in doing so.

Mr. Speaker, I want to commend the gentlewoman from North Carolina [Mrs. CLAYTON] for bringing this to our attention. I want to commend the gentleman from Indiana [Mr. BUYER] and the gentleman from Virginia [Mr. BATEMAN] for allowing this to come to the floor today. We are definitely doing the best thing for those people in uniform.

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

Mr. Speaker, I would simply like to conclude by indicating that I would have liked very much for this matter to have been dealt with in the context of the conference report that accompanied the defense authorization for fiscal year 1998. In that regard, this would, in a few short days perhaps, have been signed into law. But I am pleased we are at least taking this step.

My hope is by the House of Representatives taking this step, we will have sent the appropriate signal to the other body to act with dispatch on this matter that cries out for equity and cries out for action.

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

Mr. BATEMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I thank the chair of the Subcommittee on Military Readiness for yielding me this time.

Mr. Speaker, I rise in strong support of the legislation to correct these errors with regard to our troops. This is basically, my colleagues, support-the-troops legislation.

This legislation corrects a problem created earlier this year when, due to an administrative change in Army policy, reservists deployed to Bosnia were forced to pay out of their own pocket to ship their personal goods home at the completion of their tour. Most of the reservists called for the second rotation to Bosnia were affected by this change.

This matter came to the attention of the authorizing Committee on National Security really too late to deal with this issue effectively in the defense bill this year.

I compliment the gentlewoman from North Carolina [Mrs. CLAYTON] for bringing this to everyone's attention. I am disappointed that the Assistant Secretary of the Army for Manpower and Reserve affairs, Ms. Sara Lister, would not have brought this immediately to the Committee on National Security's attention. I know she brought this in response to your inquiry, but I wish she had brought it right to the authorizing committee. Perhaps she was listening, she is going to get that warning order.

I urge my colleagues to support the legislation. The troops can be reimbursed in a timely fashion for their selfless service to their country. I agree with the ranking member that hopefully the Senate will take this up immediately.

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

Mr. Speaker, in conclusion, I add in my thanks and compliments to the gentlewoman from North Carolina [Mrs. CLAYTON] for having determined that there was this problem and having brought it to our attention in order that we could address the problem, one which definitely needed to be addressed, and which I am happy to have cooperated in having the House hopefully pass in the next minute.

I hope also the Senate will take action on this and the President will sign it in order that we can have the authority for these troops to be paid that which they deserve.

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

Mr. Speaker, pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BATEMAN] that the House suspend the rules and pass the bill, H.R. 2796, as amended.

The objection was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed. A motion to reconsider was laid on the table.

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This matter came to the attention of the authorizing Committee on National Security really too late to deal with this issue effectively in the defense bill this year.

I compliment the gentlewoman from North Carolina [Mrs. CLAYTON] for bringing this to everyone's attention. I am disappointed that the Assistant Secretary of the Army for Manpower and Reserve affairs, Ms. Sara Lister, would not have brought this immediately to the Committee on National Security's attention. I know she brought this in response to your inquiry, but I wish she had brought it right to the authorizing committee. Perhaps she was listening, she is going to get that warning order.

I urge my colleagues to support the legislation. The troops can be reimbursed in a timely fashion for their selfless service to their country. I agree with the ranking member that hopefully the Senate will take this up immediately.

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

Mr. Speaker, in conclusion, I add in my thanks and compliments to the gentlewoman from North Carolina [Mrs. CLAYTON] for having determined that there was this problem and having brought it to our attention in order that we could address the problem, one which definitely needed to be addressed, and which I am happy to have cooperated in having the House hopefully pass in the next minute.

I hope also the Senate will take action on this and the President will sign it in order that we can have the authority for these troops to be paid that which they deserve.

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

Mr. Speaker, pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BATEMAN] that the House suspend the rules and pass the bill, H.R. 2796, as amended.

The objection was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed. A motion to reconsider was laid on the table.
(9) Amtrak and intercity bus service providers should work cooperatively and develop coordinated intermodal relationships promoting seamless transportation services which enhance travel options and 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) 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 II—REFORMS

Subtitle A—Operational Reforms

SEC. 101. BASIC SYSTEM.

(a) Operation of Basic System.—(1) Section 24701 is amended to read as follows:

"§24701. National rail passenger transportation system

"Amtrak shall operate a national rail passenger transportation system which ties together existing and emergent regional rail passenger service and other intermodal passenger service.

(2) The item relating to section 24701 in the table of sections of chapter 247 is amended to read as follows: "24701. National rail passenger transportation system."

(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"; and

(2) by striking "24707(a) or (b) of this title," in subsection (a)(1) and inserting "or discontinuing service over a route.";

(d) by inserting "or "agree to share" in subsection (a)(1); and

(e) by striking "24707(a) or (b) of this title" in subsection (a)(2) and inserting "paragraph (1)"; and

(f) by striking "24707(a) or (b) of this title" in subsection (b)(1) and inserting "subsection (a)(1); and

(g) by striking "24707(a) or (b) of this title" in subsection (a)(2) and inserting "24707(a) or (b) of this title" in subsection (a)(2) and inserting "paragraph (1)"; and

SEC. 102. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) Repeal.—Section 24703 is amended—

(1) by striking the last sentence of subsection (a); and

(2) by striking subsection (b) and inserting the following:

"(j) 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. 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. 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.

(a) Repeal.—Section 24704 and the item relating thereto in the table of sections of chapter 247 are repealed.

(b) State, Regional, and Local Cooperation.—Section 24101(c)(2) is amended by inserting "separately or in combination," after "and the private sector.

(c) Conforming Amendment.—Section 2412(a)(1) is amended by striking "or 24704(b)(2)."

SEC. 106. AMTRAK COMMUTER.

(a) Repeal of Section 24705.—Chapter 245 and the item relating thereto in the table of chapters for subtitle V of such title, are repealed.

(b) Conforming Amendment.—Section 24301(f) is amended by adding at the end the following:

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

(c) TRACKAGE RIGHTS NOT AFFECTED.—The repeal of section 24706 is amended to read as follows:

"24706. Amtrak and commuter authorities

(a) Amtrak shall have the right to use trackage owned or leased by commuter authorities on the same terms and conditions that it has with other rail carriers.

(b) Federal financial assistance to cover operating losses incurred by Amtrak shall be eliminated by the year 2002.

(c) Conforming Amendment.—Section 24312(a) is amended by striking "or 24704(b)(2)."

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 transportation of passengers by motor carrier over regular routes only.

(3)(B) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(1)(A) of title 49, United States Code, as section existed on the day before the effective date of the amendments made by subsection (a).

(3)(C) for passengers who have had prior movement by rail or will have subsequent movement by rail;

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

(3)(E) if the transportation of passengers is covered by railroad prices.

(3)(F) if the motor carrier is the only motor carrier of passengers to use the property owned or leased by commuter authorities for the transportation of passengers by motor carrier over regular routes or if the transportation of passengers is covered by railroad prices.

SEC. 108. RAIL AND MOTOR CARRIER PASSENGER SERVICE.

(a) In General.—Notwithstanding any other provision of law (other than section 24305(a)(3) of title 49, United States Code), Amtrak and motor carriers of passengers are authorized—

(1) to combine or package their respective services and facilities to the public as a means of increasing revenues; and

(2) to coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.

(b) Repeal.—The authority granted by subsection (a) is revoked by the Surface Transportation Board and may be modified or revoked by the Board if modification or revocation is in the public interest.

SEC. 109. PASSENGER FEE.

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 F.O.I.A.—Section 24303(e) is amended by adding at the end thereof the following:

"(2) to coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.

(b) Application of Federal Property and Administrative Services Act.—Section 303(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) applies to a proposal in the possession or control of Amtrak.

Subtitle B—Procurement

SEC. 121. CONTRACTING OUT.

(a) Repeal of Ban on Contracting Out.—Section 24312 is amended—

(1) by striking subsection (b); and

(2) by striking "(1)" in subsection (a); and

(b) Conforming Amendment.—Section 24312(b) is amended by adding at the end the following:

"(b) Wage.—

(1) shall be included in negotiations under section 6 of the Railway Labor Act (45 U.S.C. 156) between Amtrak and an organization representing Amtrak employees, which shall be commenced by—

(A) the date on which labor agreements under negotiation on the date of enactment of this Act are re-opened; or

(B) November 1, 1999, whichever is earlier;

(2) may, at the mutual election of Amtrak and an organization representing Amtrak employees, be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act; and

(3) may not be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act, unless both Amtrak and the organization representing Amtrak employees agree to include it in the negotiation.

No contract 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.

(d) No Inference.—The amendment made by subsection (a)(1) is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.

Subtitle C—Employee Protection Reforms

SEC. 131. RAILWAY LABOR ACT PROCEDURES.

(a) Notices.—Notwithstanding any arrangement in effect before the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all
Four years after the enactment of the Amtrak Reform and Accountability Act of 1997, the Secretary of Transportation is required to perform an independent assessment of Amtrak's financial needs and infrastructure improvements. The assessment is to be conducted by the Secretary of Transportation and is to be independent of Amtrak and not in any contract with Amtrak. The assessment is to be conducted within 134 days after the date of enactment of this Act, and the Secretary is required to approve the entity's statement of work and objectives analysis of Amtrak's funding needs. The assessment is to be based on an objective analysis of Amtrak's funding needs, to include all relevant factors, including Amtrak's actual cost of performance. The independent assessment shall take into account all relevant factors, including 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) Deadline.—The independent assessment shall be completed not 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.

SECTION 203. AMTRAK REFORM COUNCIL.

(a) Establishment.—There is established an independent commission to be known as the Amtrak Reform Council.

(b) Membership.—The Council shall consist of 11 members, as follows:

(A) The Secretary of Transportation.

(B) Two individuals appointed by the President, of whom one shall have the title of a former Federal judge, and one shall have demonstrated expertise relevant to the Council.

(C) Three individuals appointed by the Majority Leader of the United States Senate.

(D) Three individuals 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 Majority Leader of the United States House of Representatives.

(G) 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) shall—

(i) not be employees of the United States; or

(ii) not be board members or employees of Amtrak; or

(iii) not be representatives of rail labor organizations or rail management; and

(iv) have technical qualifications, professional standing, and demonstrated expertise in the management of intercity rail, or other transportation operations, labor, economics, or the law, or other areas of expertise relevant to the Council.

(C) 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 and for the unexpired portion of the term for which that individual’s predecessor was appointed.

(D) Chair.—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 (2)(A); or

(B) 45 days after the date of enactment of this Act.

(E) 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.

(F) Administrative Support.—The Secretary of Transportation shall provide such administrative support to the Council as it needs in order to fulfill its duties under this section.

(G) 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 section 5702 and 5703 of title 5, United States Code.

(H) Meetings.—Each meeting of the Council, other than a meeting at which proprietary information is to be discussed, shall be open to the public.

(I) Access to Information.—Amtrak shall make available to the Council all information the Council requires to carry out its duties under this section.

(j) Timelines.

(1) Evaluation and Recommendation.—The Council shall—

(A) 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 evaluation and recommendations under paragraph (1), the Council shall consider all relevant performance factors, including—

(A) Amtrak’s operation as a national passenger railroad, 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) Monitor Work-Rule Savings.—If, after January 1, 1997, Amtrak enters into an agreement involving work rules intended to achieve savings with an organization representing Amtrak employees, then Amtrak shall report quarterly to the Council—

(A) the savings realized as a result of the agreement; and

(B) how the savings are allocated.

(h) 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—

(A) Amtrak’s progress on the resolution of productivity issues;

(B) the status of those 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 perform its duties.

SECTION 204. SUNSET TRIGGER.

(a) In General.—If at any time more than 2 years after the date of enactment of this Act and implementation of section 21404(d) of title 49, United States Code, as amended by section 201 of this Act, Amtrak Reform Council finds that—

(1) 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 subsection (a), the Council shall take into account—

(1) Amtrak’s business performance;

(2) the findings of the independent assessment conducted under section 202;

(3) the level of Federal funds made available for carrying out the financial plan referred to in section 21404(d) of title 49, United States Code, as amended by section 201 of this Act; and

(c) Action 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 the complete liquidation of Amtrak, after having the plan reviewed by the Inspector General, Department of Transportation and the General Accounting Office for accuracy and reasonableness.

SECTION 205. SENATE PROCEDURE FOR CONSIDERATION OF RESTRUCTURING AND LIQUIDATION PLANS.

(a) In General.—If, within 90 days (not counting any day on which either House is not in session) after a restructuring plan is submitted to the House of Representatives and the Senate by the Amtrak Reform Council under section 21404(c)(3) of title 49, United States Code, as amended by section 201 of this Act, an implementing Act with respect to a restructuring plan (without regard to whether it is the plan submitted) has not been passed by the Congress, then a liquidation disapproval resolution shall be introduced in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. The liquidation disapproval resolution shall be placed on the desk of the Presiding Officer.

(b) Consideration in the Senate.—

(1) Referral and Reporting.—A liquidation disapproval resolution introduced in the Senate shall be placed directly and immediately on the Calendar.

(2) Implementing Resolution from House.—When the Senate receives from the House of Representatives a liquidation disapproval resolution, the resolution shall not be referred to any committee and shall be placed on the Calendar.

(3) Consideration of Single Liquidation Disapproval Resolution.—After the Senate has received from the House of Representatives a liquidation disapproval resolution under this subsection, then no other liquidation disapproval resolving originating in that same House shall be subject to the procedures set forth in this section.

(4) Amendments.—No amendment to the resolution is in order except an amendment that is relevant to the resolution of Amtrak. Consideration of the resolution for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except for perfecting amendments.

(5) Motion Nondisdebtable.—A motion to proceed to consideration of a liquidation disapproval resolution under this section shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

(6) Limit on Consideration.—

(A) After no more than 20 hours of consideration of a liquidation disapproval resolution, the Senate shall proceed, without intervening action or debate (except as permitted under paragraph (9)), to vote on the final disposition of the resolution. The exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or table.

(B) The time for debate on the liquidation disapproval resolution shall be divided between the Majority Leader and the Minority Leader or their designees.
(7) DEBATE OF AMENDMENTS.—Debate on any amendment to a liquidation disapproval resolution shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and any other Senator who desires to be recognized, and the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.

(8) RULES OF SENATE.—A motion to recommit a liquidation disapproval resolution shall not be in order.

(9) DISPOSITION OF SENATE RESOLUTION.—If the Senate has read for the third time a liquidation disapproval resolution that originated in the Senate, then it shall be in order at any time thereafter, except as provided in the following: [text]

SEC. 207. OFFICERS' PAY.

Section 24303(b) is amended by adding at the end the following: "The preceding sentence shall not be in order for any fiscal year for which no Federal assistance is provided to Amtrak.".

SEC. 208. EXEMPTION FROM TAXES.

Section 24301(I)(I) is amended—

(1) by striking so much as precedes "exempt from a tax" and inserting the following: "(1) In General.—Amtrak, a railroad subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are;"

(2) by striking the last sentence 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 railroad subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived from any such transportation;"

(3) by adding the following sentence thereof to read as follows: "In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is entitled to such tax or fee if it was assessed before April 1, 1997."

SEC. 209. LIMITATION ON USE OF TAX REFUND.

(a) In General.—Amtrak may not use any amount received under section 977 of the Taxpayers Relief Act of 1997—

(1) for any purpose other than making payments to non-Amtrak States (pursuant to section 977(c) of that Act), or the financing of qualified expenses (as that term is defined in section 977(e)(1) of that Act); or

(2) to offset other amounts used for any purpose other than the financing of such expenses.

(b) Report by the Committee.—The Amtrak Reform Council shall report quarterly to the Congress on the use of amounts received by Amtrak under section 977 of the Taxpayer Relief Act of 1997.

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) Amendment.—Section 24104(a) is amended to read as follows: "(a) In General.—There are authorized to be appropriated to the Secretary of Transportation—"

(1) $1,138,000,000 for fiscal year 1996;

(2) $1,058,000,000 for fiscal year 1997;

(3) $1,023,000,000 for fiscal year 2000;

(4) $989,000,000 for fiscal year 2001; and

(5) $955,000,000 for fiscal year 2002, for the benefit of Amtrak for capital expenditures under chapters 243, 247, and 249 of this title, operating expenses, and payments described in subsection (c)(1) through (c)(7), of the four fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Accountability Act of 1997 that funds authorized for Amtrak shall be used for operating expenses other than those to be used for tax liability payments 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 the railroad carriers.".

(b) Amtrak Reform Legislation.—This Act constitutes Amtrak reform legislation within the meaning of section 977(f)(1) of the Taxpayer Relief Act of 1997.

TITLE IV—MISCELLANEOUS

SEC. 401. STATUS AND APPLICABLE LAWS.

Section 24301 is amended—

(1) by striking "rail carrier under section 100202" in subsection (a)(1) and inserting "railroad carrier under section 20102(2) and chapters 261 and 281;" and

(2) by amending subsection (c) to read as follows: "(c) Application of Subtitle IV.—Subtitle IV of this title shall not apply to Amtrak, except for purposes of subsections (a) and (b) of section 1102, 1103, and 1105. Notwithstanding the preceding sentence, Amtrak shall be considered an employer under the Railroad Retirement Act of 1974, the Railroad Retirement Insurance Act, and the Railroad Retirement Tax Act.".

SEC. 402. WAIST DISPOSAL.

Section 24301(m)(1)(A) is amended by striking "fiscal year 2000 and inserting "fiscal year 2001.".

SEC. 403. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 and the item relating thereto in the table of sections for chapter 243 are repealed.

TITLE V—AMTRAK PROVISIONS

SEC. 501. AMENDMENT TO PROGRAM MASTER PLAN FOR BOSTON EXISTENCE AND IMPROVEMENT AT CERTAIN SHARED STATIONS.—Amtrak shall be responsible for its share, if any, of the costs of accessibility improvements required by the Americans With Disabilities Act of 1990 at any station jointly used by Amtrak and a commuter authority.

SEC. 502. CERTAIN REQUIREMENTS NOT TO APPLY UNTIL 1999.—Amtrak shall not be subject to any requirements under subsections (b) through (j) of section 24102 as the result of the adoption of the Americans With Disabilities Act of 1990 (42 U.S.C. 12102) until January 1, 1999.

SEC. 503. REPEAL OF Seeder Amendments.—Section 302 is amended by striking paragraphs (9) through (12), and redesignating subsection (b) as subsection (a).

SEC. 504. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) Application to Amtrak.—(1) Access Improvements.—Amtrak may not use any amount received under section 3221 of the Americans With Disabilities Act of 1990 to assist in the design or construction of facilities at any station jointly used by Amtrak and a commuter authority.

(b) Effective Date.—The amendment made by paragraph (a) shall take effect at the beginning of the first fiscal year after a fiscal year for which Amtrak receives no Federal subsidy for Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978. The
Board meetings by his designee.

appointed, the Secretary may be represented at
ject to the advice and consent of the Senate. If
sent of the Senate, for a term of 5 years.

shall consist of 7 voting members appointed by
under prior law shall be abolished when the Re-
sume the responsibilities of the Board of Direc-

issue notes for the borrowing; and
consider advisable—

able for intercity passenger rail service (except
local government or a person;
lished by States under subsection (a) may pro-

SEC. 410. INTERSTATE RAIL COMPACTS.

SEC. 411. BOARD OF DIRECTORS.

SEC. 412. EDUCATIONAL PARTICIPATION.

``(ii) Notwithstanding clause (i), if the Sec-

``(1) E STABLISHMENT AND DUTIES.ÐThe Re-

``(a) REFORM BOARD.Ð

``(B) issue bonds; and

``(A) borrow money on a short-term basis and

``(B) In selecting the individuals described in

``(1) In selecting the individuals described in

``(1)(A) Preferred stock of Amtrak held by the

``(2) The item relating to section 24304 in the

SEC. 413. REPORT TO CONGRESS ON AMTRAK

The Chair recognizes the gentleman

within 120 days after the date of enactment of

SEC. 412. EDUCATIONAL PARTICIPATION.

in selecting the individuals described in

Stock. Amtrak's creditors, and the Railroad Retirement

shall include an analysis of the implications of

SEC. 415. FINANCIAL POWERS.

``24304. Employee stock ownership plans.''

read as follows:

``(1) REFORM BOARD.—The Re-

``(1) AMENDMENT.ÐSection 24302 is amended to

``(2) The purpose of the contract or arrange-
ment, or a contract for lobbying, with a
lobbying firm, an individual who is a lobbyist,
or who is affiliated with a lobbying firm, as
those terms are defined in section 3 of the Lob-

``(D) After no more than 10 hours of debate on
the nomination, which shall be evenly divided
between, and controlled by, the Majority Leader
and the Minority Leader, the Senate shall pro-
ceed without intervening action to vote on
the nomination.

``(B) BOARD OF DIRECTORS.—Five years after
the establishment of the Reform Board under
subsection (a), a Board of Directors shall be
selected:

``(1) If Amtrak has, during the then current
fiscal year, received Federal assistance, in ac-
cordance with the procedures set forth in sub-
section (a)(2); or

``(2) If Amtrak has not, during the then cur-
rent fiscal year, received Federal assistance,
putying bylaws adopted by the Reform
Board (which shall provide for employee rep-
resentation), and the Reform Board shall be
disolved.

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

``(B) EFFECT ON AUTHORIZATIONS.—If the Re-
form Board has not assumed the responsibilities
of Amtrak before July 1, 1998, all provisions authorizing appropria-
tions under the amendments made by section
301(a) of this Act for a fiscal year after fiscal
year 2000 shall be effective. The provi-
sing sentence shall have no effect on funds pro-
duced Amtrak pursuant to section 977 of the
Taxpayer Relief Act of 1997.

``(1)(A) Preferred stock of Amtrak held by the
Secretary of Transportation shall confer no li-
quidity preference.

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

``(2) A Board of Directors selected in accordance
with subparagraph (A) shall consist of 7 voting
members appointed by the President, by and with the advice and con-
sent of the Senate, for terms of 5 years.

``(ii) Notwithstanding clause (i), if the Sec-

``(i) By the first day of June on which the
Senate is in session after a nomination is sub-
mitted to the Senate under this section, the com-
mittance to which the nomination was referred has
not reported the nomination, then it shall be dis-
charged from further consideration of the
nomination and the nomination shall be placed on
the Executive Calendar.

``(C) It shall be in order at any time thereafter
to move to proceed to the consideration of the
nomination without any intervening action or
debate.

``(D) After no more than 10 hours of debate on
the nomination, which shall be evenly divided
between, and controlled by, the Majority Leader
and the Minority Leader, the Senate shall pro-
ceed without intervening action to vote on
the nomination.

``(C) In selecting the individuals described in

``(B) In selecting the individuals described in

``(i) appointed by the President, by and with the advice and

``(ii) appointed by the President, by and with the advice and

``(i) appointed by the President, by and with the advice and

Mr. Speaker, at long last we have an Amtrak reform bill here on the floor which has strong bipartisan support. It is a bill which has the reforms in it which are so necessary. It is a bill which provides for the board, which is the one significant departure from the Senate bill with a new, 7-member reform board to be appointed by the President in consultation with House and Senate majority and minority leadership. New members would be required to have expertise in transportation or corporate or financial management.

The purpose of this provision is to provide a fresh start for Amtrak, and to ensure that only qualified professionals are permitted to serve on the board of directors. The amendment also allows the President to select the Secretary of Transportation as a board member. It also designates the president of Amtrak as an ex-officio, non-voting member of the board.

Mr. Speaker, these changes to Amtrak's board bill are necessary to allow the Senate-passed reforms to work.

Mr. Speaker, I believe that the Senate bill as modified by this amendment provides meaningful reform of Amtrak that will go a long way toward restoring financial viability and improving rail passenger service. It will also release the $2.3 billion that was provided in the Taxpayer Relief Act, allowing Amtrak to make much needed capital investments. I urge a "yes" vote on S. 738, as amended.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as the my colleague, Mr. Speaker, the bill before us represents a compromise on Amtrak which I urge my colleagues on this side of the aisle to support, and which I say they can comfortably support. It is a compromise in which both sides have satisfied their most important objectives. While we have held divergent views on various aspects of this issue, we have had a common goal, that is, to ensure the survival of Amtrak. If we do not pass reform legislation before the end of the session, Amtrak's future will be in doubt.

Passage of this reform legislation is necessary for Amtrak to gain access to $2.3 billion for capital improvements made available by the tax reform bill. Equally important, in December Amtrak must go to its bankers for renewal of a line of credit which it needs to meet its daily operating expenses. If the bankers should learn that the $2.3 billion capital funding is still in doubt, they may be unwilling to renew the line of credit.

Our common goal of ensuring the survival of Amtrak could have been achieved earlier. We had differences. We have worked out those differences. Our Republican colleagues on the committee wanted changes in the constitution of the board of Amtrak directors. We have accommodated those changes. We have worked them out. We reached agreement on a process for reforming the in-wb directors. Under this process, the directors will be appointed in a manner which is fair to the men and women of the Amtrak workforce and which is fair to the American public which owns Amtrak through the Department of Transportation.

The manner of selecting the board preserves the constitutional authority of the President and of the Congress. In addition, we have developed a selection process that ensures that there will be an orderly transition; specifically, that the old board will not be terminated until the new board is ready to assume its responsibilities. The compromise also assures that the Secretary of Transportation as the public as owner of Amtrak may, I emphasize may, continue to serve on the board, and that the president of Amtrak will continue to participate in the board process, but not as a voting member.

Mr. Speaker, I want to emphasize that accepting this compromise does not mean that on my part I am dissatisfied in any way with the existing board. In my opinion, they have done an outstanding job of guiding Amtrak to make the best possible business decisions with limited resources available. I especially commend the board for their negotiations with the BMWE which produced an agreement which is fair to workers and protects Amtrak's financial interests.

The bill does not prohibit the President from reappointing any member of the existing board to the new board. That possibility remains open. In fact, I believe that reappointment of some members would have the desirable effect of ensuring continuity.

Under the bill before us, Amtrak would have a board of 7 Members appointed by the President and confirmed by the Senate. In making the selections, the President would consult with the majority and minority leadership of the House and the Senate. However, neither the majority nor the minority would have the right to exclusive consultation for any specific seat or number of seats. The board Members will be individuals with technical qualifications, professional standing, and demonstrated expertise in transportation or corporate or financial management, and the president, as I said a moment ago, would be a nonvoting member of the board.

Mr. Speaker, adopting this bill will end the uncertainty that has clouded Amtrak's future for the past 3 years. Amtrak will get the capital it needs to modernize. It will be able to continue playing its vital role in our national transportation system.

Mr. Speaker, it has been a long and difficult journey, but we have reached a point where we can see the end of the journey. I want to thank my colleague, the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of our committee, for sticking with it and for working with us to achieve an acceptable outcome. Mr. Speaker, I reserve the balance of my time.
The SHUSTER. Mr. Speaker, I move that the gentleman from Pennsylvania [Mr. SHUSTER] ask unanimous consent to add a technical correction to page 25, line 14 of the proposed amendment, insert "(A) the" before "date."

The SHUSTER. Mr. Speaker, let me thank my friend, the gentleman from Minnesota [Mr. OBERSTAR], for yielding me this time, and really congratulate the gentleman from Pennsylvania [Mr. SHUSTER] and the ranking member for Delaware [Mr. CASTLE] pointed out, this has been a tough battle. We have had differences as to what the reform should look like and what should be included in it, and I urge quick passage of this bill.

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

I congratulate all who had anything to do with putting this together, particularly the gentleman from Pennsylvania [Mr. SHUSTER] just 24 hours ago, it was very dark as far as the future of Amtrak was concerned, and a lot of us were pleading to sit down and see if this could be worked out.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CASTLE].

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE].

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

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University initially to provide for the authorization for the $2.3 billion, and to work with the committee.

At stake in the passage of this bill literally is the light passenger rail service in the United States. That is important to my district in the Hudson Valley. In the Northeast, we are particularly concerned about the high-speed rail and the implementation of high-speed rail. This legislation provides for the necessary reform of Amtrak.

The chairman of the committee, the gentleman from Pennsylvania [Mr. Oberstar], and the ranking member, the gentleman from Minnesota [Mr. Oberstar], have negotiated very well with the other body, with the administration, and have now brought forward legislation that can pass both bodies and be signed by the President. That is a major accomplishment and one just 24 hours ago many of us thought would not be possible.

I really want to applaud the efforts of all involved. We are now at the threshold really of providing the congressional program so that Amtrak can move into the next century, that can be an efficient passenger rail service for our Nation, providing a service that is critical to all regions of our Nation, and I urge my colleagues to support this legislation.

Mr. Shuster. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. Solomon], the distinguished chairman of the Committee on Rules.

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

Mr. Speaker, I just want to say, when people really put their feet to the grindstone, we get things done. I just want to commend the chairman, the gentleman from Pennsylvania [Mr. Shuster], and the ranking member, the gentleman from Minnesota [Mr. Oberstar], and the gentleman from West Virginia [Mr. Wise], because had the pressure not been kept on, we would not have saved Amtrak.

Amtrak will be saved by this legislation, in my opinion. It means so much to my district in the Hudson Valley. I just truly want to thank the gentlemen, because if they had not persevered, it would not have happened. I thank the gentlemen so much.

Mr. Oberstar. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. Nadler].

Mr. Nadler. Mr. Speaker, I rise today to support the Amtrak authorization legislation before us. This is not the all and end all that will save intercity passenger rail as we know it forever, but it does save Amtrak at least for the time being.

This legislation allows $2.3 billion that was previously appropriated to be invested in Amtrak. That money is vital for Amtrak's survival. I am especially pleased that a conclusion has been reached to this impasse on this legislation, since my district contains Penn Station in New York City, the largest Amtrak station in this country. Amtrak is not only vital to intercity passengers, it is also the tracks in the Northeast corridor which carry commuter trains into New York City. These tracks transmit trains into and out of New York City and Philadelphia and other cities in the Northeast corridor every day. Without adequate funding, the daily operation and safety of these tracks could come into question.

Additionally, Amtrak employs over 20,000 people. It would have been shameful to allow these hardworking men and women to lose their jobs when $2.3 billion was waiting for them just on the other side of the tracks, or just on the other side of the impasse over this legislation. These tracks will be crossed today, and Amtrak, its employees, and, most of all, the passengers will benefit from our action.

Mr. Speaker, this is good legislation for now. But, Mr. Speaker, I do not approve of the fundamental direction we are heading in, in which we say Amtrak must be self-supporting or else. I do believe that fundamental infrastructure such as passenger rail may need and should get government subsidy and government operating subsidies.

That is not being done now under this legislation, and it is not in the cards politically in the near future, but I do believe that eventually we will come to the realization that we must maintain a national rail network, a national passenger rail network, not simply on corridors which can be made profitable; we must preserve service and increase service all over the country.

For now, this is good legislation. I commend those who have participated in drafting it and on reaching agreement on it. I would urge all Members of this body to support this bill today.

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

Mr. Speaker, I appreciate the kind words of the chairman of the Committee on Rules and thank him for his support in helping us move this legislation forward and in crafting rules that indeed were fair and moved the process along.

I would like to just add a footnote to the comment of my colleague, the gentleman from New York. While I respect his comments, and yes, this legislation and what has moved us in this direction is a fervent hope that we will, through this legislation, move Amtrak to self-sufficiency, not dependence on public subsidy. That is, I think, an underlying element that has made possible these accomplishments.

Mr. Speaker, again, I want to thank the gentleman from Pennsylvania [Mr. Shuster] for his perseverance, for the good fellowship and cooperation, and the frankness and farsight of our discussions, and for the result that we can all celebrate this afternoon.

Mr. Speaker, I yield back the balance of my time.
We have assured that the Amtrak reform bill will not jeopardize funding being made available to South Dakota and other non-Amtrak States. Furthermore, the groundwork has been laid for addressing use of the $2.3 billion in subsequent legislation. I commend Congress- man THUNE’s dedication and leadership in both impacting the transportation concerns of non-Amtrak States.

Mr. THUNE. Mr. Speaker, I would like just a few minutes to address concerns I have as the lone representative from the State of South Dakota. South Dakota is one of six States that currently do not have intercity rail passenger service. As a result, I drafted an amendment to H.R. 2247, the Amtrak Reform and Privatization Act of 1997. I worked closely with the Gentleman from Pennsylvania, Mr. SHUSTER, on the legislation that would have amended a provision contained in the Taxpayer Relief Act of 1997. I worked with my colleagues from other States not served by Amtrak, including Alaska, Hawaii, Maine, Oklahoma, and Wyoming.

The amendment, though very narrow in scope, goes to jurisdictional concerns. Although it deals directly with transportation needs, the amendment actually makes a correction to the Taxpayer Relief Act of 1997 relating to tax refunds for the National Railroad Passenger Corporation [Amtrak].

Put simply, the amendment would provide Amtrak with access to $2.3 billion, contingent upon passage of the bill before us today. In addition to money for Amtrak, the law also would set aside a portion of the fund for non-Amtrak States. Unfortunately, the law apparently allows such States to use the funds for very limited purposes, such as intercity passenger rail service and for intercity bus services.

My State, the State of South Dakota, presently does not have intercity passenger rail service and has not for some time. And while I am certain the State would find a way to put available funds to use for intercity bus service that is privately financed and privately operated, it may not make for the best use for those funds. That is why I presented an amendment to the Rules Committee on October 21, 1997, that would give non-Amtrak States more flexibility to use those funds.

The amendment specifically would provide flexibility to non-Amtrak States to use the funds for transportation priorities such as state-owned rail operations, rural transit and intercity transit services for the elderly and disabled, and highway road grade crossings projects.

While I appreciate the cooperation and work of the Chairman of the Committee on Ways and Means, the Gentleman from Texas, has concerns regarding authorizing jurisdiction of the amendment that could not be overcome. Those concerns and his willingness to work with me to address the non-Amtrak State issue in the context of a revenue measure were addressed in his letter to me dated October 21, 1997. I look forward to that opportunity.

For States that do not have rail passenger service, each of these transportation needs would be legitimate alternatives. The amendment represents sound, common sense policy that simply allows non-Amtrak States to make the best use of available funds provided for transportation needs.

My colleagues in the House and the taxpayers of this Nation should have every assurance that the funds provided to non-Amtrak States will address important transportation links in each State.

For instance, the State of South Dakota owns over 600 miles of rail lines. The State purchased these lines in the early 1980’s in an effort to ensure our State would continue to have access to freight rail services. It is absolutely vital to maintain the farm-to-market transportation system in my State and to other States.

Likewise, we have acute transit needs, particularly in the area of transit services for the disabled, and rural transit services. In South Dakota, the Section 5311 transit program, which helps fund rural transit services, connects our seniors, disabled individuals, and children, in 42 of the 66 counties from rural locations to nearby communities for day-to-day living needs. The 5310 program supplements these needs by targeting its assistance at seniors and disabled individuals.

The amendment finally addresses an important safety concern. As my colleagues know, constructing and maintaining rail grade crossings are important but often expensive safety priority. At present, only 219 of 2025 crossings are signaled in the State of South Dakota. For the sake of the railroads and motorists alike, the State and those traveling through our State would benefit greatly from additional new crossings to improve highway/rail grade safety crossing.

I should also mention that I explored aid to rural air facilities and service. Unfortunately, air service to South Dakota too often hangs precariously. There is little competition for commercial service but a significant demand. The situation confronts the need to keep ticket prices and limited service. I hope to wrap aviation needs into the context of my amendment in the future. Doing so would be consistent with the spirit of the program, which is to give non-Amtrak States more options to address interstate transportation needs.

The amendment in sum helps non-Amtrak States maintain rail safety, transit for the elderly and disabled as well as the general public, and finally important freight rail needs. At the same time, it takes nothing from Amtrak, States that already have rail service, or rural transit services. In South Dakota, the Section 5311 transit program, which helps fund rural transit services, connects our seniors, disabled individuals, and children, in 42 of the 66 counties from rural locations to nearby communities for day-to-day living needs. The 5310 program supplements these needs by targeting its assistance at seniors and disabled individuals.

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Whereas the young people of America join the Marine Corps to be challenged, to be held to high standards, and to be part of something bigger than themselves;

Whereas a categorization of the Marines as “extremists”, especially when made by a senior military department official with responsibility for military personnel policy, has the potential to negatively impact morale, recruitment, and retention not just for the Marine Corps but for all branches of the Armed Forces;

Whereas Marines and Army soldiers have fought and died side by side time and again in defense of the Nation;

Whereas the values of honor, courage, and commitment embodied by the Marine Corps are not extreme; and

Whereas to describe the Marines as “extremists” violates all rules of propriety and does not reflect the views of the American people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (1) Sara E. Lister, Assistant Secretary of the Army for manpower and Reserve Affairs, should immediately resign from office, and (2) if she does not so resign, the President should remove her from office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SOLOMON] and the gentleman from Missouri [Mr. SKELTON] each has 1 minute.

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

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

Mr. Speaker, I rise to speak in support of this resolution I have brought before the House along with the gentleman from Pennsylvania [Mr. MCHALE] my very good friend and I am sorry to see retiring fellow Marine. He is a great American. He was a great Marine. He was a great Congressman.

Sadly, Mr. Speaker, this is a very grim and unfortunate situation which has raised the ire of myself and countless others from all walks of life and particularly those who have served proudly in the military of all branches but especially the Marine Corps. I am referring to comments made by a high-ranking official of our Defense Department who has been confirmed by the other body to support and defend the Constitution of the United States in her capacity as Assistant Secretary of the Army. Her comments have greatly insulted the United States Marine Corps and they have shattered her ability to effectively do her job as someone in charge of military personnel and reservists in the U.S. Army.

Ms. Lister’s comments characterizing the Marine Corps as “extremists” is beneath contempt. I ask you to ask Captain O’Grady. Do you remember him? Who rescued him? The Marines. Ask him what it was like to serve in this distinguished branch of the military by saying that her comments were taken out of context does not constitute an apology, Mr. Speaker. In fact, Mr. Speaker, such quibbling and backpedaling is not an apology and is just a further insult to all of us who have worn the uniform of our country, especially those of us that served in the Marine Corps. To leave someone in this position within our Defense Department at this point would be nothing short of irresponsible.

As the United States continues to face potential combat actions in places like Iraq, and it could happen tomorrow, and have troops serving in dangerous deployments all around the world, it is imperative that we are prepared to do our job.

Mr. Speaker, take my word for it. We are treading on very dangerous territory here. If we do not take a strong stand now and demand the removal from office of Ms. Lister and those who share her opinions, we could seriously compromise our combat readiness and effectiveness. If the battle for the soul and the fighting spirit of all members of the Armed Forces is to be won, it has to be won by dismissing from leadership anyone who would make such irresponsible statements like this.

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

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

Missourian Mark Twain once said that a person should live so that if someone says something bad about him, that is the way I think the U.S. Marine Corps finds itself today. I do not think anyone can say anything bad about the Marine Corps that would be believed. It is an honorable, wonderful part of our national defense.

But I think we should pause and take a deep breath on this matter, Mr. Speaker, and I am sure that this resolution will pass, but let us take a quick gander at the letter that Sara E. Lister, assistant secretary of the Army for manpower and reserve affairs, wrote to General C.C. Krulak, the Commandant of the Marine Corps. This is a letter of apology, and I will put it in toto in the RECORD, but let me read it and share with this body some words therefrom.

“Dear General Krulak: This letter is in reference to a quotation attributed to me during a panel discussion sponsored by the U.S. Military and Post-Cold War Society Project of the John M. Olin Institute for Strategic Studies, Harvard University.

“I apologize to the Marine Corps and all current and former Marines for my remarks. It is unfortunate that my re-

marks were taken out of context. The issue under consideration was in relationship to civilian military segments of our society. In that context, we were asked to comment upon several papers discussing various aspects of that topic. I discussed several of the papers, including an interesting piece which was focused on the Marine Corps as an example of possible disconnects between society and the military. My point, ineptly put, was that all the services had relationships with civilian society based in part on their culture, the size of their force, and their mission. My use of the word “extremism” was inappropriate and wrong.

“I regret that the use of this term during an academic discussion has generated a controversy that does not represent my views or those of the Army. I was not aware that I had said such things, or that I had said them in such a way that they were misplaced. The Marine Corps has a proud and honorable tradition of service to our country. Sincerely, Sarah E. Lister, Assistant Secretary of the Army.”

I will put this in the RECORD, and I read it for the purpose to show that Sara Lister has done her best in her position as an individual to express her regret and apologize, and I feel certain, Mr. Speaker, that the Commandant of the Marine Corps will accept this apology and move on.

Mr. Speaker, I have spent a great deal of my efforts within the Armed Services Committee, now the Committee on National Security, working with the various services, urging them, through legislation and discussion, to create a joint atmosphere of working with each other so that the Marines work with the Army, the Navy works with the Air Force, and all of the different variations thereof.

This is a total force, and it is unfortunate that Ms. Lister’s comments created this issue, and I hope that as a result of this discussion here on the floor we can put this behind us and be proud of our Marine Corps, be proud of our Army, be proud of our Navy, be proud of our Air Force, and urge them to continue to do the wonderful work that they do in protecting freedom and the interests of our country.

It is with this in mind that I make these comments, and hopefully we can, Mr. Speaker, put this issue behind us and let it be water going on down the river.

The letter in its entirety is as follows:


Gen. C. C. Krulak,
Commandant of the Marine Corps,
Washington, DC.

DEAR GENERAL KRULAK: This letter is in reference to a quotation attributed to me during a panel discussion sponsored by the U.S. Military and Post-Cold War Society Project of the John M. Olin Institute for Strategic Studies, Harvard University.

“I apologize to the Marine Corps and all current and former Marines for my remarks. It is unfortunate that my re-
November 13, 1997

CONGRESSIONAL RECORD – HOUSE

Mr. SPEAKER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MCHALE].

Mr. McHALE. Mr. Speaker, I thank the gentleman from Missouri for yielding this time to me.

I have to tell my colleagues, Mr. Speaker, that when I read the words of Assistant Secretary Lister in the Washington Times this morning, I was both intrigued and miffed. My comments were needlessly embarrassing to one of our Nation’s great military services, the United States Army.

As I read her comments, I realized that professional rivalry between the services is inevitable and healthy. However, the comments that were attributed, I think accurately, to Assistant Secretary Lister were irresponsibly caustic. They were not taken out of context, they were not misinterpreted, they were simply wrong. Unfortunately for Assistant Secretary Lister, she was simultaneously articulate and foolish.

By contrast, Mr. Speaker, just the other day, on November 10, the United States Marine Corps celebrated its 222d birthday. At that celebration and by his presence, showing what I believe was the kind of respect that the services owed to one another, was the Chief of Staff of the Army, General Reimer. At that memorial service, where several thousand Marines had gathered, one Army general in uniform sat quietly in tribute to the United States Army. Assistant Secretary Lister is entitled to her opinion, and if she were a private citizen and not the Assistant Secretary of the Army, I do not believe this issue would be brought before the House today. But she spoke in an official capacity and should be held responsible in that capacity.

In my view, Mr. Speaker, Assistant Secretary Lister should immediately and unequivocally, unlike the statement read by the gentleman from Missouri, unequivocally rescind her statements, apologizing appropriately, or she may, in the alternative, defend her views, absent a blunt apology, should remain in a policy-making position within the Department of Defense.

If I could deliver a bottom line, Mr. Speaker, it would be this: Contrary to the outrageous rhetoric inappropriately used by Assistant Secretary Lister, the very best people I have ever met have been called lance corporal in the United States Marine Corps. I rise therefore in strong support of the Solomon resolution.

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

Mr. Speaker, I correct the gentleman, it is the Solomon-McHale resolution.

I just to respond, Mr. Speaker, because my very good friend, the gentleman from Missouri [Mr. SKELTON], who is one of the most distinguished and respected Members of this body, mentioned that Ms. Sara Lister was speaking as an individual. Here is the program, and she is listed as the Honorable Sara Lister, Department of the Army. She spoke in an official capacity, and I am going to get a copy of the tape, and I want every one of my colleagues to listen to that tape, and then they will share my view completely.

Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I compliment the gentleman from New York [Mr. SOLOMON] for bringing this legislation and my good friend and colleague, lieutenant colonel in the Reserves, the gentleman from Pennsylvania [Mr. MCHALE].

I also have been a very good listener of my friend, the gentleman from Missouri [Mr. SKELTON], and I agree with him, it is always moments to take a deep breath and not act on emotion, and I want every one of my colleagues to share my view completely.

These comments were not taken out of context. As a matter of fact, I would respect Ms. Lister even more if she had stood her ground and said, I said it, I mean it, that is how I have always felt. That is not what she is saying.

Now let me share something else. Over the past year, in dealing with the issue of women and race in the United States military, I have heard, seen, and I do not separate slanderous comments from one versus the other. If someone makes a slanderous comment on race, sure enough, whether it is their opinion, they will be called before immediately. Well, if someone makes a slanderous remark in gender or in reference to some other institutions, this is pretty insulting.

I strongly support this resolution and call for the immediate resignation of the Assistant Secretary Sara Lister. I believe it is imperative for our military leaders to fully respect and earn the respect of the men and women who are willing to make the ultimate sacrifice to protect and defend our country. How sad that the rest of the Department of Defense is working so diligently to advance the notion of joint operations, the Army’s Assistant Secretary for Manpower and Reserve Affairs would spew such a divisive statement in a public forum in regard to her demeaning comments of the Marine Corps. These comments show a total lack of understanding for the unique mission and tremendous value system of the Marine Corps as well as that of the United States Army of which she leads.

I fail to understand how the values of honor, courage, commitment can be considered extremist and a little dangerous. Our Nation should be proud of the commitment of each of our military services in instilling a strong sense of values into men and women who serve, something that, unfortunately, is missing in society today.

How sad, when the uniformed leadership in the Army is leading initiatives to establish joint exercise forces to optimize the synergistic abilities of the Nation’s forces, that the chief person-official of the United States Army would make such a blatant, albeit sophomoric, attack on the Army’s partner in land battle.

How sad, when the rest of the Pentagon struggles in concert to address the future challenges of a largely undeveloped world stage that such a key figure in the Army’s hierarchy would devote her time on a stage provided by Harvard’s Olin Institute of Strategic Studies to make such an unjustified, demeaning statement against the honored component of the Nation’s defense.

How sad that as a panel member in the forum dedicated to civil/military relations, Ms. Lister so completely justified in growing the perception of a widening schism between the military and the liberal element of the social elite.

The saddest of all is how sad anyone is reading the Washington Times headline, quote, “Top Army Woman: Marines extremist,” might think even for a moment that this was the top woman in the Army. That brings disservice unfortunately of the men and particularly the women who serve in the military today.

I strongly urge the President and the Secretary of Defense to fully review her comments to determine whether
they are consistent with the administration’s views of the contributions to the military services. More importantly, before they consider Ms. Lister as a candidate for the Secretary of the Army, the President and the Secretary of Defense must decide whether her comments reflect the proper level of respect for our military members necessary to be an effective civilian leader and to achieve the credibility of the military leadership for our country to continue to field the best fighting force.

It is critical for the service secretaries and the service chiefs to be able to work together effectively. It is also critical that the civilian leaders in the military understand and respect the unique missions and contributions of each of the military services.

I urge my colleague to support the Solomon-McHale resolution and to send a strong signal that this country’s Marine Corps as well as each of the other services, that Congress does appreciate and respect their dedicated service despite Sarah Lister’s demeaning remarks.

Mr. SKELTON. I yield 3 minutes to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, let me join the Members with their concern about what the Assistant Secretary said, but let me also say I just talked to her, and she says that she was taken completely out of context. I think we should give her an opportunity to appear before the committee and let her have her say.

Now she is in the process. She has already resigned. She is in the process of leaving the job. She resigned several months ago, and it just seems to me that, as terrible as what was reported that she said, she should have an opportunity to say to a committee what she said, and give her an opportunity to explain.

For instance, it was recorded in the press that she is for women in combat. She says she denies that, she is not for women in combat, and many of the things that she says have been reported are inaccurate.

So it just seems that for us to take precipitous action on something like this, without giving her an opportunity, is unfair to her, whether you agree with her philosophically or not. I certainly do not know enough about what she said or what her position is to be able to judge whether she is right or not, but it seems before we rush to condemn her, we should give her an opportunity to appear before a committee and have her say about these comments she has made.

She is shattered by what has happened. She has the highest regard, and she feels absolutely devastated that these comments she made were, as she says, taken out of context.

Now, whether they were or not, I do not know. But I do know I think that she should have an opportunity to come before a committee and explain what she said, what the circumstances were, and exactly what she meant by these comments.

Mr. Speaker, I would ask the Chairman, who I have such a high regard for, and who has been on so many committees, and he is a recipient of the Iron Mike Award, but if he would not consider allowing, perhaps allowing this go to committee, and allow the committee to take this up and discuss it with her before we rush to a vote on this very delicate situation, which could chastise the woman who is serving this position, maybe prematurely and unfairly, possibly.

I do not know, I am not judging. I am just saying that we might be able to do something here that would be a little less onerous and perhaps give her an opportunity to have her say.

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

Mr. Speaker, I have great respect for the gentleman from Pennsylvania [Mr. MURTHA]. He is one of the finest Members of this body. I want him to go and listen to the tape, and then make the same speech he just made. He will change his mind.

This is what she said: “The Marines are extremists. Wherever you have extremists, you have got some risk of total disconnection with society, and that is a little dangerous.”

Then she goes on and she cites, “The Marine Corps is, you know, they have all these checkerboard fancy uniforms and stuff.”

What does she mean by that “checkerboard,” my good friend? You know what she means by the medals the Marines are wearing. It is the only checkerboard on a uniform.

Mr. MURTHA. Mr. Speaker, will the gentleman yield for a comment on the uniform?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield for a comment on the uniform?

Mr. MURTHA. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. She says that she was not the one that made the comment about the uniform. She says absolutely it was a man who was on the panel, and she did not say one word about the uniform.

That is what I am saying, there was some confusion. That is what she said. Now, I can only tell you what her comments were.

Mr. SOLOMON. Mr. Speaker, I will have a copy of the tape on the gentleman’s desk tomorrow.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, there are not two more Members I respect more than the gentleman from Missouri [Mr. SKELTON] and the gentleman from Pennsylvania [Mr. MURTHA].

I have not heard the tape. I will listen to it tonight, if I can. If that is the case, then, yes, she should have her day. But the problem is the day will be 2 or 3 months from now, when all this issue is dead.

Joe Paterno, one of my favorite coaches at Penn State, told a story when I was in a football clinic. He said his dad was in the Army and hated the Marine Corps. He said they were a bunch of peacocks.

You can imagine Joe Paterno’s amazement and the father’s amazement and this old Italian family when his oldest brother came up and said he was going to join the Marine Corps. The father in his old way said, “Go off, my son, and become a peacock.” And he did. This is a son that never spoke back to his father a day in his life in that old Italian family.

The day he came back after boot camp, with his finery, his father said, “Look, here is that peacock.” And a man that had never spoken an ill word to his Italian father in his life put his finger in his chest and says, “Don’t you ever say anything bad about the United States Marine Corps.” He is one of the finest Army regiments.” The gentleman from California [Mr. HUNTER] would disagree with that.

But his whole idea was how do you collectively take a mind and mold it into a fighting machine with respect, and he took that same esprit de corps and turned it into the Penn State football team. And he talks about tradition.

What this gentlelady has just done is violate that tradition, and we cannot accept that kind of character, or lack of character, in the leadership of the Department of Defense. We can neither accept nor tolerate it. And, in my opinion, if the allegations are true, this woman has no place, because the position of leadership in the military is not just a position, it is a guidepost for men and women in all the services.

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

Mr. Speaker, I can only hope that when the dust settles out of all of this, that wonderful United States Marine Corps, that great Army that we have, as well as the outstanding Navy and the Air Force that we have, will remain a fighting machine with respect, and not just a position, it is a guidepost for men and women in all the services.

Mr. GILCHREST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST], a very distinguished former Marine. He is a very quiet guy, but I think you will like what he has to say. He is a very serious Member of this body.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from New York for yielding. I would like to echo the words of my good friend and colleague,
the gentleman from Missouri [Mr. SKELTON], that we need to release our feeling of anger and rancor and let this go down the stream and flow out into the gentle waters.

We are all Americans, whether it is the Army, the Marine Corps, the Air Force, the Coast Guard, the Merchant Marine. Whoever it is, we all serve this country in a way that we feel is right.

We are reacting now to some words that do not agree with. But the positive part of those words, which I think were ill-spoken, the positive part of those words, which I think we all should not agree with, is that we are here to discuss that we as Americans in the military that serve our country do so in the proudest condition that we can. We believe in this country and we believe in freedom, so those in the military service are going to lay down their lives, which is the best gift that they can give, for their country. We consistently give words of encouragement to those soldiers, sailors and marines in isolated areas around the country.

I would just like to relay a very short story when I was in the service as a young marine with other young marines, to give some sense about the military service.

Whenever we would cross this rice paddies in Vietnam, we would be shot at by a sniper. So we decided one day to send across the rice paddies some decoy marines, and then some of us would go around and find out where the sniper was.

We did that. The decoys went across the rice paddies. We went around, and from the “hootch” grass hut we could see some firing. We went into the grass hut, and we found a very old man with one leg, an old woman, about in their nineties, and a little girl about 10.

Well, we started to remove the old man. He was going to take him in because we assumed he was the sniper. The old woman sat on a little stump and started to cry. The little girl began screaming and pulling at our uniforms, desperate not to let this old man, maybe her great grandfather, go. She thought she would never see him again.

So we young marines, trained for combat, stopped. We looked into the eyes of the old man, and the woman stopped crying, in desperate fear, wondering if we were going to occupy them. We looked into the eyes of the old man, and I can still see his eyes. He had for an instant striking fear in his eyes, not knowing what we were going to do. And then the fear turned to curiosity, the curiosity turned to friendship, and we looked at this old man as a human being.

We simply let him go, and we walked away. We were never shot at again when we crossed this rice paddies. But we young marines, trained for desperate combat, found in this man a sense of common humanity, and that is what all the military services are about.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SAM J JOHNSON], someone I think we can all certainly believe. He was a prisoner of war for 6 years and 10 months, and who in the world could ever live through that, but the gentleman from Texas did.

[Mr. SAM J JOHNSON of Texas asked and was given permission to revise and extend his remarks.]

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from Florida [Mr. SCARBOROUGH]. I wish I had more time to talk to him. We are just out of time.

Mr. SCARBOROUGH. Mr. Speaker, this is truly a very bad time for us. I wish Ms. Lister, instead of going to this Harvard symposium, would have been where I was a week ago and seen the 222nd birthday of the United States Marine Corps, and hear the commandant talk about the legend of Bella Wood in World War I, or talk about what happened at Iwo Jima in World War II, or talk about Khe Sahn or in other places where the Marines did that, or look at what happened in Lebanon in the 1980s.

What gets me is this same administration that has shown contempt for readiness in the name of political correctness in the 1990s may have contempt for the Marines, may be elitist and have elitist attitudes, but every time there is a problem halfway across the world, they have no problem picking up the phone and dialing their 911, and that continues to be and has always been, for 222 years, the United States Marine Corps.

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Let us forget the spin control, let us forget the apologies. They are too late. She must resign and leave her position at once.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from California [Mr. PACKARD].

[Mr. PACKARD asked and was given permission to revise and extend his remarks.]

Mr. PACKARD. Mr. Speaker, I am personally incensed at these comments. My father was a civilian and fought with the Marines on Wake Island and spent 4 and a half years in a Japanese prison camp with those Marines who represent the largest Marine base in the United States, Camp Pendleton. It is in the heart of my district. Fifty-five thousand Marines are incensed at what this lady has said. Calling them dangerous, calling them expendable and un-American, I think is despicable, and she should be relieved of her responsibilities immediately.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HUNTER], an outstanding member of this body.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding this time.
I think the interesting point of this is that the very point of criticism that the Clinton administration official made about the Marine Corps is really in essence their strength. The Marine Corps is a service that did not bend to the will of political correctness and with this mixed gender-fighting training was requested by the Clinton administration. Today, my service, the U.S. Army, has representatives around the country in courts-martial trying to explain what happened to young women who were not jected to training with young men in very close quarters, and all of the tragedies that resulted from that. The Marine Corps is one service that perhaps, more than all of the others, has kept its tradition of duty, honor and country, and Chuck Krulak, the Commandant, is one of the very, very best.

So, I think we will come out of this with a stronger Marine Corps, more adherence to tradition, and a stronger America.

Mr. SOLOMON. Mr. Speaker, to close for our side, I yield the balance of our time to the distinguished gentleman from South Carolina [Mr. SPENCE], chairman of the Committee on National Security, an outstanding American.

(Mr. SPENCE asked and was given permission to revise and extend his remarks and include extraneous material in the RECORD.)

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

Mr. Speaker, as a Navy veteran and the brother of a retired Marine, and on behalf of the hundreds of thousands of Marines, living and dead, who served this country over all these years, I am personally saddened to hear of the remarks attributed to Ms. Sara Lister relative to the Marine Corps.

I cannot go into detail, I do not have enough time to make a speech on behalf of the Corps and in defense of the Corps. I like to just take issue as part of my remarks an article which appeared in the Washington Times today which this quote comes from. Kate O'Beirne, the Washington editor of National Review magazine, appeared with Ms. Lister on the panel, and here is what she said:

"I think the Army is much more connected to society than the Marines are." Mrs. Lister told an Oct. 26 seminar. "The Marines are extremists. Wherever you have extremist, you've got some risks of total disconnection with society. And that's a little dangerous." In response to a query by The Washington Times yesterday about the Marine Corps attributes. Shocking.

Ms. Lister was taking off an official and the Pentagon's most ardent advocate of women in combat, in a public official in the Department of Defense. This is not only an affront to the men and women serving in the Marine Corps, but it is offensive and demoralizing to the nearly 1.5 million men and women in uniform that go in harms way to defend the United States.

What type of message is sent to our young people serving in the military when they hear that a high ranking official in the Pentagon is quoted as saying that the Marines have a "disconnection with society." This administration has been less than fully supportive of Armed Forces, and comments like these will undoubtedly have a further negative impact on their morale.

While Secretary Lister has said she will be leaving her post shortly, that's not good enough for my Secretary of the Army if Mr. West, as expected, is named to head the Department of Veterans Affairs.

Ms. Lister has accused others of extremism recently in a Pentagon military advocate Elaine Donnelly an "extremist." Mrs. Donnelly is chairman of the Center for Military Readiness, which supports the military and opposes combat roles for them.

"I don't like to see my name in the same sentence with that word," Mrs. Donnelly said yesterday. "It shows that this person is very much out of step with the majority of women, both civilian and military.... If the Pentagon is going to be hurt by her words."

Mr. EVERETT. Mr. Speaker, as a veteran, a member of the National Security Committee, and as an American, I am appalled at the calumny that Secretary Lister's remarks have brought upon the Marine Corps.

The 222 year history of the United States armed forces has kept its tradition of duty, honor and country. And as far as any talk of Secretary Lister being a possible candidate for Army Secretary should Secretary West leave the position—forget it.

On behalf of the U.S. Marine Corps and the entire military, I urge the strong support of this resolution calling for Sara Lister to step down; we cannot and will not tolerate this lack of respect from civilian leaders.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of this resolution calling for Secretary Lister to step down; we cannot and will not tolerate this lack of respect from civilian leaders.

Mr. Lister, the assistant secretary of the Army for manpower and reserve affairs, also belittled the Marine Corps uniform. Mr. Lister has said she will leave her post sometime this year and was honored recently at a retirement party. Pentagon sources say she may be a candidate for secretary of the Army if Mr. West, as expected, is named to head the Department of Veterans Affairs.

The Army's statement defending Mrs. Lister went on to say that it is inappropriate to try to create controversy around what was meant to be an honest exchange of ideas. The U.S. Marines, like the Army, have served the nation with valor and fidelity in the formation of the nation. Mrs. Lister and the Army are proud to share a common heritage.

Mrs. Lister has accused others of extremism recently in a Pentagon military advocate Elaine Donnelly an "extremist." Mrs. Donnelly is chairman of the Center for Military Readiness, which supports the military and opposes combat roles for them.

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battles of the Revolutionary War, through the bloody Pacific landings during World War II, and from the campaigns in the snowy mountains of Korea, to the steamy jungles of Vietnam, and the parched deserts of Kuwait, the Marine Corps has an unquestionable tradition of serving our Nation in the finest and bravest manner of any service.

The U.S. Army, which was not well served by Secretary Lister’s comments, has its own distinguished record of valor and service to our Nation. For those of us who just returned from Veterans Day programs back home, our words are still fresh in our minds. We reminded all Americans that if it were not for the brave service of the men and women of the U.S. Marine Corps, Army, Navy, Air Force, and Coast Guard, America would not be a free nation today.

Unfortunately, the comments of Secretary Lister are another example of the lack of respect with which our armed services and those who serve in uniform receive from some within this administration. As I have said time and again, our all volunteer force deserves far better. I hope at least deserve the respect of those who have been appointed by the President to provide civilian leadership over our services.

This is the same administration that has demonstrated a cavalier willingness to send our troops overseas on a moment’s notice to make a bold statement or accentuate its foreign policy. These deployments throughout the world and with increasing regularity are ordered with little regard for our national interest or the cost of such deployments.

Mr. Speaker, there are many ironies about Secretary Lister’s comments. It is ironic that she made them just 2 days after the Marines celebrated another birthday and just 1 day after we as a nation honored those who have served our Nation in the uniform of the U.S. Marine Corps and all the services. Perhaps most ironic, though, is that the battles the Marine Corps have fought and won have been those to protect our Nation’s most treasured freedoms and liberties. And there is no more basic American freedom than the freedom of speech. Yet the President and our civilian leadership at the Pentagon cannot allow an appointee to continue to serve after showing such grave disrespect for every marine who has ever served in uniform.

When the President gives the order to “Send in the Marines”, no one questions their character then. History has established that they are the force we turn to as a nation to be first on the scene, first to fight, and first to win.

Some of our Nation’s greatest Army generals, who unlike Secretary Lister have seen marine service, and the President and our civilian leadership at the Pentagon cannot allow an appointee to continue to serve after showing such grave disrespect for every marine who has ever served in uniform.

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of minorities and poor are left out of the count. They try to hide behind the Constitution, but they do not care whether sampling is constitutional or not.

I want to remind my colleagues that the Census Bureau has the unprecedented power to file a lawsuit on behalf of the House to challenge sampling. If we allow this agreement to go forward, African Americans, Hispanics, Asian Americans and other minorities can expect to have significant numbers of their population undercounted. Therefore, these communities will be underrepresented, not only in the Census of the United States, but throughout government. I believe that every person must count; therefore, every person must be counted.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. PASCARELL].

Mr. PASCARELL. Mr. Speaker, I have a prepared statement which I will not read, but I think this is a serious business. For a moment I would like to address the Members of the other side.

Every time that I have come to the well or up here, I have tried to make my comments as nonpartisan as possible. I think the RECORD will indicate that. I came here to build bridges. We are making a very, very serious mistake on the part of Congress in the conference committee on the census and sampling.

I have in my hand the materials that go back to 1994, 1995, 1996, concerning the city that I was mayor of, in Patterson, Pennsylvania, the third largest city in New Jersey. We were one of three communities that agreed to try out the new techniques of the U.S. Census. Sampling was used. Not only was it used, but it was proven to be very effective in that the city statistics for Patterson were changed by 8,000.

I ask the other side to please listen. I have here the letter from the U.S. Census which is dated September 12, 1995. In that letter, it specifically says that because of the work that we did in the city of Patterson, the letter was sent to us by Martha Farnsworth Rice, Director of the Census, the population change had been made official to the city of Patterson. Not only do most scientific organizations in the United States support scientific sampling, but more important than that, in the areas that this was tried, it worked.

We talk on the other side about austerity and tightening our belts. We would agree with that. Do Members know how much money we spent to do this test in 1994 and 1995? This Government, through the Congress, spent $35 million. So now we want to shift to the dress rehearsal of 1998, and regardless of what significance there is to that dress rehearsal, the leadership said they are going to kill it in 1999.

I ask Members in good conscience, how can they accept that? In 1970, in 1980, in 1990, town suppose to go court against the census and the Department of Commerce, spent millions of dollars, lawyers got rich. All this document is going to do, this conference report, is to make lawyers richer, put more antigovernment force in the floor and throw in the face of science what has already been proven.

What will we have accomplished? We are already past, way past, the time when one person-one vote is a reality. It is supported by by the floor then this law. There are undercounts in small towns as well as large towns. All we want is an honest count. I ask Members, this conference report, while it has many good things in it, deserves to be sent down the tubes because of this unreasonable attempt to fly in the face of the state of the art and science.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. ROHRABACHER], who has done extraordinarily good work on 245(i).

Mr. ROHRABACHER. Mr. Speaker, I rise today to bring everyone's attention to a provision in this pending bill which will eventually become Section 245(i) of the Immigration and Nationality Act, 245(i), which is a loophole for the sole benefit of illegal aliens.

For the 3 years this provision has existed, 245(i) has allowed anyone in the world to come to the United States illegally, find a sponsor, and then pay the Immigration and Naturalization Service a $1,000 fee to have their illegal status changed to legal. Sixty-two percent of the immigrants from 245(i) came to the United States by sneaking across our borders. The rest came here on temporary visas and overstayed them.

With 245 intact, we have been talking about enforcement of our laws out of one side of our mouth and, with the other side, encouraging people to break our laws. This is what George Orwell called doublespeak in his classic novel 1984.

Although I am pleased that the Commerce-Justice-State conference has drafted a bill that will end 245(i) in the future, I still have concerns about the agreement that the conference has come up with. The new compromise still allows all those who have been living in the United States illegally or those around the world who want to come to the United States illegally to pay $1,000 to become legal. All they have to do is find a sponsor to petition the INS within 60 days of the time this bill is signed into law.

I would like to remind my colleagues that there are currently 5 million illegal aliens living in the United States. News of the 60-day grace period has already sent them the message that they must quickly find a sponsor, go to the nearest INS office, and file a petition that puts them on the 245 illegal alien amnesty list. I just last week, crowds of illegal aliens in Southern California stood in line for hours at packed INS offices because they heard on television that, for a limited period of time...
time, they can become legal permanent residents.

In addition to illegal aliens who are already here, this grace period sends a message to prospective illegal aliens around the world that the U.S. borders are wide open for the next couple of months. Even after violating the terms of their visa, these people will become permanent legal residents without having to return to their countries and go through the proper process. We are once again compromising the integrity of our immigration process for those who have broken our laws.

These provisions do not go far enough with this compromise to uphold the integrity of the Illegal Immigration Reform Act that we passed last year. Let us make sure this is the last time that we have to compromise on this measure. Let us make sure we stick to our guns, because if we ever, ever compromise again on this issue of illegal aliens coming in here and then getting a temporary visa and overstay it for up to 6 months. Even after violating the terms of their visa, these people will become legal permanent residents. This is a disgrace. It shows anyone who will believe anything that the United States is not worth trusting and will never compromise again on this issue of illegal aliens coming in here and then getting a temporary visa and overstay it for up to 6 months. Even after violating the terms of their visa, these people will become legal permanent residents. This is a disgrace. It shows anyone who will believe anything that the United States is not worth trusting and will never compromise again on this issue of illegal aliens coming in here and then getting a temporary visa and overstay it for up to 6 months.

Mr. Speaker, I urge all of the Members of this House to vote against this rule today for a number of different reasons. I want to first say that a number of things that did come out of this rule are good, and there are actually many good provisions in this. One is the section 245(i) that my friend and colleague from California [Mr. Rohrabacher], just said against.

I will say to the gentleman from California [Mr. Rohrabacher], the 230-some-odd Members, bipartisan Members in this House, who voted to preserve section 245(i) did it for a number of reasons: First, because it preserves the integrity of our families; U.S. citizens are involved in this. Also, because the business community said they did not want to see a disruption of services, and also the opportunity for people to be employed. So section 245(i), fortunately, we did something good on that.

Where we did something very wrong was on the census. I would like to concentrate my comments on the census with regard to the Commerce-J ustice-State appropriations bill. As much as it involves so many other things, let me focus on the Census.

Mr. Speaker, if Members recall, back in the 1990 census, we did a dismal job of counting the people of the United States of America, dismal because some 5 million people in America were not counted. 5 million people who were absent, 5 million people who disappeared for purposes of political representation in this body and for purposes of the distribution of tax dollars which they contributed to the Federal Treasury, which never went back to their communities, because they were not counted and they were not in the formulas that determined how much money would go back to these communities.

If we take a look at what we have in the census, we find that a State like California, which probably had an undercount of some 1.2 million people, probably will suffer worse consequences if we do not act upon a system for the Bureau of Census which will allow it to have the most accurate count of the people of the United States of America. The Bureau has said that based on what the experts have told us, statistical sampling, a methodology used by the Census Bureau in the field, and they have talked to the National Academy of Sciences that has done research on this, that the experts are saying that statistical sampling is what is needed to try to give us the most accurate count possibly that we will ever have.

If we take a look at the language of the bill, let me read one of the findings that we are supposed to support in this legislation under the census. Finding No. 7 says: "The Congress finds that the use of statistical sampling or statistical adjustment in conjunction with an actual enumeration to carry out the Census with respect to any segment of the population poses the risk of an inaccurate, invalid, and unconstitutional Census."

Now, this finding is just what it says, it is a finding. It is not conclusive, nor is it constitutionally binding. But what we see is a manifesto here. This is a document which is being created by the House majority to give themselves the ability to wage a campaign. This is a document to allow the majority and those opposed to statistical sampling to wage a campaign, both in the courts and on the streets, against the use of the most accurate method to count all of America.

Why? Because there is a fear that the politics will turn against them if all Americans are counted. Why? Because most of the people who are missed are people of color, are people who are from minority groups, people who do not often have a chance to vote. There is a fear that we will empower them if we do count them.

How do we empower them in this manifesto? Well, one, we give anyone in this country the right to sue the Government of the United States, to say we are being injured by the use of statistical sampling, and we bootstrap this by saying, you can go directly to the court, and even go directly to the United States Supreme Court on an appeal in this matter.

Not only that, but read this. It says that the Speaker, unilaterally, without ever having taken a vote of the 435 Members of this body, can file a suit to oppose the statistical sampling. Not only can the Speaker unilaterally file a suit, but the Speaker can employ the House counsel, at our expense, and of course at the taxpayers' expense, to do this litigation. Not only that, but the Speaker unilaterally could hire outside counsel to do the work.

So we are going to be using taxpayer dollars to let the Speaker, without ever having a vote in this Congress, without the Attorney General, to do the litigation for all of us, even though we may never even be asked to vote on that issue.

What else does this do? It gives a board that will be created the power to oversee what the Census Bureau does. What is the problem there? For the first time, I believe, in the history of conducting the census, a body will be given access to private documents. For the first time, I believe, in the history of conducting the census, a body will be given access to private documents, and we have done it since we have become a Republic, a body that is not affiliated directly with the Census, which is under strict confidentiality requirements, and we have access to every single bit of data that the census Bureau collects.

Remember, Mr. Speaker, this is the most private information which we tell Americans that will not be disclosed, and not even the FBI and CIA in lawsuits have been able to obtain some of this data. Yet this board will be able to take every single piece of information that the Census Bureau collects. What is wrong with that? This board, under this legislation, must share this with congressional bodies, committees.

We just voted today with strong opposition from the Democrats to create another subcommittee of the Committee on Government Reform and Oversight to look into the census. What is wrong with that? Well, that subcommittee can disclose some of this information. Even though there are privacy concerns, for the first time there will be an opportunity to disclose information, because this legislation will provide that committee, that with body of Congress, with that opportunity.

All of that is to say that we are licensing with this manifesto a campaign, if not legally, then certainly po- liticizing the census. And that, I would say to the Majority Leader, do the taxpayers want this? Do the taxpayers want to pay millions of dollars to try to stop the use of statistical sampling, which is needed in the census, to stop the use of statistical sampling, which is needed in the census, and millions of dollars will be spent to say, look, the count was not much different than what we had before. Let us do the census with the Census Bureau, and let us count it the same way we always have, and then we can speculate will be the real count through statistical sampling. Let us go with what we know will be the count.
And, of course, that message will be directed to the State that will see their population shrink or not grow, because those are States that may lose representation in this body as a result of shifts in the demographic population of this country. The result, we are going to have to make sure that the numbers are going to put numbers in that equation, and if that equation does not meet the assumptions that we want, then we are going to do a statistical adjustment to make sure that the numbers that did not come out the way we want will meet the assumptions we put in first time.

My colleagues, I think that this Congress has a responsibility first of all to itself, secondly to the Constitution, third to the taxpayers of this country that when we do the census, we do it right. What this bill has done, and of course the White House has worked with this to make sure that that language is in place and is fair and serves the interest of all people, that, number one, we do a dress rehearsal; and in that dress rehearsal there will be enumeration, and there will be statistical sampling and statistical adjustment. And when we are done with statistical sampling, we have some colleagues who know what the numbers are. We know what the science is. We know what the technology is. And this Congress has the responsibility to do the census, has the ability to make good judgments.

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

Mr. HASTERT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Two questions quickly. One is has the Bureau of the Census all signed off on this plan and the White House all signed off on this proposal?

Mr. HASTERT. Reclaiming my time, that is correct.

Mr. ROGERS. Mr. Speaker, if the gentleman would further yield. Number two, in the history of the United States of America, have we ever in the census done anything like they are proposing, sampling or statistical adjustment? Had we ever done that before?

Mr. HASTERT. Never in the history of this country.

Mr. PASCRELL. Mr. Speaker, will the gentleman from Illinois [Mr. HASTERT] yield?

Mr. HASTERT. Mr. Speaker, I will not yield.

What I would like to do is also say, on my time, that one of the things that the gentleman said over on the other side of the aisle is that, my gosh, the Congress wants to look at these private numbers. These are not private numbers. These are numbers that belong to the people of this country, numbers that we need to take a look at, numbers that we need to judge with.

Let me tell my colleagues, I put together a map or two in my political life, and I could tell them, when we go down to census blocks, the very most simple geographical components of map-making that we have to have, we have to have very accurate numbers. One, I know the White House all signed off on this proposal?

Ms. WATERS asked and was given permission to revise and extend her remarks.

Ms. WATERS. Mr. Speaker, I would first like to thank the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from Ohio [Mr. SAWYER] and the gentleman from New York [Mrs. MALONEY] and all of those who have worked so hard to try and make sense out of all of this. I know it has been difficult. I know they were trying to do everything that they possibly could to see to it that we get a better count, because we have had an undercount, almost 48 million people undercounted, and we all know and believe that sampling could fix that.

I understand what they had to do. But what I think most people do not understand is this: In an attempt to work out the fact that there are people who want sampling, people who do not want sampling, northerners have realized that really sampling would help us all. It would help Democrats. We would get a better count. This would inure to...
everybody’s benefit. But because Republi-
cans are so afraid of sampling and get-
ing a better count, they were will-
ing to literally go into the back room and
form a deal that, in the final analy-
sis, is not in their own best interest, and
they do not even know what the deal is.

The fact of the matter is what has been agreed upon is that there will be a
way by which we can do sampling in the
rehearsal, and they will not inter-
fere with me in exchange for some-
bad language that we allowed them to
have that basically said that sampling
is unconstitutional maybe, and that
somehow it is not in the best interest of
the American people. And then we
gave standing to the Speaker, or his
representative, to go into court and the
money to go along with it to say, now
they can go and fight us, and we are
going to let them fight us because we
believe we can beat them in the court.

Well, in my estimation, it is a bad
deal. I do not like these schemes. I do
not like these schemes because I think this bad language that we
allow them to put to me in the court could
be used as intent language in the court, and
they could say, “Well, you voted for it yourself so you thought
that it was not constitu-
tional.’’ I do not like this language, be-
cause I do not like the idea of giving
the Speaker all the resources he would
like to have in order to go in and fight
us on the other side.

But let me tell my colleagues some
other things I do not like. I do not like
the way this board is constructed. I do
not like the idea that we are about to
set up and design a confrontation. We
are going to give the board resources and
the ability to have confidential
information. We are going to kick up the
arguments. And the debate and con-
frontation, all of the radio talk shows
are going to be talking about sampling
versus nonsampling. What we are going
to have is a great big nasty fight in
America over sampling. And we have
one side, my side, who is saying,
“Trust me, we could beat them in
the court.’’ And we have the other side say-
ing, “Give me standing, and we will
beat them in court.’’

Let me tell my colleagues what I
think. I think that the Supreme Court
has ruled on this more than one time, and
the Supreme Court said sampling is fine. And further, the Supreme Court
has said that the Secretary has the
right to use any statistical method he
or she deems necessary in order to get
a good count.

If it was left up to me, I would let my
colleagues do whatever they would
want to do, and I would take the find-
ings of the court, and I would go in
court and I would proceed, and I would
defend my position in court, and I
would enjoin any language that they
would attempt to have legislatively to
say that it interferes with my ability as
Secretary to get the job done.

I would fight them head on. I would
not have this diabolical scheme where
most Republicans do not know what is
in the deal, most Democrats do not
know what is in the deal, and we have
good people who are guessing at this
and saying, “Trust me, trust me, trust
me.’’

I do not want to lose, and I think a
head-up fight is a good fight. I think
we take all of the schemes out of it, and
we go at it in court straight up. I
would ask for a no vote on this. I do
not like the deals that were made in
the back rooms that Republicans
should be afraid of and Democrats
alike.

The SPEAKER pro tempore. The
Chair would advise all Members that
the gentleman from Florida [Mr. Goss]
has 20% minutes remaining, and the
gentleman from Ohio [Mr. Hall] has 8
minutes remaining.

Mr. GOSS. Mr. Speaker, if that is the
case, I yield such time as he may
consume to the distinguished gent-
leman from California [Mr. Cunningham], the Duke.

Mr. CUNNINGHAM. Mr. Speaker,
why not sampling? Why not sampling?
My parents always told me to cut to the
quick. And two times in a political
environment, people dance around the
issue. And I’m not going to let you.
And I will be specific. We do not trust
the liberal leadership of the Democrat
Party. The partisanship that has ex-
isted since we have taken the majority
in every single case, we do not trust
you. You will not guess. We want to
count. For the first time in 200 years, you
want to guess.

The White House has bought off on
that language. The White House. So I
guess the White House is part of that
I had that my colleague talked about.
No. We want an actual count. Let us
take a look at some of the issues. Any-
thing goes to win. The end justifies the
means.

Mr. CUNNINGHAM. I did not speak
in respect to anybody specifically.
Mr. HEFNER. Snake-like tactics.
That is not complimentary. That is not
accurate. That is the gentleman’s own
opinion, and I ask that the gentleman’s
testimony be taken out of context of
the snake-like tactics from duly
elected Members of this body. I ask the
gentleman’s words be taken down.

The SPEAKER pro tempore (Mr.
LaHood). All Members will suspend.

Mr. CUNNINGHAM. I would say to
the gentleman I have been very careful
not to specifically mention anybody.

The SPEAKER pro tempore. The
Chair would ask Members to suspend.

The Chair would ask the gentleman
from California if he is withdrawing
his words.

Mr. CUNNINGHAM. No, I will not
withdraw. I have not spoken to any-
body specifically.

The SPEAKER pro tempore. The
gentleman will suspend.

The Clerk will report the words.

The SPEAKER pro tempore (Mr.
LaHood). Does the gentleman from
California seek recognition?

Mr. CUNNINGHAM. Mr. Speaker, if I
may restate my words, the gentleman
said it was really a deer and lion and
not a snake and a turtle, and I did not
mean to infer, and I was very careful
not to mention, anybody’s name. So I
would like to clarify it. By “snake-like tactics”
I mean in general, and I will be spe-
cific, but I will not apply to anybody
specifically on it, but I will point out
some instances with different depart-
ments within the Government that I
think have used tactics that are, like
was said, we may not trust either one,
sampling or counting, and if the gen-
tleman would accept that.

The SPEAKER pro tempore. Does the
gentleman ask unanimous consent to
withdraw the earlier words?

Mr. CUNNINGHAM. I ask unanimous
consent, Mr. Speaker, to withdraw the
earlier words.

The SPEAKER pro tempore. Is there
objection to the request of the gen-
tleman from California?

There was no objection.

The SPEAKER pro tempore. Without
objection, the gentleman may proceed.

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker,
specifically what I was speaking to:
In San Diego, for example, there were
2,000 new citizens sworn in, 2,000. The
Republican Party asked if they could
have tables to register, and they were
told by Mr. Reed, head of the INS, no,
they could not. They went down to the
ceremony itself, and there were 10
Democrat tables set up inside the
building ready to go to register people.

That kind of tactic we disagree with,
and we think it is unfair.

I look at the INS and the Sanchez
case refusing to give documents up and
apply and go toward the subpoenas. We
think that was unfair.

I look at the Lincoln bedroom, the
Vice President with the Buddhists, and
the money to the DNC.
I look to Charlie Trie, and Riedy, and Lippo Bank, and the DNC and dollars to that, Ron Brown, special deals with the buses, John Huang, the DNC illegal campaign contribution, the FBI files, the IRS attacking businesses, Secretary Albright deals with them to give money to the DNC, and the whole point is, if my colleagues want to guess instead of actually counting, we are not going to buy it. I think that if looking at all of the different history, if it was different, we probably would say, okay, let us take a look and let us see which one works better.

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

Mr. CUNNINGHAM. I yield to the gentleman from New Jersey.

Mr. PASCRELL. Is the gentleman from California aware that in the past four censuses that we did not have a nose count, that 85 percent of the people were counted through normal means and the rest was due to an adjustment?

Mr. CUNNINGHAM. Reclaiming my time, Mr. Speaker, I am very familiar because under what we have picked up many seats, and I understand exactly the process. But we are saying an actual count of individual noses is much fairer and more accurate than just guessing which allows for 35 percent in each district, and we do not feel that that will be used on the up and up, and that is the reason why we oppose sampling.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] for yielding this time to me.

I want to say a word about the census and then about the Equal Employment Opportunity Commission. I hope that youngsters and students have not been listening to this debate about statistical sampling because, if so, they have had a royal miseducation about the science of statistics and statistical techniques.

I want to suggest an alternative constitutional theory, that if this body approves a method of taking the Census that deliberately gets an undercount, that raises a constitutional question, and because we know that statistical sampling is more accurate, that is the constitutional issue before the body.

Mr. Speaker, I am a former chair of the Equal Employment Opportunity Commission. I appreciate that in conference $2.5 million was added to the EEOC's appropriation after the Women's Caucus wrote the conferences concerning stark undercounting of that agency. The amount is $4 million less than the President's request, this amount does represent an increase.

I am pleased that the $7 million increase that was forthcoming from the Watt-Norton amendment last year actually helped reduce the backlog 30 percent, and we should continue to fund the agency so that it can continue to do that.

The Women's Caucus wrote the conference report language that remains in the bill and that could have a chilling effect on the EEOC's small litigation intervention program. Historically, the commission reports that the EEOC does too little, not too much, litigation, and that is still the case.

In our letter, we express concern that the language could discourage the EEOC from intervening in cases like the notorious Mitsubishi case which protected the interests of hundreds of women who were not included in the private litigation.

The Women's Caucus has another concern as well. In 1994, the Women's Caucus supported and the Congress passed with strong bipartisan support the Violence Against Women Act. An important provision of that act allows for a suspension of deportation during a period in which an abused immigrant spouse is granted an exemption to pursue legal residency through self-petition.

Because the immigration section 245 provision in this bill does not contain that provision for qualified immigrants, these battered spouses will be subject to deportation to obtain their green cards, making it harder for women and their children to leave dangerously abusive relationships with U.S. citizens. The women are often intimidated and reluctant to leave as it is. They may be subject to continuing abuse by their spouses and even to stalking if they return to their countries.

The immigration provisions of the Violence Against Women Act were written to provide a way out of violent relationships for battered immigrant women and children. We believe that it is a serious mistake not to include this exemption.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. Engel].

Mr. ENGEL. Mr. Speaker, I urge my colleagues to support the motion to recommit this bill and that could have a chilling effect on our ability to pay what we owe to the world body.

Soon, the gentleman from Wisconsin [Mr. OBEY] will offer a motion to recommit this bill with instructions to waive the authorization requirement for the $100 million repayment of the money the U.S. owes the U.N.

I urge my colleagues to support the motion and, by doing so, support our troops in the Gulf.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to be absolutely clear: I believe that paying off our debt to the U.N. is in America's interest and is justified on its own merits by the good work the U.N. does around the world.

However, because of the threat emanating from the Persian Gulf, the danger of not repaying our arrears is now much greater as American troops could be put at risk.

It is unfortunate that only a potential military crisis can reawaken the Congress to the need to pay what we owe to the world body.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do not know if there could be a more crucial determination than the one we might be making today. How sad it is that on the shadow of the closing of this first session, this important decision on how the Census will be taken, this count every single man, woman and child is now being forced upon those of us who have fought to assure that those who are homeless and those who are undercounted, those who are rural, those who are urban, those who are Hispanic, those who are African-American, those who are Caucasian and Asian, and those who are others would not be counted.

It is tragic that we would have individuals of our colleagues on the other side of the aisle begin to talk about snake tactics and accusations of mistrust when it is well known that the National Academy of Sciences has documented that sampling is the very best
way to ensure that all Americans are counted, rich or poor, black or white. And this is a tragic response to the need for counting.

Might I say that there are points in this bill that I applaud, the acknowledgment Review, the Justice Center on Juvenile Prevention. But yet I come to disappointment, the disappointment that under 245(l) battered women who may be immigrants will be excluded and therefore will not be allowed to stay in this country while others of less concern will be.

But let me turn my attention to this census. How false to be able to acknowledge that sampling is not an accurate count. It is, and the Republicans know that it is, and the misguided language in this bill that suggests that it is risky to suggest that this Speaker of the House could threaten the sampling process and rush to the court system, this denial of the state of the law that says that sampling is accurate, this choice for these particular cities and the possibility that they may not give us the ability to judge sampling in its accuracy.

Mr. Speaker, on the last day of this session, do we not want to say to the American people that our Constitution is their business, that this count can count all of them, that the resources of this Nation are intended to meet all of their needs and not be falsely misrepresented by Republicans who say, oh, we do not want sampling?

Mr. Speaker, we need to vote down this rule because it is not about the American people, it is about pure politics in this body. What a disgrace, a disgrace. Vote down this rule.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, this is the way it is.

Mr. Speaker, I thank the gentleman from Florida for yielding this time to me. The argument of sampling really boils down to this very simple chart. Under the United States Census called for by the Constitution, the way it has always been done, they go house to house, door to door, and they count. Go to the first house, 3 people; the second house, 7; third house, 6; and we come up with 16 people. Pretty clear, pretty explicit, very understandable.

Now, as the last speaker said, Democrats of this is all about politics. Go to the first house, 3 people; go to the second house, 7 people; go to the third house; and, really, they do not go because they do not feel like it, it is time to knock off for lunch or do whatever people do when they work for the Government. So then they say, well, how many do we really need? We need 15 to 25 people? Well, we will just do that because we did not go to the third house.

That is what this is all about. If my colleagues like sampling, how would they like it done in their election? If my colleagues like sampling, sample their next IRS return and see how their administration backs them on that. Sample their golf score, sample their bookie; I do not know.

Mr. Speaker, this is the way to do a Census. Count it head by head, door by door.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. SAWYER].

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 2 minutes.

Mr. SAWYER. Mr. Speaker, I rise in deep gratitude for the passion and commitment of a number of the Members, including the gentlewoman from California [Ms. WATERS], the gentleman from New Jersey [Mr. PACRELL], the gentleman from Illinois [Mr. DAVIS], the gentlewoman from Texas [Ms. JACKSON-LEE] and others. They are absolutely right about sampling.

The gentleman from New Jersey [Mr. PACRELL] is right when he says this is important. Several sampling techniques were evaluated in 1994 and 1995. 15 to 25 people? Well, we will just do it.

Under the United States Census called for, for by the Constitution, the way it has always been done, they go house to house, 7 people; go to the second house, 3 people; go to the first house, 3 people; go to the first house, 3 people; go to the second house, 7 people; and, really, they do not go house to house.

The argument of sampling really does not want sampling?

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The argument of sampling really does not want sampling?
The Clerk announced the following pair:

On this vote: Mr. Riley for, with Mr. Yates against.

Mrs. LOWEY changed her vote from "yea" to "nay." Mr. DELAHUNT changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT AS LAW REVISION COUNSEL FOR THE HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to the provisions of 2 U.S.C. 285c, the Chair announces the appointment of J. R. Miller as law revision counsel for the House of Representatives, effective November 1, 1997.

APPOINTMENT AS GENERAL COUNSEL OF HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to the provisions of clause 11 of rule I, the Chair announces the appointment of Geraldine R. Gennett as general counsel of the U.S. House of Representatives, effective August 1, 1997.

EXPRESSING SENSE OF HOUSE CONCERNING NEED FOR INTERNATIONAL CRIMINAL TRIBUNAL TO TRY MEMBERS OF IRAQI REGIME

The SPEAKER pro tempore (Mr. LAHOOO). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H.Con.Res. 137.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H.Con.Res. 137, on which the yeas and nays are recorded.

The vote was taken by electronic device and there were—yeas 396, nays 2, not voting 34, as follows:

[Roll No. 637]

YEAS—396

NOT VOTING—34
CONGRESSIONAL RECORD — HOUSE

November 13, 1997

H10917

Resolved by the Senate (the House of Representatives concurring), That the House adjourns on the legislative day of Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate separately, prior to reassembly, whenever, in their opinion, the public interest shall warrant it.

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

[1943]

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

[1945]

ADJOURNMENT SINE DIE OF FIRST SESSION OF ONE HUNDRED FIFTH CONGRESS CONGRESS

The Speaker pro tempore (Mr. LAHOOD). The Chair lays before the House a Senate concurrent resolution (S. Con. Res. 68) to adjourn sine die the First Session of the One Hundred Fifth Congress, as a question of the privileges of the House.

The Clerk read the Senate Concurrent Resolution as follows:

S. Con. Res. 68

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on the legislative day of Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.
CONGRESSIONAL RECORD – HOUSE

November 13, 1997

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 331) and I ask unanimous consent for its immediate consideration in the House. The Clerk reads the resolution, as follows:

H. Res. 331. Resolved, That the following Member be, and is hereby, elected to the following standing committee of the House of Representatives:

Committee on Government Reform and Oversight: Mr. Miller of Florida.

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

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM THE PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE FIRST SESSION OF THE ONE HUNDRED FIFTH CONGRESS AND ARE READY TO ADJOURN

The SPEAKER pro tempore. The Chair appoints as Members on the part of the House to the Committee to notify the President the gentleman from Texas [Mr. ARMEY] and the gentleman from Missouri [Mr. GEPHARDT].

CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. ROGERS. Mr. Speaker, pursuant to House Resolution 330, I call up the conference report on the bill (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, and for other purposes, and ask for its immediate consideration.

The Clerk reads the title of the bill. The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOY] each will control 30 minutes. The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

GENERAL LEAVE

Mr. ROGERS. 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.
November 13, 1997

2267 and that I may include tabular and extraneous material.

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

There was no objection. Mr. ROGERS. Mr. Speaker, I yield myself 11 minutes.

Mr. Speaker, we are honored to be the last train leaving the station of this session. I am also here to tell my colleagues that this is the last time I am going to be the last train leaving the station, for a variety of reasons.

But I am pleased to report and bring to my colleagues today the conference report on our bill. This bill provides $31.8 billion for the programs under the jurisdiction of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations. We have come a long way in addressing a number of very important issues, but we have not let up on our strong commitment to law enforcement and the fight against crime.

That is what this bill really is all about. It is not about census. It is not about 245(i). It is mainly the fight against crime. Of the total funding in this conference report, the lion's share, $17.5 billion, is for the Department of Justice programs. That is an increase of $1.04 billion over fiscal year 1997 dedicated to continuing the war on drugs, making our neighborhoods safer for children and their families, bringing gun bosses under control, and boosting juvenile justice efforts to get kids on the right track and away from a life of crime.

This Congress deserves credit for its leadership in reducing crime. The Nation's crime rate is lower today than in over a decade. Our commitment over the last 2 years has triggered a decline in the crime rate in each of those years.

In 1996 alone, serious reported crime in the United States declined 3 percent, including an 11 percent decline in murder rates. For State and local law enforcement assistance, our communities, our sheriffs, and our police departments, the conference report includes over $4.8 billion. That is a $688 million increase to give our communities an arsenal of programs that target violent criminals, sex offenders, domestic violence, child abuse, and juvenile crime.

And on juvenile crime, the hottest topic today in law enforcement, we hit the problem head on using both prevention and law enforcement initiatives. We provide a $489 million amount, triple the amount provided last year, for juvenile centers to build a hopeful future for America's youth. That is this Congress in action.

While overall crime is down, our kids are committing violent crimes at an alarming rate. One out of five people arrested for crimes is under 18 years of age, a 70 percent increase in the last 10 years. The conference report provides $239 million for juvenile crime prevention, a 36 percent increase over last year, for programs targeting dangerous precursors to crime, like teenage drug and alcohol abuse and programs that steer troubled kids away from crime. We provide $250 million for a new juvenile crime block grant to States to encourage States to stop reforms to stop the revolving door of juvenile justice and to ensure that kids know that they will be punished if they commit a crime.

For the war on drugs, we provide another substantial increase, including an $84 million increase for the Drug Enforcement Administration, to target drug traffickers in the Southwest border and Caribbean drug corridors, and an $89 million increase to block the manufacture and distribution of heroin and methamphetamine.

To control our borders, we provide a $228 million increase for the Immigration and Naturalization Service, including 1,000 new border agents, double what the administration asked of us.

□ 2015

We restore integrity to the naturalization process by ending the fingerprint scam that allowed felons by the thousands in 1996 to receive the most precious benefit this country can offer, United States citizenship. We are also requiring criminal record checks by law, no longer a policy, by law. The Department did not follow their policy. They waived the policy last year and allowed felons to come into the country unchecked for their criminal records. No longer.

And we address the personal hardships of families and employers that have relied on section 245(i) by allowing people who file for permanent immigrant visas and later certifications before January 14, 1998 to continue to adjust to permanent residency under this provision without having to leave the country. At the same time, by letting this provision sunset, we require future immigrants to play by the rules and respect the law, no longer a policy, by law.

For the Judiciary, $3.2 billion is provided, including a cost-of-living salary adjustment for justices and judges. Regarding the 9th Circuit of the Federal Courts of Appeal, the conference agreement provides for a study of all circuits that has a timetable of 10 months from the date of quorum to conduct necessary studies plus up to an additional 2 months to submit recommendations for a new structure for the Federal Circuit Courts.

On the Hyde provision, we have language that we believe is acceptable to all parties, that allows the recovery of attorneys' fees in criminal cases where the defendant is acquitted where the court finds that the prosecutor acted vexatiously, frivolously or in bad faith.

For the Commerce Department, the conference report provides $4.3 billion, a $450 million increase, most of which is related to a follow-up for the year 2000 decennial census. And on the 2000 census, we include provisions to provide for an expedited review by the courts on the legality and constitutionality of statistically adjusting the 2000 census. There is a legitimate question. I firmly and strongly believe that the Constitution requires an actual enumeration. Others in this Chamber, as honestly as me, believe to the contrary.

We will let the courts decide that, and only they can decide it. They should have decided it in my judgment long ago, as members of the subcommittee requested. The gentleman from California [Mr. Dixon] and the gentleman from Ohio [Mr. Sawyer] I think in times past have thought the same.

We also require the administration to plan for an actual head count in the 2000 census and to test that plan in the 1998 dress rehearsal. And we commission an 8-person bipartisan census monitoring board to oversee the whole process from the inside, so that everyone can be assured that it is being done in the proper way.

We also provide $300 million for the decennial census, $35 million more than the President's request, an increase of $305 million over current spending. There can be no question of our willingness to spend what it takes for the most accurate census possible.

For the international programs in the bill—State Department operations, the U.S. Information Agency, the Arms Control and Disarmament Agency—for no longer a policy, by law. The Department did not follow their policy. They waived the policy last year and allowed felons to come into the country unchecked for their criminal records. No longer.

And on international programs, the Senator from Vermont [Mr. Mallette], the ranking minority member, no chairman of any subcommittee has a more able ranking member than I do. The gentleman from West Virginia has provided leadership for the things he strongly believes in. He has been able to work with the Administration in every respect in constructing a bill that is best for the Nation. I want to thank the gentleman from West Virginia personally and profusely for his hard work and loyal dedication.

I want to thank the gentleman from Louisiana [Mr. Livingston], our committee chairman, without whose help we would not be here tonight. He has
been superb in helping us bring this bill through some really rocky shoals to this nice peaceful shore. And the gentleman from Wisconsin [Mr. Obey] the ranking minority member on the full committee, who has been helpful all the way through. And all the members of the subcommittee for their help and support.

Most of all, I think I want to thank the staff, some of whom are in the room with me at this time. Others are absent from the room. But these are the people who really have stayed up all night, time and again. They were up all night last night reading this bill all the way through. The staff, we appreciate their dedication and their service beyond words. We could not do this without them. We appreciate them very much.

This conference report shows the American people our commitment to continue our fight to make our streets safer and the future brighter for our children. I urge support for this conference agreement.
## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

### APPROPRIATIONS BILL, 1998 (H.R. 2267)

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### TITLE I - DEPARTMENT OF JUSTICE

**General Administration**

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<th>House</th>
<th>Senate</th>
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<td>Crime trust fund</td>
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**Legal Activities:**

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**United States Attorneys:**

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<td>50,828,000</td>
<td>62,828,000</td>
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**United States Trustee System Fund:**

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<th>FY 1998</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
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<tr>
<td>Total, United States Trustee System Fund</td>
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<td>118,721,000</td>
<td>118,721,000</td>
<td>114,248,000</td>
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**Radiation Exposure Compensation**

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<th>House</th>
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<td>2,000,000</td>
<td>2,000,000</td>
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<td>Advance appropriation</td>
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<td>Payment to radiation exposure compensation trust fund</td>
<td>2,419,515,000</td>
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<td>2,413,121,000</td>
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<td>37,361,000</td>
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H10922

CONGRESSIONAL RECORD — HOUSE

November 13, 1997


### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

**APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued**

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<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference compared with enacted</th>
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<td>Federal Prison Industries, Incorporated (limitation on administrative expenses)</td>
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<td>(3,500,000)</td>
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<tr>
<td><strong>Total, Justice assistance</strong></td>
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<td>State and local law enforcement assistance:</td>
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<td>500,000,000</td>
<td>40,000,000</td>
<td>(32,500,000)</td>
<td>33,500,000</td>
<td>(+30,500,000)</td>
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<td>1,400,000,000</td>
<td>1,400,000,000</td>
<td>1,400,000,000</td>
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<td>Total, Byrne grants</td>
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<td>578,000,000</td>
<td>451,500,000</td>
<td>542,500,000</td>
<td>(+181,500,000)</td>
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<tr>
<td>Byrne grants (discretionary)</td>
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<tr>
<td>Byrne grants (formula)</td>
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<td>500,000,000</td>
<td>40,000,000</td>
<td>(32,500,000)</td>
<td>33,500,000</td>
<td>(+30,500,000)</td>
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<tr>
<td>Community oriented policing services</td>
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<td>1,400,000,000</td>
<td>1,400,000,000</td>
<td>1,400,000,000</td>
<td>1,400,000,000</td>
<td>(+1,400,000,000)</td>
</tr>
<tr>
<td>Total, Byrne grants</td>
<td>361,000,000</td>
<td>578,000,000</td>
<td>451,500,000</td>
<td>542,500,000</td>
<td>(+181,500,000)</td>
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<td><strong>Total, State and local law enforcement</strong></td>
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<td>3,887,150,000</td>
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<td>Death benefits</td>
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<td>31,003,000</td>
<td>31,003,000</td>
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<td>3,456,150,000</td>
<td>(3,857,855,000)</td>
<td>3,857,150,000</td>
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<td><strong>Total, title I, Department of Justice</strong></td>
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<td>(12,053,168,000)</td>
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<td>(31,003,000)</td>
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<td>(+24,626,000)</td>
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<td>(5,216,750,000)</td>
<td>(5,224,822,000)</td>
<td>(5,185,000,000)</td>
<td>(+590,000,000)</td>
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<td>(Limitation on administrative expenses)</td>
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<td>(3,930,000)</td>
<td>(3,490,000)</td>
<td>(3,042,000)</td>
<td>(3,296,000)</td>
<td>(+224,000)</td>
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**TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES**

TRADE AND INFRASTRUCTURE DEVELOPMENT

Office of the United States Trade Representative

Salaries and expenses | 21,449,000 | 22,062,000 | 22,700,000 | 22,062,000 | 23,450,000 | (+2,001,000)
## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
### APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

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<th>FY 1998 Estimate</th>
<th>House</th>
<th>Senate</th>
<th>Conference compared with enacted</th>
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<td><strong>International Trade Commission</strong></td>
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<td>43,900,000</td>
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<td>319,000,000</td>
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<td>777,644,000</td>
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<td>138,056,000</td>
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<td>658,762,000</td>
<td>663,091,000</td>
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<td><strong>Total, Economic and Information Infrastructure</strong></td>
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<td>794,452,000</td>
<td>806,985,000</td>
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### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

**APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued**

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<th>House</th>
<th>Senate</th>
<th>Conference compared with enacted</th>
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<td>Operations, research and facilities</td>
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<td>-3,000,000</td>
<td>-3,000,000</td>
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<tr>
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<td>1,473,245,000</td>
<td>1,358,400,000</td>
<td>1,996,052,000</td>
</tr>
<tr>
<td>(By transfer from Promote and Develop Fund)</td>
<td>(86,000,000)</td>
<td>(62,381,000)</td>
<td>(63,881,000)</td>
<td>(62,381,000)</td>
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<td>(By transfer from Damage assessment and restoration revolving fund, permanent)</td>
<td>6,000,000</td>
<td>5,000,000</td>
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<tr>
<td>Total, Operations, research and facilities</td>
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<td>1,473,245,000</td>
<td>1,358,400,000</td>
<td>1,996,052,000</td>
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<td>Procurement, acquisition and construction</td>
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<td>-</td>
<td>-</td>
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<td>Operations, research and facilities</td>
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<td>-</td>
<td>-10,460,000</td>
<td>-</td>
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<td>United States Travel and Tourism Administration</td>
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<td>-</td>
<td>-</td>
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<td>Salaries and expenses (recision)</td>
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<td>-</td>
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<td>-</td>
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<td>4,103,531,000</td>
<td>4,172,851,000</td>
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<td>Appropriations</td>
<td>3,603,320,000</td>
<td>7,769,767,000</td>
<td>4,167,631,000</td>
<td>4,235,843,000</td>
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<tr>
<td>(By transfer)</td>
<td>(3,000,000)</td>
<td>(3,000,000)</td>
<td>(3,000,000)</td>
<td>(3,000,000)</td>
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<tr>
<td>Total, title II, Department of Commerce and related agencies</td>
<td>3,600,320,000</td>
<td>7,766,767,000</td>
<td>4,167,631,000</td>
<td>4,235,843,000</td>
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<tr>
<td>Appropriations</td>
<td>3,807,320,000</td>
<td>4,279,250,000</td>
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<td>4,235,843,000</td>
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<td>(By transfer)</td>
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<td>(50,000,000)</td>
<td>(49,000,000)</td>
<td>(50,000,000)</td>
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<td>4,279,250,000</td>
<td>4,172,631,000</td>
<td>4,235,843,000</td>
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<td>Appointments</td>
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<td>(93,881,000)</td>
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<tr>
<td>(By transfer)</td>
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<td>(60,000,000)</td>
<td>(60,000,000)</td>
<td>(60,000,000)</td>
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<td>4,235,843,000</td>
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<tr>
<td>Other salaries and expenses</td>
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<td>27,854,000</td>
<td>27,854,000</td>
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<td>29,708,000</td>
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<td>3,967,000</td>
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<td>Total, Supreme Court of the United States</td>
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<td>33,675,000</td>
<td>33,675,000</td>
<td>33,675,000</td>
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<td>United States Court of Appeals for the Federal Circuit</td>
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<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Salaries and expenses:</td>
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<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Salaries of judges</td>
<td>1,886,000</td>
<td>1,887,000</td>
<td>1,887,000</td>
<td>1,887,000</td>
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<td>Other salaries and expenses</td>
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<td>14,269,000</td>
<td>13,620,000</td>
<td>13,909,000</td>
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<tr>
<td>Total, Salaries and expenses</td>
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<td>16,156,000</td>
<td>15,507,000</td>
<td>15,796,000</td>
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# DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

## APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

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<tr>
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<th>FY 1998</th>
<th>House</th>
<th>Senate</th>
<th>Conference compared with enacted</th>
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<td></td>
<td>Enacted</td>
<td>Estimate</td>
<td></td>
<td></td>
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</tbody>
</table>

### United States Court of International Trade

**Salaries and expenses:**
- Salaries of judges: 1,447,000
- Other salaries and expenses: 9,965,000
- **Total, Salaries and expenses:** 11,114,000

### Courts of Appeals, District Courts, and Other Judicial Services

**Salaries and expenses:**
- Salaries of judges and bankruptcy judges: 225,956,000
- Other salaries and expenses: 2,330,044,000
- **Total, Salaries and expenses:** 2,556,000,000

**Emergency appropriations:**
- Direct appropriation: 2,566,000,000
- **Total, Salaries and expenses:** 2,566,000,000

### Administrative Office of the United States Courts

**Salaries and expenses:**
- Federal Judicial Center: 17,495,000
- Political and miscellaneous expenses: 30,200,000
- **Total, Salaries and expenses:** 3,100,390,000

**Judges’ pay raise:**
- 6,000,000

### United States Sentencing Commission

**Salaries and expenses:**
- 8,480,000

### Diplomatic and consular programs

**Registration fees:**
- 700,000

**Emergency appropriations (security):**
- 23,700,000

### Fee proposal

**Total, Diplomatic and consular programs:**
- (1,725,300,000)

**Salaries and expenses:**
- 352,300,000
- Capital investment fund: 24,900,000
- **Total, Security and maintenance of United States missions:**
- 364,495,000

### Repatriation Loans Program Account

**Direct loans subsidy:**
- 563,000

**Total, Repatriation loans program account:**
- 1,256,000
<table>
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<tr>
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<th></th>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment to the American Institute in Taiwan</td>
<td>14,400,000</td>
<td>14,400,000</td>
<td>14,000,000</td>
<td>14,000,000</td>
<td>-400,000</td>
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<tr>
<td>Payment to the Foreign Service Retirement and Disability Fund</td>
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<td>125,000,000</td>
<td>125,000,000</td>
<td>125,000,000</td>
<td>+5,444,000</td>
</tr>
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<td>Total, Administration of Foreign Affairs</td>
<td>2,879,874,000</td>
<td>2,879,796,000</td>
<td>2,709,306,000</td>
<td>2,807,982,000</td>
<td>+93,890,000</td>
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<tr>
<td>International Organizations and Conferences</td>
<td>892,000,000</td>
<td>969,000,000</td>
<td>924,952,000</td>
<td>903,000,000</td>
<td>+9,515,000</td>
</tr>
<tr>
<td>Current year assessment</td>
<td>892,000,000</td>
<td>969,000,000</td>
<td>924,952,000</td>
<td>903,000,000</td>
<td>+9,515,000</td>
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<tr>
<td>Prior year assessment</td>
<td>54,000,000</td>
<td>54,000,000</td>
<td>54,000,000</td>
<td>54,000,000</td>
<td>+54,000,000</td>
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<tr>
<td>Subtotal</td>
<td>892,000,000</td>
<td>1,023,000,000</td>
<td>978,902,000</td>
<td>957,000,000</td>
<td>+63,515,000</td>
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<tr>
<td>Contributions for international peacekeeping activities, current year</td>
<td>302,400,000</td>
<td>240,000,000</td>
<td>215,000,000</td>
<td>154,320,000</td>
<td>-98,000,000</td>
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<td>Prior year assessment</td>
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<td>46,000,000</td>
<td>46,000,000</td>
<td>-4,000,000</td>
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<tr>
<td>Subtotal</td>
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<td>286,000,000</td>
<td>261,000,000</td>
<td>200,320,000</td>
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<tr>
<td>International conferences and contingencies</td>
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<td>1,500,000</td>
<td></td>
<td></td>
<td></td>
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<td>Total, International Organizations and Conferences</td>
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<td>1,241,452,000</td>
<td>1,157,329,000</td>
<td>+117,859,000</td>
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<td>International Boundary and Water Commission, United States and Mexico:</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Salaries and expenses</td>
<td>15,400,000</td>
<td>18,400,000</td>
<td>17,400,000</td>
<td>17,400,000</td>
<td>+2,000,000</td>
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<tr>
<td>Construction</td>
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<td>6,400,000</td>
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<tr>
<td>American sections, international commissions</td>
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<td>5,400,000</td>
<td>5,400,000</td>
<td>5,400,000</td>
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<td>International fisheries commissions</td>
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<td>14,540,000</td>
<td>14,490,000</td>
<td>14,490,000</td>
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<tr>
<td>Total, international commissions</td>
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<td>45,182,000</td>
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<td>44,222,000</td>
<td>+2,000,000</td>
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<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payment to the Asia Foundation</td>
<td>8,000,000</td>
<td>8,000,000</td>
<td>8,000,000</td>
<td>8,000,000</td>
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<tr>
<td>Total, Department of State</td>
<td>3,974,266,000</td>
<td>4,248,896,000</td>
<td>4,002,861,000</td>
<td>4,014,533,000</td>
<td>+62,684,000</td>
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| RELATED AGENCIES | | | | | |
|---|---|---|---|---|
| Armed Control and Disarmament Agency | | | | |
| Arms control and disarmament activities | 41,500,000 | 46,200,000 | 41,500,000 | 32,813,000 | 41,500,000 |
| United States Information Agency | | | | |
| International information programs | 440,000,000 | 434,097,000 | 430,597,000 | 427,097,000 | +1,093,000 |
| Emergency appropriations | 1,375,000 | | | | -1,375,000 |
| Total, sales and services | 441,375,000 | 434,097,000 | 430,597,000 | 427,097,000 | -4,278,000 |
| Technology fund | 5,050,000 | 7,000,000 | 5,050,000 | 10,000,000 | 5,050,000 |
| Educational and cultural exchange programs | 185,000,000 | 197,701,000 | 193,701,000 | 200,000,000 | +17,300,000 |
| Eisenhower Exchange Fellowship Program, trust fund | 600,000 | 600,000 | 600,000 | 570,000 | 30,000 |
| Israel Arab scholarship program | 400,000 | 400,000 | 400,000 | 400,000 | |
| International Broadcasting Operations | 325,000,000 | 368,750,000 | 391,550,000 | 335,050,000 | 36,415,000 |
| Broadcasting to Cuba (direct) | 25,000,000 | 25,000,000 | 25,000,000 | 25,000,000 | |
| Radio construction | 35,400,000 | 32,710,000 | 40,000,000 | 32,710,000 | -8,000,000 |
| East-West Center | 10,000,000 | 7,000,000 | 7,000,000 | 22,000,000 | -12,000,000 |
| North/South Center | 1,456,000 | 1,500,000 | 3,000,000 | 1,500,000 | 5,000 |
| National Endowment for Democracy | 30,000,000 | 30,000,000 | 30,000,000 | 30,000,000 | |
| Total, United States Information Agency | 1,059,410,000 | 1,077,788,000 | 1,091,828,000 | 1,087,527,000 | +41,448,000 |
| Armed Control and Disarmament Agency | | | | |
| Arms control and disarmament activities | | | | |
| Total, related agencies | 1,100,910,000 | 1,123,988,000 | 1,133,428,000 | 1,180,140,000 | +40,748,000 |
| Total, title IV, Department of State Appropriations | 5,075,176,000 | 5,370,687,000 | 5,136,119,000 | 5,134,673,000 | +103,720,000 |
| Emergency appropriations | (5,025,076,000) | (5,370,687,000) | (5,136,119,000) | (5,134,673,000) | (154,500,000) |
| Rescissions | (400,000) | (400,000) | (400,000) | (400,000) | (400,000) |
| TITLE V - RELATED AGENCIES | | | | |
| DEPARTMENT OF TRANSPORTATION | | | | |
| Maritime Administration | | | | |
| Operating-differential subsidies (liquidation of contract authority) | (148,430,000) | (135,030,000) | (51,030,000) | (51,030,000) | (97,400,000) |
### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

**APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued**

<table>
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<th>Senate</th>
<th>Conference compared with enacted</th>
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<td>65,000,000</td>
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<td>Guaranteed loans subsidy</td>
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<td>3,450,000</td>
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<td><strong>Total, Maritime guaranteed loan program account</strong></td>
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<td><strong>Total, Maritime Administration</strong></td>
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<td>161,400,000</td>
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<td>137,000,000</td>
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<td><strong>Commission for the Preservation of America's Heritage Abroad</strong></td>
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<td>Salaries and expenses</td>
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<td>206,000</td>
<td>250,000</td>
<td>206,000</td>
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<td><strong>Commission on the Advancement of Federal Law Enforcement</strong></td>
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<td>Salaries and expenses</td>
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<td><strong>Commission on Civil Rights</strong></td>
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<tr>
<td>Salaries and expenses</td>
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<tr>
<td><strong>Commission on Immigration Reform</strong></td>
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<td>500,000</td>
<td>496,000</td>
<td>459,000</td>
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<td><strong>Commission on Security and Cooperation in Europe</strong></td>
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<tr>
<td>Salaries and expenses</td>
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<td>1,090,000</td>
<td>1,090,000</td>
<td>1,090,000</td>
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<td><strong>Equal Employment Opportunity Commission</strong></td>
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<tr>
<td>Salaries and expenses</td>
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<td>246,000,000</td>
<td>236,740,000</td>
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<tr>
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<td>177,079,000</td>
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<tr>
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<td>-162,523,000</td>
<td>-152,523,000</td>
<td>-152,523,000</td>
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<tr>
<td><strong>Direct appropriation</strong></td>
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<td><strong>Federal Trade Commission</strong></td>
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<td>106,000,000</td>
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<td>-16,000,000</td>
<td>-10,000,000</td>
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<tr>
<td><strong>Offsetting fee collections - current year</strong></td>
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<td>-70,000,000</td>
<td>-70,000,000</td>
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<td><strong>Direct appropriation</strong></td>
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<td>19,000,000</td>
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<td><strong>Gambling Impact Study Commission</strong></td>
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<tr>
<td>Salaries and expenses</td>
<td>4,000,000</td>
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<tr>
<td><strong>Legal Services Corporation</strong></td>
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<td>Payment to the Legal Services Corporation</td>
<td>283,000,000</td>
<td>340,000,000</td>
<td>250,000,000</td>
<td>300,000,000</td>
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<td><strong>Marine Mammal Commission</strong></td>
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<tr>
<td>Salaries and expenses</td>
<td>1,189,000</td>
<td>1,240,000</td>
<td>1,000,000</td>
<td>1,240,000</td>
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<td><strong>National Bankruptcy Review Commission</strong></td>
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<tr>
<td>Salaries and expenses</td>
<td>494,000</td>
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<tr>
<td><strong>Ounce of Prevention Council</strong></td>
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<tr>
<td>Direct appropriation</td>
<td>500,000</td>
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<td></td>
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<tr>
<td><strong>Securities and Exchange Commission</strong></td>
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<tr>
<td>Salaries and expenses</td>
<td>305,400,000</td>
<td>317,412,000</td>
<td>315,000,000</td>
<td>317,412,000</td>
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<td><strong>Offsetting fee collections - carryover</strong></td>
<td>-45,000,000</td>
<td>-32,000,000</td>
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<td>33,477,000</td>
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<td><strong>Small Business Administration</strong></td>
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<tr>
<td>Salaries and expenses</td>
<td>236,547,000</td>
<td>246,100,000</td>
<td>235,047,000</td>
<td>246,100,000</td>
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<tr>
<td><strong>Offsetting fee collections</strong></td>
<td>-4,500,000</td>
<td></td>
<td></td>
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<tr>
<td><strong>Direct appropriation</strong></td>
<td>232,047,000</td>
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<td>235,047,000</td>
<td>246,100,000</td>
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<td><strong>Office of Inspector General</strong></td>
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<td>Salaries and expenses</td>
<td>9,000,000</td>
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<td>FY 1997 Enacted</td>
<td>FY 1998 Estimate</td>
<td>House</td>
<td>Senate</td>
<td>Conference compared with enacted</td>
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<tr>
<td>-----------------</td>
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</tr>
<tr>
<td><strong>Business Loans Program Account:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct loans subsidy</td>
<td>1,961,000</td>
<td></td>
<td>187,100,000</td>
<td>181,232,000</td>
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<tr>
<td>Guaranteed loans subsidy</td>
<td>179,700,000</td>
<td>173,235,000</td>
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<td>181,232,000</td>
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<td>Micro loan guarantees</td>
<td>2,317,000</td>
<td></td>
<td>94,000,000</td>
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<tr>
<td>Administrative expenses</td>
<td>94,000,000</td>
<td>94,000,000</td>
<td>94,000,000</td>
<td>94,000,000</td>
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<td><strong>Total, Business loans program account:</strong></td>
<td>277,708,000</td>
<td>267,235,000</td>
<td>281,100,000</td>
<td>275,232,000</td>
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<td><strong>Disaster Loans Program Account:</strong></td>
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<td></td>
</tr>
<tr>
<td>Direct loans subsidy</td>
<td>191,922,000</td>
<td>173,200,000</td>
<td>196,100,000</td>
<td>173,200,000</td>
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<tr>
<td>Administrative expenses</td>
<td>135,000,000</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>Total, Disaster loans program account:</strong></td>
<td>326,922,000</td>
<td>173,200,000</td>
<td>196,100,000</td>
<td>173,200,000</td>
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<td>Surety bond guarantees revolving fund</td>
<td>3,730,000</td>
<td>3,500,000</td>
<td>3,500,000</td>
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<tr>
<td><strong>Total, Small Business Administration:</strong></td>
<td>852,417,000</td>
<td>700,835,000</td>
<td>728,237,000</td>
<td>706,832,000</td>
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<tr>
<td><strong>Salaries and expenses 1/</strong></td>
<td>6,000,000</td>
<td>15,550,000</td>
<td>3,000,000</td>
<td>13,550,000</td>
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<td><strong>Total, title V, Related agencies:</strong></td>
<td>1,675,831,000</td>
<td>1,616,386,000</td>
<td>1,462,036,000</td>
<td>1,515,532,000</td>
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<td>Appropriations</td>
<td>1,540,831,000</td>
<td>1,516,386,000</td>
<td>1,462,036,000</td>
<td>1,515,532,000</td>
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<tr>
<td>Liquidation of contract authority</td>
<td>84,400,000</td>
<td>51,030,000</td>
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**TITLE VI - GENERAL PROVISIONS**

**DEPARTMENT OF JUSTICE**

**Congressional legal expenses (sec. 616):** 1,000,000

**GOVERNMENT-WIDE**

**Defense function (by transfer):** 34,025,000

**International function (by transfer):** 48,500,000

**Domestic function (by transfer):** 31,845,000

**Total, title VI, general provisions:** 1,000,000

**Appropriations (By transfer):**

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<tr>
<th>Enacted</th>
<th>House</th>
<th>Senate</th>
<th>Conference compared with enacted</th>
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<tr>
<td>(112,960,000)</td>
<td>(112,960,000)</td>
<td>(112,462,000)</td>
<td>(108,862,000)</td>
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**TITLE VII - RESCISSIONS**

**DEPARTMENT OF JUSTICE**

**General Administration**

Working capital fund (rescission): -36,400,000

Immigration and Naturalization Service

Immigration Emergency fund (rescission): -34,779,000

**Total, title VII, Rescissions:** -71,179,000

**TITLE VIII - EMERGENCY SUPPLEMENTAL APPROPRIATIONS**

**National Oceanic and Atmospheric Administration**

Operations, research and facilities: 7,000,000

Grand total:

<table>
<thead>
<tr>
<th>Enacted</th>
<th>House</th>
<th>Senate</th>
<th>Conference compared with enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>New budget (obligational) authority: 30,230,180,000</td>
<td>25,788,937,000</td>
<td>31,788,463,000</td>
<td>31,653,555,000</td>
</tr>
<tr>
<td>Appropriations: (25,219,710,000)</td>
<td>(25,788,937,000)</td>
<td>(26,501,740,000)</td>
<td>(26,498,053,000)</td>
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<tr>
<td>Advance appropriations: (3,564,317,000)</td>
<td>(3,564,317,000)</td>
<td>(3,564,317,000)</td>
<td>(3,564,317,000)</td>
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<tr>
<td>Emergency appropriations: (536,629,000)</td>
<td>(536,629,000)</td>
<td>(536,629,000)</td>
<td>(536,629,000)</td>
</tr>
<tr>
<td>Total, title VIII, Rescissions: (107,019,000)</td>
<td>(5,000,000)</td>
<td>(30,310,000)</td>
<td>(124,200,000)</td>
</tr>
<tr>
<td>Total, title VIII, Rescissions: (7,000,000)</td>
<td>(7,000,000)</td>
<td>(7,000,000)</td>
<td>(7,000,000)</td>
</tr>
</tbody>
</table>

1/ President's budget proposes $5,000,000 for State Justice Institute.
Mr. Speaker, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, the gentleman is honored, I think I am more relieved to be here than anything else. I am not talking about being the last vehicle out of town than he is as everybody jumps on our bill. I want to commend the gentleman for his fine management of this bill and his dealing with all the appropriation issues all year. He has been extremely capable, as always.

The gentleman from Kentucky is very gracious. He has allowed the minority to participate in the process fully, which the minority greatly appreciates. He has also been very adroit in his handling and compromising of the accounts that are under our jurisdiction as well as, particularly because we are the last vehicle out of town, as accommodating as he possibly can be to all of the authorizing requests that we have made in the last 2 weeks particularly. He has done an outstanding job, as he always does, and I am very grateful for the opportunity to cooperate with him as we move this bill forward.

Likewise, I want to express appreciation to the gentleman from Louisiana [Mr. LIVINGSTON], who has been extremely active and constructive in ensuring that our process moves forward at every step of the way. I would also like to extend a special thanks to the gentleman from Wisconsin [Mr. Obey], the ranking minority member, who has been tireless in giving needed attention to the details of not only this bill but particularly this bill, but what is really impressive, the detail that he gives to all 13 of our appropriations subcommittee bills. I am very personally appreciative for his help to me and his guidance. I thank the gentleman for the attention he has given it. I know it has been tireless.

The gentleman from Colorado [Mr. SKAGGS] and the gentleman from California [Mr. DIXON] are tremendous contributors to our subcommittee on the minority. I very much appreciate and enjoy working with these friends and colleagues.

Mr. Speaker, I want to commend the hard work of all staff involved, particularly Sally Gaines and Liz Whyte of my personal staff, and Jim Kulikowski, Theresa Jelinek, Jennifer Millier, Mike Ringler and Jane Weisman of the committee staff, along with my sincere appreciation for all of the efforts of the minority appropriations staff, Mark Murray, David Reich and Pat Schleuter.

Mr. Speaker, joining in much of the sentiment expressed by our chairman, my colleagues should be pleased with the core funding contained in this bill. The centerpiece of this bill, the defining characteristic of it, if you will, is robustly funded. The FBI enjoys a $134 million increase; the Immigration and Naturalization Service, a whopping $714 million increase.

The INS funding provides for 1,000 new Border Patrol and the equipment to support them. The COPS program, fully funded at $14.2 billion, keeps us on track toward the President's promise to increase Federal funding for new police on the beat to the 100,000 number. The crime trust fund is increased by $356 million. The popular Byrne Grant program is robustly funded at $505 million. The Violence Against Women program is increased by $74 million. Juvenile crime prevention is $489 million, of which $249 is for prevention programs, which is an increase of $64 million. Legal services is increased in conference to $283 million.

Overall, the Justice Department enjoys a $1.037 billion increase under this bill. State, USIA, Arms Control is an overall $5.17 billion, an increase of $100 million. The Judiciary enjoys a $200 million increase, $3.4 billion. The Commerce Department in this bill is increased $450 million to $4.3 billion. Of that, NOAA enjoys a $190 million increase. ATP is funded at $172 million, $52 million in new grant money.

The Commerce Department in this bill is increased by $340 million in preparation for the very important decennial census. This report contains a very imperfect compromise admittedly regarding the inclusion of sampling in the census process. The best thing I can say is that the agreement assures that this time-sensitive process, planning for the 2000 census, can go forward incorporating the statistical technique of sampling, which all the experts say will that the 2000 census can be the most accurate in the history of the Nation.

The gentleman from Ohio [Mr. SAWYER], the gentleman from New York [Mrs. MALONEY], the gentleman from California [Mr. BECERRA] and the gentlemen from California [Ms. WATERS] all deserve our gratitude for the time and attention they have given to this issue. The gentleman from Ohio [Mr. SAWYER] and the gentleman from New York [Mrs. MALONEY] are students of it, and they have made insightful contributions to the democratic process as this process has moved forward. I appreciate their help.

I urge my colleagues to support this conference report. It is on balance an excellent bill, while containing several difficult but on balance, satisfactory compromises.

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

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the very dynamic chairman of the full committee.

[Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.]

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from Kentucky for yielding this time to me, and I congratulate him for doing an outstanding job on a difficult bill. The gentleman from Kentucky is one of our best negotiators. He has hung tough to the very last minute, and I think that he will not want to hang out so tough until the last minute the next time, but I appreciate the great work that he has done on this bill.

I also want to pay tribute to the tremendous job by the gentleman from West Virginia, the ranking minority member of the subcommittee, and to the gentleman from Wisconsin [Mr. Obey], the ranking minority member of the full committee. They have been incredibly helpful in getting this bill through. I hope with their help that we will get it all the way through and that it will find its way through passage tonight and not at some later date.

I also want to thank the staff. As the gentleman from Kentucky [Mr. Rogers] has pointed out, they worked all night last night, and many went without sleep for a couple of days, in order to get this bill passed for the floor. Frankly, they and all of the staff on the Committee on Appropriations have just been invaluable throughout this very difficult year. I thank them for their service.

I would like to take this opportunity to just pose a colloquy with the gentleman from Kentucky, the chairman of the subcommittee, to congratulate him for his work and just ask him what in his mind might happen to the floor schedule if in fact a motion to recommit were adopted or if in fact this bill failed to pass tonight.

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

Mr. LIVINGSTON. I yield to the gentleman from Kentucky.

Mr. ROGERS. If a motion to recommit should pass, under the rules of the House, the bill would have to be reenacted with the Senate, which means we would have to reconvene a conference with the Senate and bring the bill back at some future time.□ 2030

Now I am told that that may be difficult to do, because I am told most of the Members of the other body are not present in town at this time, which means that we would have to, I guess, go to next week or some other time to bring the House back in session and try to pass a bill at that time.

Now, if the bill fails tonight, by the same token, we have to reconvene another back at some other time, so we would be here next week.

Mr. LIVINGSTON. Mr. Speaker, I just want to be absolutely clear. If Members think for some reason that it might be a good idea to vote for the motion to recommit and they happen to be in the majority, or, in the alternative, if they were to vote against the bill and they were to find themselves in the majority, and the bill for any reason were to be defeated tonight, the Members think for some reason that we could not convene a conference tomorrow. We could only convene a conference when the Members of both bodies could be accumulated some time...
Mr. Speaker, it is for all those reasons that it does not prohibit the use of statistical sampling, that it has many good programs for law enforcement as well as social programs, that I urge each Member to vote aye on the conference report.

Mr. ROGERS. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa [Mr. LATHAM], a very distinguished, hard-working member of our subcommittee who has contributed much to our cause here.

Mr. LATHAM. Mr. Speaker, I especially want to thank the chairman, the gentleman from Kentucky, for all of his very hard work, and the ranking member that did such a great job, and I think the Members should be aware that we would not have any problems on this bill if it were not for extraordinary provisions that were brought in.

This committee has worked very, very hard and on a bipartisan basis to get a very good bill to the floor, and I too would like to commend the staff for doing a tremendous job. It has been a real pleasure in my first year on the subcommittee to work with such a professional staff, and they have done a great job.

Just some of the provisions in the bill and reasons I think that all Members should strongly support this bill: When we talk about the COPS Program, it does continue the funding at $1.4 billion for the 100,000 new police officers on the street. But very important to me is the fact that it increases from 10 to 20 percent the COPS More Program.

Many of the communities in my district cannot afford the COPS Program to put additional officers on the force and then 3 years later have to take over the funding. They just simply do not have it in their budget. So the COPS More Program is extremely important, that they can buy technology and equipment that they so desperately need.

The COPS Program also establishes four innovative new programs. There is $35 million for law enforcement technology grants, $35 million for drug enforcement grants, $34 million for methamphetamine initiatives, which is a problem that has exploded in the upper Midwest and in Iowa in my district; also, $1 million for police recruitment programs.

In the Office of the Justice programs, which are increased from $138 to $173 million, it includes a very important provision. There is $25 million for a new national sex offender registry, extremely important, I think, in this day and age.

As far as the State and local law enforcement assistance, it is increased dramatically, about $500 million, the highest level ever on the Byrne grants, and the Weed & Seed programs establish a new $250 million juvenile crime block grant and increases by $75 million the Violence Against Women grants, which is up to $271 million. Again, that is increased by $75 million.

There is $720 million for State prison grants; when we talked about truth-in-sentencing, very, very important.

As far as funding for the INS, that is increased from $2.1 to about $2.5 billion, and that includes funding for immigration fingerprinting equipment requires fingerprinting services must be conducted by INS agents or law enforcement agents. If my colleagues remember, last year, we had testimony that Pookie's Bar & Grill in California was doing fingerprinting equipment by the tax dollars to fingerprint potential U.S. citizens.

And it also guarantees that citizenship cannot be granted without a full and complete FBI background check, and the reason for this, my colleagues, is in the rush last year to have more citizens register to vote, especially in California, there were 186,000 people who were given citizenship last year who did not have it in their budget.

By any standard, when we talked about sampling, about 20 percent of those people normally are convicted felons. That means, in a conservative way, there are over 30,000 convicted felons who are given citizenship. This will put a stop to that, and I urge support of this bill.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I am going to vote for this bill, and I personally want to thank the Chair and the ranking member and the subcommittee and the House for considering a number of issues critical for California in a favorable light.

I am unhappy about the Census language, but I will still support the bill for the reasons later to be explained by the gentleman from Ohio.

But what I would like the other party to explain to me is the strange logic by which, when they do not get the language they want, the Mexico City Language on family planning programs abroad, they appropriate the money for family planning, and then, to retaliate for not getting that language, they take their highest priority for the last 3 years, the reform of the international relations bureaucracy, and kill it. They take their desire to leverage lower assessments in New York at the U.N. through very well calibrated conditions on arrearages and destroy it, and then risk all the consequences of financial instability that come from the currency fluctuations by destroying the IMF new borrowing authority. What a bizarre and strange reaction when they provide and appropriate the family planning funds which cause them to get so angry and strike out after all these things.

I support the gentleman from Wisconsin's motion to recommit, and I urge the body to do so.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Ms. MALONEY], who has provided such leadership for our caucus on this issue.
Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition, but first I would like to thank the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from New Jersey [Mr. SHAYS], and the gentleman from Ohio [Mr. TAYLOR], for all their help on the Census issue.

And to the rest of my colleagues, if they believe in a fair and accurate Census, they simply cannot vote for this bill. Getting a fair and accurate count is the No. 1 issue of the 21st century. If my colleagues are not counted, they are not represented. If they are not counted, they are not part of the Federal funding formulas.

This deal, as many have said, funding is provided for statistical sampling through September of 1998, yet at the same time it stacks the deck against achieving it by helping to build a case for those who plan to kill it in 1999. And we are all required to kill the sampling issue in 1999.

This legislation aids this plan by putting into a place a campaign to smear it. First the deal allows opponents to file multiple lawsuits to tie the Census up in court, possibly all year. The Speaker, using the House general counsel, to sue on behalf of the House to block sampling. In other words, the Speaker, representing the viewpoint of the RNC, will be using taxpayers' funds to block sampling.

Second, it asks the bureau to run two censuses at once; and, thirdly, it confuses the public by issuing four sets of numbers instead of just one. The opposition simply does not want to count our Nation's poor in our rural and our urban areas.

If this legislation becomes law, we are sending a message that we are willing to purposefully disenfranchise millions of Americans; in other words, we are willing to count them out of democracy. The Republican leadership is on record over and over again in their design to kill sampling. This language gives them the tools to destroy the census either by a thousand cuts in the court or through spreading confusion about the results.

We cannot allow this to happen. I urge a no vote against the Commerce-Judiciary-State conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, what I really wanted to come to this floor tonight for was to show my appreciation for the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] for work well done. Though my comments will criticize a lot of what we have secured with respect to census, the mean what I say with respect to the work that you gentlemen have done, and I thank you for that.

Particularly I thank you for working with me on the Prairie View A&M Justice Center, and as well working to curb pornography on the Internet for our children, developing a study by the Justice Department to find ways to prevent these horrible activities to be subjected to the Internet and for our children to see.

I need, however, to address this important and crucial issue which we hope we will find a solution for, and I thank the gentleman from Ohio [Mr. SAWYER], the gentlewoman from New York [Mrs. MALONEY] and the caucuses that worked on this issue.

But this census process will not work. This future litigation by the Speaker of the House will not work, as it proves to threaten sampling. This public relations campaign, using the monitoring board and a new House subcommittee just for census, shows us that this Congress is not serious about counting every American.

I ask my friends and colleagues to consider opposing this bill because of the concerns we have raised. I hope we can solve this problem, and have a true counting and a true census.

Mr. Speaker, I wish to share my concerns regarding the Conference Report on H.R. 2267, the Commerce, Justice, State, and Judiciary Appropriations bill.

The first of these concerns involves the failure of this Conference Report to prove protection to illegal immigrants who are the victims of domestic violence. The Conference Report to H.R. 2267 provides that only those immigrants who have 245(i) applications for permanent legal status pending at the time of the bill's enactment, may stay in the United States. In refusing to permanently extend 245(i) for most immigrants, the Conference Report makes one concession—it provides permanent extension of 245(i) for those immigrants holding employment-based visas. It makes no exception for battered illegal immigrants.

In so doing, the Conference Report determines the strides to protect battered immigrants made in the Violence Against Women Act ("VAWA").

The Violence Against Women Act exempts battered immigrant women and their children from the three to ten year inadmissibility bars that apply to other illegal immigrants. These provisions were written to provide a way out of the violence. For VAWA's immigration provisions to work, battered immigrant women must be able to obtain their permanent residency without leaving the country regardless of when they file their self-petition.

The second area of concern that I would like to raise with respect to the Conference report on H.R. 2267, is the compromise reached on the census provisions. The revised language in the Conference Report regarding the census states that sampling poses the risk of an inaccurate census which is the very opposite of what is true.

The agreement on the Conference Report also allows the opponents of sampling to file suit in any and all courts in the country. If any one of those courts issues an injunction against the use of sampling it would take so long to clear up that the use of sampling in any "dress rehearsal" would effectively be blocked. If there is no sampling in the dress rehearsal, there will be no sampling in the census which means that the chance for an accurate census will be lost.

The Conference language regarding the census calls for the Census Bureau to issue several sets of census counts for both the dress rehearsal and the census. This would be confusing to the public and create chaos in the redistricting process. Redistricting experts dislike having multiple numbers so much that two years ago the National Conference of State Legislators passed a resolution calling for a one-number census in 2000.

Next I would like to discuss areas of the Conference Report that I am sure we have not drawn the attention of many of my colleagues, but for which I believe the Conferences desire my congratulations.

The vast majority of battered immigrant women who qualify for protection under VAWA are in the United States in undocumented status because their citizen and lawful permanent resident spouses or parents have had control over their immigration status. These spouses also often control what information their abuse victims receive and with whom they associated.

Because the Conference Report does not provide permanent extension of 245(i) to battered immigrants, many of these women will be required to return to their home countries to obtain their green cards. All battered women who apply for relief under VAWA, however, must prove that their deportation will cause extreme hardship to themselves or their children. In requiring those women to return to the country that has placed them in a danger as the only means to obtain their permanent residency is dangerous and illogical.

Additionally, most of the battered immigrant women will have difficulty raising the funds to travel abroad to obtain their permanent residency. Many more will be required to travel to countries that cannot or will not protect them from their abusers, from their abuser’s family or from the social ostracization that often accompanies women who publicly challenge abuse. Many victims will violate family court custody orders if they travel abroad or leave the jurisdiction where the court order was issued. Finally, many will be unable to make safe child care arrangements for their children if they face the risk of international kidnapping. Faced with these obstacles, many battered immigrants will choose to stay with their abusers.

It is important that both the battered immigrant and her children be able to obtain lawful permanent residency status under VAWA without interruption in the support, counseling, and legal relief they are receiving to help them and their children address the consequences of the violence. For VAWA’s immigration provisions to work, victims of domestic violence have the intended protection, battered women must be able to obtain their permanent residency without leaving the country regardless of when they file their self-petition.
I worked with my colleagues during the appropriations process in an effort to find funding in the Commerce-Justice-State Appropriations bill for the establishment of a National Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University, located outside of Houston, Texas. While the effort was unsuccessful in getting such funding into the House version of the Commerce-Justice-State bill, the Senate included in its version of this bill, $500,000 for the establishment of the Prairie View Center. Although I was disappointed that this specific line item did not make it into the Conference report, I am pleased that the Report requires OJJDP to carefully review Prairie View’s grant application.

The National Center would fill some very important functions: (1) conducting academic programs, including continuing education and training for professionals in the juvenile justice field; (2) conducting policy research; and (3) developing and assisting with community outreach programs focused on the prevention of juvenile violence, crime, drug use, and gang-related activities.

Across America, violent crime committed by and against juveniles is a national crisis that threatens the safety and security of communities, as well as the future of our children. According to a recently released FBI report on Crime in the United States, in 1995, law enforcement agencies made an estimated 2.7 million arrests of persons under 18.

Studies show that prevention is far more cost-effective than incarceration in reducing the rates of juvenile crime. A study by the Rand Corporation, titled Diverting Children from a Life of Crime, Measuring Costs and Benefits, is the most recent comprehensive study done in this area. It is clear that juvenile crime and violence can be reduced and prevented, but doing so will require a long-term vigorous investment. The Rand study determined that early intervention programs can prevent as many as 250 crimes per $1 million spent. In contrast, the report said investing the same amount in prisons would prevent only 60 crimes a year.

Childhood violence on the streets of our nation is costly for the moral fabric of our society and the burden on our government. Public safety is now becoming one of the most significant factors influencing the cost of state and local governments. We can begin to bring some of the funds spent. In contrast, the report said investing the same amount in prisons would prevent only 60 crimes a year.

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do that census block by census block, people ought to be able to see what you do.

Whether you take population away from this precinct and you add population to that precinct, there ought to be a way to do this that is fair. The guessing business is all about. When the bureaucrats get done guessing what the population should be, because it meets their parameters of what they guessed it should be in the first place, there is no transparency, we can look at sampling, see if sampling is worthwhile, whether it has some value, whether it is constitutional, whether it is legal, and we will look at enumeration, which the Constitution talks about, number, counting, one by one. It has been going on in this country for 230-some years. It was pre-scribed by the forefathers of this country, and I think it is probably something we ought to continue to take a very serious look at.

I just have to tell my friends there is one government agency that basically goes door to door every day. They basically know how many people are in each house, they red the Postal Service. If we need to do an extraordinary job of census, then maybe we could hire some people in the Postal Service on weekends on their time off. They can knock on doors. They know who lives in those houses.

Let us do the job that the Constitution says we should do. Let us move forward, let us do the census block, census block by census block, by geographical area by geographical area and put the numbers in there. The test that was done in 1995 says there was a plus or minus 35 percent error rate when you get down to the lowest geographical area, which is usually the census block. If there is 100 people that live in a census block, we do not want to guess whether there are 65 people there or 135 people.

Let us get the numbers straight. Let us do it the way it is supposed to be done.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from West Virginia for yielding me this time.

Sampling will clearly be one of the most important issues that we confront in the next session of Congress. If we are not going to do this, we are going to lose the credibility of the Postal Service. I am going to support this bill, and I, too, congratulate the chairman and the ranking member for accomplishing a very difficult task.

I rise briefly, however, to call the attention to what the Speaker of the House said just a few years ago. I want to read it:

I respectfully request that the census numbers for the State of Georgia be re-adjusted, that is after counting, I do not want to remove the exact population of the State so as to include the over 300,000 which were previously not included.

That is in the door-to-door count, according to the Speaker.

Based on available information, without an adjustment to compensate for the undercount, minorities in Georgia could lose two State Senate seats and four to five House seats. As a result of conversations with black legislators, it is my understanding that they have not only concurred with this request, but stated that they believe it is required under the Voting Rights Act.

Representative GINGRICH sent that to Bob Mosbacher, then Secretary of Commerce, with respect to sampling.

We are not going to argue situational ethics, I hope. If sampling was good then in this letter from Speaker GINGRICH in 1991 to Secretary Mosbacher, it is good today.

Now, my friends, let me tell you, there was a similar letter, and I will yield to you. You can read it, it is from yourself, the gentleman from Florida [Ms. ROS-LEHTINEN], the gentleman from Mississippi [Mr. PARKER], the gentleman from Virginia [Mr. BATEMAN], the gentleman from North Carolina [Mr. SPENCE], the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Florida [Mr. CLAY SHAW], in a letter to Bill Clinton in 1994.

Barbara Bryant, who was the head of the census in 1994, and George Bush, clearly says, in the long run our Nation is best served by accuracy. Sample surveys to estimate those who will not or cannot be counted in the 2000 census after the Census Bureau has made every reasonable and good faith effort to volun-
tarily enumerate will increase the ac-
curacy of the census.

My friends, again, let us not be into situational ethics. Let us not be into which side gains politically. The Speaker thought you could do it, it perhaps served his political interest. But I also believe he said and believed that that was the accurate way to count. Let us not deviate from that for the situational effects that we have.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS], a very active and effective member of our subcommittee.

Mr. SKAGGS. Mr. Speaker, I want to thank you for the time.

I hope the Members of the House will support this conference report. It is basically a very good piece of work. In that regard, I want to thank our distinguished leader of the minority, and the gentleman from West Virginia [Mr. MOLLOHAN] and the absolutely tireless work of a terrific staff in putting this all together. It is a good piece of work. Many areas, it is especially commendable to the subcommittee.

One I would like to point to in particular is the substantial funding base that is given to the Department of Commerce and its several important science and research activities under NOAA, the Institute of Standards and Technology.

There are still some problems. I am particularly distressed at the counter-productive and, I think, very backward-looking restrictions that are included in this bill on the activities of the Legal Services Corporation and its grantees. There is some gratuitous lan-
guage in here about the census. But as the bottom line on the census is that it allows the sampling process to move forward, and my colleagues particularly on this side of the aisle that are concerned about that ought to welcome this approach, as was so well explained by previous speakers.

Finally, I hope the Members will support the motion to recommit that Mr. Obey intends to offer. As Mr. Berman earlier explained, I think it is absolutely critical that we make good on at least a modest down payment on our arrearage to the UN, especially at this crisis time when we have to count on our working relationship within that body to deal with the difficult issues that are in front of us, the need for funding flexibility to the IMF to deal with currency problems.

But the basic point here is a good conference report, worthy of Members' support.

Mr. MOLLOHAN. Mr. Speaker, I yield 1-34 minutes to the distinguished gentleman from California, Mr. Becerra, who has been extremely active on this issue and a leader of the Hispanic Caucus.

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

Mr. Speaker, I had a chance to speak during the rule, so I will try to be somewhat brief now on the actual bill.

I think that the ranking member of the subcommittee, the ranking member of the full committee, the Chair of the subcommittee and the Chair of the full committee have done a tremendous job trying to pull together a bill that could get the majority support in this House necessary to pull this together and send it off to the President. I commend them for the work they have done. I think that the individ-
uals have worked sincerely to try to pull together something that could get the support of all of us.

I must say that I continue to have the greatest of concerns with regard to the work on the census. I see no reason why we could not have sent this directly to the President and said, Mr. President, tell us what the experts say we should do with regard to a count of the citizens and the residents of this country when it comes to the year 2000.

Let us not inject politics into this, and let us go straight with what the experts would be doing to be fair to this country, because we know in the past we have left many Americans uncounted.

We had an opportunity to do that, but we failed. We failed miserably because the politics got in the way, and this legislation is apparently the best we could expect. The best we could expect says that we will have lawsuits
after lawsuit filed to try to stop statistical sampling, even though expert after expert has said that is the only way to get an accurate count of America.

Yet we stand here saying, this is what the President must sign. But in 10 or 15 minutes we will have to revisit this, because we do not have funding for a full dress rehearsal as sampling in the end to take place in the census. That is wrong, and that is why people should vote against this bill.

Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio [Mr. REGULA], the chairman of the Appropriations Subcommittee on Interior, but a very able, hard-working member of this Subcommittee.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. I want to commend the chairman, the ranking minority member for doing a good job. I strongly urge support of this bill.

We have heard a lot of speeches about the big picture tonight; I want to talk about the little picture with a big potential.

1998 is the International Year of the Ocean, and we have not paid enough attention to the ocean in terms of its impact on human life. One of the exciting things provided for in here, subsidies, $35 billion for the Ocean Conservation, and $100 million for the Ocean Acidification, and the students in Wooster, Ohio could respond. It really worked.

And he could respond. It really worked. We could ask questions of this biologist at Yosemite talking about termite, and the students in Wooster, Ohio could respond. It really worked.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], who has worked tirelessly on all of our 13 appropriations bills.

Mr. OBEY. Mr. Speaker, I have absolutely no objection to the job done by the gentlemen from Ohio [Mr. SAWYER] or the gentleman from West Virginia [Mr. MOLLOHAN]. I think they have been imminently reasonable. I think they have produced a good product in what is in the bill. I certainly do not have any objections to the job done by the gentleman from Louisiana [Mr. LIVINGSTON]. I think he has done a very fine job. But I have to say my concern is what is not in the bill.

As my colleagues know, an agreement was made by the Republican Party, the previous speaker to, for the moment, concede on their views on Mexico City and family planning issues on the fast track bill. In retaliation for that, for that concession, the decision was made to strike the State Department reauthorization language, to strike the currency stabilization fund, and to strike the U.N. arrearage authority.

I believe that is an extremely shortsighted and irresponsible decision, and I believe that decision significantly damages United States interests in two ways: It does not punish Bill Clinton, it punishes the country. It damages us in two ways because, first of all, it weakens our ability to develop consensus within the United Nations in building a proactive foreign policy against Saddam Hussein. It also undercuts the resources necessary to deal with the currency fluctuations and instability which we have seen throughout Asia and Latin America that could very well have increased serious effects on our own economy.

Now, the response of the House leadership on this matter I find most troubling. The Speaker sent a letter to the President today which says, “With the challenge of Iraqi defiance against the world community and the importance of the United Nations Security Council in responding to that challenge, the U.S. must continue to play a central role in the U.N.” It says, “With the turmoil in international markets, it is clearly prudent for the Secretary of the Treasury to seek additional resources.” And yet, this bill tonight withholds those resources until the President can negotiate on a totally unrelated matter.

The letter then goes on to say, “We do not believe that our disagreement over abortion should block action on national security issues.” But then my colleagues proceed to block them anyway.

I have infinite respect for the gentleman from New Jersey [Mr. SMITH] and others who share his view on abortion policy; I share some of those views. I think there are some valid points how one is supposed to win. In order to win on an issue, one needs to have a majority in both Houses or the signature of the President. If one does not have the signature of the President, then one needs both Houses. With all due respect, the only majority that the gentleman has at this moment is the majority in one House.

The question is, what he is trying to do is to exercise leverage in order to expand that majority by holding other proposals hostage. Individual Members have a right to try that, but it is an obligation of leadership to say no when that puts in jeopardy severe and important interests of the United States. It is reckless for the leadership of this House to do otherwise.

Secretary Albright just called me. She was about to step on a plane going to the Middle East to try to build a better alliance to deal with Saddam Hussein. She said, “I need those extra resources.”

I am going to be offering a motion to recommit, a straight motion to recommit, in order to give this committee an opportunity to put back into this bill the authority that they need for the $100 million in U.N. arrearages for the first year of the 3-year plan, and to also put into the bill the authority we need for currency stabilization. There is no problem in the Senate with that.

The only group that seems to have any real problem with it is the House leadership.

It seems to me that the only way to meet our responsibilities, unless we want to walk out of here for three months and risk seeing a further unraveling of the currency markets and the security markets around the world, unless we want to risk seeing that, it seems to me we have an obligation tonight to provide those resources. That is why I am attempting to do by offering the motion to recommit, and I urge every single Member to support that motion. Without it, Congress will be
committing one of the most remark-ably irresponsible abdications of re-sponsibility that I have seen in all of the years that I have served in Con-gress.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Louisi-ana [Mr. LIVINGTON], chairman of the full committee.

Mr. LIVINGTON. Mr. Speaker, I thank my friend for yielding me this time.

I just want to point out that in two separate packages we tried to put to-gether an opportunity to pay the U.N. arrearages, for the IMF funding, for the State Department reauthorization, and yes, coupled with the promise that the President would not use tax-payers’ funds to lobby to use abor-tion as a family planning tool. It was a simple proposal. They did not want that.

So then we offered to put these to-gether in all of the three appropri-ations bills that have just passed the House in the last two days. The Presi-dent said he would veto it, the Senate said that they would filibuster it, and the Members of the other side in the minority said they were against it.

Now, there is a way to save the taxpayers and the Members and the people to say that he will not use tax-payers’ funds to advocate abortion simply say that he will not use tax-payers’ funds to advocate abortion.

Mr. Speaker, I want to congratulate the Chairman and ranking member for their yeo-man’s work in crafting this conference report and bringing this legislation to the floor. The conference report on H.R. 2267, the Com-merce-Justice-State appropriations bill, con-tains a number of important provisions which will advance and promote the national interest.

First, I want to thank Chairman Rogers for his work to fund the programs of National Institute of Standards and Technology [NIST].

NIST is the Nation’s oldest Federal labora-tory. It was established by Congress in 1901, as the National Bureau of Standards [NBS], and subsequently renamed NIST. As part of the Department of Commerce, NIST’s mission is to promote economic growth by working with industry to develop and apply technology, measurements, and standards. As the Na-"
use sampling to get the most accurate count possible in 2000, but a majority of my colleagues are not convinced. This decision allows for expedited court review of the constitutionality of sampling and it sets up a balanced monitoring board to carefully review the Census Bureau's plans.

This compromise allows the Census Bureau to test sampling in one of the three Spring dress rehearsal sites, the urban site in Sacramento, CA. Furthermore, this decision will not hinder the necessary preparation of the Long Form, the only reliable source of national data about every American.

Finally, the agreement includes a $74 million increase for Violence Against Women Grants. While this bill’s funding is $35 million less than the House bill, it is still $22 million more than the administration request and $7 million more than the Senate level of funding. This program provides funding to law enforcement agencies to encourage arrests in domestic violence cases and to train local prosecutors in the handling of crimes of domestic violence.

Again, I congratulate the Chairman and the ranking member for their work on this very contentious bill.

Mr. ROGERS. Mr. Speaker, I yield one-half minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania, Mr. Speaker, I rise to support this bipartisan legislation, and I thank the gentleman from Kentucky [Mr. ROGERS], chairman of the subcommittee, and the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member, for their outstanding work. Sponsoring this legislation is a moral and legal responsibility that our colleagues undertook to uphold, especially with regard to the legislation and its development of National Sex Offender Registries, the Violence Against Women’s programs, Missing and Exploited Children’s programs, and the State and local law enforcement programs such as the COPS on the Beat initiative. I know, as a former assistant DA, these programs will help our local communities improve our local public safety.

I ask my colleagues please support the legislation.

Mr. MOLLOHAN. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Ohio [Mr. SAWER] who has provided such leadership for our caucus on this issue.

Mr. SAWER. Mr. Speaker, I rise in support of the conference report before us and intend to vote for it, not because I am so terribly satisfied with all of its provisions concerning preparations for the next Census, but because I believe it preserves the opportunity to continue down a path that will lead toward an accurate and fair Census possible in 2000.

There are provisions of the agreement over the Census funding and design that I do not agree with. I wish they were not in this bill. I do not believe that the use of sampling and statistical methods, however, poses the risk of an inaccurate and unconstitutional Census. To the contrary, those methods, in combination with enhanced traditional accounting, hold the only real hope of overcoming the persistent high undercount of rural and urban poor and people of color and children that continues to plague every Census, and every court that has reviewed is legal status. Simply adding sampling to supplement a good-faith traditional accounting effort is constitutional and legal has concluded that it is.

I do not think it is wise to ask taxpayers to fund a lawsuit by the Speaker of the House in an effort to prevent the use of sampling in the Census. In essence, the Speaker is asking taxpayers to help him ensure that millions of people will not be included in 2000. Shame on the Speaker, who supported the use of sampling in 1990, for insisting on this provision. Fortunately, I have every confidence that a lawsuit will not be successful, but it will be a waste of taxpayers’ dollars, nonetheless.

This is a chance to have a Census that the American people will know it and this administration will fight back, because in the end, any effort to cause an incomplete count in some communities will guarantee an inaccurate count in all communities. Every state, county, city, and neighborhood will suffer.

So I urge my colleagues to refrain from causing the kind of chaos and confusion and misunderstanding about the Census process that some provisions in this bill may be designed to foster. If that is the purpose, then they ultimately will end up hurting the very people we claim to serve.

Mr. Speaker, I recognize the work of the gentleman from Kentucky [Mr. ROGERS] in crafting the bill, and the work of the gentleman from West Virginia [Mr. MOLLOHAN] in making sure it is sound.

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

Mr. SAWER. Indeed I will, Mr. Speaker.

Mr. ROGERS. I thank the gentleman very much.

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

The SPEAKER pro tempore (Mr. LAHUIS). The gentleman from Kentucky [Mr. ROGERS] is recognized for 3 minutes.

Mr. ROGERS. Mr. Speaker, on the point of the United Nations payments, let us clear this up. The bill has in it $100 million to pay our arrearage at the United Nations. Unfortunately, I have every confidence that a lawsuit will not be successful, but it will be a waste of taxpayers’ dollars, nonetheless.

I do not think it is wise to ask taxpayers to foot the bill for a lawsuit by the Speaker of the House in an effort to prevent the use of sampling in the Census. Anyone challenging sampling would have to show an irreparable injury from the dress rehearsal going forward. There simply is no injury caused by a dress rehearsal. As with any litigation, suits can be brought in a number of courts. However, the bill allows for consolidation and requires expedited judicial review by the Supreme Court.

What the agreement does is that is most important, however, is that it allows the Bureau to prepare for the kind of Census that it believes will be most accurate and cost effective. The Bureau will be able to carry out and evaluate a Census that uses sampling methods in the 1998 dress rehearsal.

I am confident that the dress rehearsal will demonstrate that the limited use of sampling and statistical techniques to supplement and improve traditional accounting will produce Census numbers that are far more accurate and inclusive at all levels of geography than a Census that relies only on methods that have not worked well in the past.

When that happens, my colleagues who oppose sampling ought to think twice about forcing an inaccurate Census on the American people through legislative fiat once again, as they tried to do on the disaster relief bill earlier this year. They ought to think twice about preventing the Census Bureau from eliminating the inevitable undercount of the poor and minorities through threats to deprive the Bureau of adequate funding 1 year before this historic undertaking begins.

All of us will be watching their oversight activities during the next year very closely. We will be using every opportunity to reach out to the American people, to build their confidence in the Census, and for the promise that it holds for a fair count. I urge the President to do the same. We will do whatever it takes to ensure that we can freely and objectively proceed to demonstrate that the use of sampling is wise and sound and, above all, necessary to achieving an accurate count in 2000.

If there is unwarranted interference with the process of preparing and implementing for the Census, I promise that it holds for a fair count. I urge the President to do the same. We will do whatever it takes to ensure that we can freely and objectively proceed to demonstrate that the use of sampling is wise and sound and, above all, necessary to achieving an accurate count in 2000.

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If Members are worried about Iraq and whether the United Nations can stand up for our interests, Members need to vote for this bill, because it contains the funding to pay our dues in 1998 in full. That $320 million is at stake. That is one reason why Members need to support this bill.

In closing, Mr. Speaker, there is going to be a motion to recommit. If Members vote for the motion to recommit, at least next week because the other body is not in session. We have to reconference this bill. I do not know when we will get to it. So if Members are worried about the schedule, then they need to vote no on the motion to recommit and yes on final passage.

Mr. GEPHARDT. Mr. Speaker, I reluctantly rise today to oppose the Commerce, Justice, State and the Judiciary Appropriations bill for FY 1998 which I believe poses a serious danger to the use of statistical sampling in the 2000 Census. By insisting on the language included in this legislation, Republicans continue in their opposition to sampling which has been universally accepted by the scientific community as the best way to ensure a fair and accurate census in 2000.

The census language in this legislation is problematic in several important ways. First, the bill states that the use of statistical sampling "poses the risk of an inaccurate, invalid and unconstitutional census." This partisan language wrongly presumes the unconstitutionality of sampling when every federal court that has addressed the issue has held that the Constitution and federal statutes support the use of sampling. Second, the bill sets the stage for a legal assault on sampling by allowing opponents to file suit in federal courts across the country and seek injunctive relief that would halt the use of sampling in preparation for the 2000 Census. Third, this language gives unprecedented power to the Speaker of the House to block sampling and to use the resources of the House Counsel or outside counsel to pursue such litigation. While the Speaker is entitled to express his views on sampling whenever and whenever he chooses—as he has done recently in his strong opposition to sampling—I cannot support giving him my proxy or that of other Members of the House who share my belief that he is dead wrong on this issue.

Sampling is not an exotic or controversial theory. It is a scientific principle endorsed by the American Statistical Association, the General Accounting Office, and the National Academy of Science. And, it is non-partisan. In fact, the Republican-appointed director of the last census, Barbara E. Bryam, and the Democratic director of the Census Bureau, Carol T. London, have clearly stated the need for statistical sampling. Scientists admit that it is impossible to physically count every American citizen and legal immigrant in this nation. But it is not impossible to produce an accurate assessment of the American population.

The Census Bureau has made and continues to make tremendous strides in trying to accurately calculate census tracts throughout the country. With all of these improvements in distribution, collecting and analyzing the census surveys and the use of statistical sampling, the 2000 count could be the most accurate census yet. It could include all of the constituents of the 37th Congressional District, of the state of California, and of the entire nation. But if we let the current language remain in the Commerce, Justice, State bill, we will frustrate the realization of this possibility impossible.

It is illogical, unsound, and wrong to endorse a proposal that we know would produce incomplete information about the people who make up this nation. We do not have the right to tax the taxpayers' money to support a methodology that we know is not accurate. And we do not have the right to tie up a scientific methodology that is proven effective in the hands of adversarial politicians.

Mr. COBLE. Mr. Speaker, regretfully, I must rise in opposition to the Conference Report. Mr. Speaker, I do not know when we will get to it.

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Mr. COBLE. Mr. Speaker, regretfully, I must rise in opposition to the Conference Report. Mr. Speaker, I do not know when we will get to it.
There was no objection. The SPEAKER pro tempore. The motion is on the pending amendment.

The question was taken; and the Speaker pro tempore announced that the noes had prevailed.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 171, nays 216, not voting 45, as follows:

[Vote list]

Not Voting—45

The SPEAKER pro tempore. The motion to reconsider, the Clerk read as follows:

Mr. OBEY moves to reconsider the committee report on H. R. 2267.

Mr. Speaker. The SPEAKER pro tempore. The Clerk will report the motion to reconsider.

The Clerk reads as follows:

Mr. OBEY moves to reconsider the committee report on H. R. 2267 to the committee on conference.

The SPEAKER pro tempore. The motion to reconsider is not debatable.

Without objection, the previous question is ordered on the motion to reconsider.
The vote was taken by electronic device, and there were—yeas 282, nays 110, not voting 40, as follows:

[Roll No. 640]  

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The clerk announced the following pairs:

On this vote:

Mr. Ortiz for, with Mr. Roemer against.

Mr. Riley for, with Mr. Yates against.

The motion to reconsider was laid on the table.

The result of the vote was announced as above recorded.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 156. An act to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belong to victims of the Holocaust, and for other purposes.

S. 156. An act to make technical corrections to the Nicaraguan Adjustment and Central American Realignment Act.

S. Con. Res. 69. Concurrent resolution to correct the enrollment of the bill S. 830.

FURTHER CONTINUING APPROPRIATIONS, 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 106) making further continuing appropriations for the fiscal year 1998, and for other purposes, and that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. LAHOO) Is there objection to the request of the gentleman from Louisiana? Mr. OBRY. Reserving the right to object, Mr. Speaker, I would ask the gentleman from Louisiana if he would explain what the effect of this new continuing resolution is.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield? Mr. OBRY. I yield to the gentleman from Louisiana. Mr. LIVINGSTON. Mr. Speaker, I would be happy to explain.

The continuing resolution offers a 12-day continuing resolution so that the President may act on the bills that have been passed. In the meantime, I am happy to announce that we have concluded all action on the fiscal year 1998 appropriations bills, and this is the first time in 3 years that we will present to the President the 13 individual appropriations bills, and I might add that they are all within the congressional budget.

The continuing resolution again represents a 10-day extension, but when we consider Sundays, of the existing CR for those remaining bills so that they can be enrolled by a clerk and presented to the President. Ten days is the time span specified by the Constitution, and although I have every indication that the President will sign the bills that are on his desk, we should pass the simple extension out of comity.

I urge the adoption of the resolution. Mr. OBRY. Mr. Speaker, further resolving the right to object, let me simply say that with respect to some of the priorities in the bills that we passed, I am reminded of the question asked by Peggy Lee, “Is that all there is?” But, nonetheless, I guess at this point we cannot do anything to change those priorities. This simply extends the date, as I understand it, to the 28th of November, and we have no objection on this side of the aisle.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield for a question? Mr. OBRY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Is that Peggy Lee or Pinky Lee? Mr. OBRY. Peggy. Pinky is more the gentleman’s type.
Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H. J. Res. 106

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 14, 1997” and inserting in lieu thereof “November 26, 1997”, and each provision amended by sections 122 and 123 of such law shall be applied as if “November 26, 1997” was substituted for “October 23, 1997”.

The SPEAKER pro tempore. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

□ 2215

ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the bill (H.R. 3042) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. PASTOR. Mr. Speaker, reserving the right to object, we have cleared this bipartisan bill through our side of the aisle. I would like to thank the gentleman from Alaska, Chairman Young, the gentleman from California, Mr. MILLER, and my colleague, the gentleman from Arizona, Mr. KOLBE, for helping us with this legislation.

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

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

Mr. KOLBE. Mr. Speaker, I would also like to thank the chairman of the Committee on Resources, the gentleman from Alaska [Mr. Young] for his cooperation on this. This fulfills a commitment by this body made several years ago when we created the Udall Foundation, to provide for them an authorization for them to do mediation on environmental disputes between Federal agencies and other Federal agencies, State or local agencies, as well as private businesses.

Mr. Speaker, I think this is a step in the right direction to get litigation out of the courtroom and into mediation. I think it can serve us very well in our goals of trying to protect the environment, and also provide for economic growth in this country. I strongly support this.

Mr. PASTOR. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the “Environmental Policy and Conflict Resolution Act of 1997”.

SEC. 2. DEFINITIONS. Section 4 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5602) is amended—

(1) in paragraph (1), by adding at the end the following:

“(4) the term ‘environmental dispute’ means a dispute or conflict relating to the environment, public lands, or natural resources;”;

(2) in paragraph (3) as redesignated by paragraph (1) the following:

“(6) the term ‘Institute’ means the United States Institute for Environmental Conflict Resolution established pursuant to section 7(a)(2)(D);”;

(3) in paragraph (7) as redesignated by paragraph (1), by striking “and” at the end; and

(4) in paragraph (8) as redesignated by paragraph (1), by striking the period at the end and inserting “; and”;

(5) in paragraph (9) as redesignated by paragraph (1), by striking “ and” and inserting “; and”;

(A) by striking “fund” and inserting “Trust Fund”; and

(B) by striking the semicolon at the end and inserting “; and”.

SEC. 3. BOARD OF TRUSTEES. Section 5(b) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5603(b)) is amended—

(1) in the matter preceding paragraph (1) of the second sentence, by striking “twelve” and inserting “thirteen”;

(2) by adding at the end the following:

“(7) the chairperson of the President’s Council on Environmental Quality, who shall serve as a nonvoting, ex officio member and shall not be eligible to serve as chairperson.”;


(1) in paragraph (4), by striking “an Environmental Conflict Resolution” and inserting “Environmental Conflict Resolution and Training”;

(2) in paragraph (6), by striking “and” at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(8) establish as part of the Foundation the United States Institute for Environmental Conflict Resolution to assist the Federal Government to implement section 101 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331) by providing assessment, mediation, and other related services to resolve environmental disputes involving agencies and instrumentalities of the United States; and

“(9) complement the direction established by the President in Executive Order 12888 (61 Fed. Reg. 4729; relating to civil justice reform).”;

SEC. 5. AUTHORITY. Section 7(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

“(D) INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION.

“(1) IN GENERAL.—The Foundation shall—

“(I) establish the United States Institute for Environmental Conflict Resolution as part of the Foundation; and

“(II) identify and conduct such programs, activities, and services as the Foundation determines appropriate to permit the Foundation to provide assessment, mediation, training, and other related services to resolve environmental disputes.

“(E) GEOGRAPHIC PROXIMITY OF CONFLICT RESOLUTION PROVISION.—In providing assessment, mediation, training, and other related services under clause (i) (II) to resolve environmental disputes, the Foundation shall consider, to the maximum extent practicable, conflict resolution providers within the geographic proximity of the conflict.”;

(2) in paragraph (7), by inserting “and Training” after “Conflict Resolution”.

SEC. 6. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

(a) REDESIGNATION.—Sections 10 and 11 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608, 5609) are redesignated as sections 12 and 13 of this Act, respectively.

(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) is amended by subsection (a) is amended by inserting after section 9 the following:

“SEC. 10. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

“(a) ESTABLISHMENT.—There is established in the Treasury of the United States an Environmental Dispute Resolution Fund to be administered by the Foundation. The Fund shall consist of amounts appropriated to the Fund under section 13(b) and amounts paid into the Fund under section 11.

“(b) EXPENDITURES.—The Foundation shall expend from the Fund such sums as the Board determines are necessary to establish and operate the Institute, including such amounts as are necessary for salaries, administration, the provision of mediation and other services, and such other expenses as the Board determines are necessary.

“(c) DISTINCTION FROM TRUST FUND.—The Fund shall be maintained separately from the Trust Fund established under section 8.

“(d) INVESTMENT OF FUNDS.

“(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawal.

“(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

“(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

“(A) at original issue price; or

“(B) by purchase of outstanding obligations at the market price.

There was no objection.

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

Mr. PASTOR. Mr. Speaker, I would like to thank the gentleman from Arizona.
"(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

"(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

SEC. 7. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as redesignated by section 6) is amended by inserting after section 10 the following:

"SEC. 11. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

(a) Authorization.—A Federal agency may use the Foundation and the Institute to provide assessment, mediation, or other related services in connection with a dispute or conflict related to the environment, public lands, or natural resources.

(b) Payment.—

(1) In general.—A Federal agency may enter into agreements to use the assets, earnings, or funds of the Institute to provide the services described in subsection (a).

(2) Payment into Environmental Dispute Resolution Fund.—A payment from an executive or other Federal contract entered into under paragraph (1) shall be paid into the Environmental Dispute Resolution Fund established under section 10.

(c) Indication of concurrence.—

(1) Notification.—An agency or instrumentality of the Federal Government shall notify the chairperson of the President's Council on Environmental Quality when using the Foundation or the Institute to provide the services described in subsection (a).

(2) Description.—A written description of—

(A) the issues and parties involved;

(B) prior efforts, if any, undertaken by the agency to resolve or address the issue or issues;

(C) all Federal agencies or instrumentalities with a direct interest or involvement in the matter or act that all Federal agencies or instrumentalities agree to dispute resolution; and

(D) other relevant information.

(3) Concurrence.—

(A) In general.—In a matter that involves 2 or more agencies or instrumentalities of the Federal Government, notification under paragraph (1) shall include a written description of—

(i) the issues and parties involved;

(ii) prior efforts, if any, undertaken by the agency to resolve or address the issue or issues;

(iii) the other Federal agencies or instrumentalities with a direct interest or involvement in the matter or act that all Federal agencies or instrumentalities agree to dispute resolution; and

(iv) other relevant information.

(B) Exception.—If the President determines that it is in the interest of the United States to resolve or address the issue or issues, the President may direct the General Services Administration to provide the services described in subsection (a) without concurrence under subparagraph (A) of this paragraph.

(4) Application.—Subparagraph (A) does not apply to a dispute or conflict concerning—

"(i) agency implementation of a program or project;

"(ii) a matter involving 2 or more agencies with parallel authority requiring facilitation and coordination of the various governmental agencies; or

"(iii) a nonlegal policy or decisionmaking matter that involves 2 or more agencies that are jointly operating a project.

(5) Other mandated mechanisms or avenues to address disputes or conflicts.—A dispute or conflict involving agencie- or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality) for which Congress by law has mandated another dispute resolution mechanism or avenue to address or resolve shall not be submitted to the Foundation or Institute.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) In general.—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (as redesignated by section 6(a)) is amended—

(1) by striking "section 11" and inserting "Trust Fund"; and

(2) by adding at the end the following:

(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There are authorized to be appropriated to the Trust Fund established under section 10—

(1) $2,500,000, for fiscal year 1998, of which—

(A) $3,000,000 shall be for capitalization; and

(B) $1,250,000 shall be for operation costs; and

(2) $1,250,000 for each of fiscal years 1999 through 2002 for operation costs.

SEC. 9. CONFORMING AMENDMENTS.

(a) The second sentence of section 8(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5606) is amended—

(1) by striking "Trust Fund" and inserting "Trust Fund"; and

(2) by striking "section 11" and inserting "section 13(a)".

(b) Sections 7(a)(6), 8(b), and 9(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)(6), 5606(b), and 5607(a)) are each amended—

(1) by striking "section 11" and inserting "Trust Fund"; and

(2) by striking "section 11" and inserting "section 13(a)".

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 3000.

Mr. JOHNSON of Wisconsin. Mr. Speaker, I ask unanimous consent I might hereafter be considered as first sponsor of House Concurrent Resolution 47, a bill originally represented by the gentleman from Pennsylvania [Mr. FOGLIETTA] of Pennsylvania, for the purpose of adding cosponsors and requesting reprints pursuant to clause 4 of rule XXII.

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

There was no objection.

CONSIDERING MEMBER AS FIRST SPONSOR H. CON. RES. 47

Mr. JOHNSON of Wisconsin. Mr. Speaker, I ask unanimous consent I might hereafter be considered as first sponsor of House Concurrent Resolution 47, a bill originally represented by the gentleman from Pennsylvania [Mr. FOGLIETTA] of Pennsylvania, for the purpose of adding cosponsors and requesting reprints pursuant to clause 4 of rule XXII.

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

There was no objection.
A contribution of this nature by the United States would also serve as an act of conscience on the part of this nation. As the bill indicates in the findings, there was an unknown quantity of heirless assets of Holocaust victims in the United States after World War II. A 1941 census of foreign assets in the United States revealed that German-owned assets in the United States as well as another $1.2 billion in Swiss assets. Assets inventoried in the census included bank accounts, securities, trusts, and other items. In the years following World War II, the United States may have in fact belonged to Jewish victims of the Holocaust who had sent their assets abroad for safekeeping.

Given this circumstance, Congress authorized up to $3 million in claims for such heirless assets to be awarded to a successor organization to provide relief and rehabilitation for needy survivors. However, the political difficulties associated with such a commitment led Congress ultimately to settle on a $500,000 contribution. Although the documentation record on asset ownership remains sparse, it is likely that heirless assets in the U.S. were worth much more than the 1962 settlement figure.

A precise accounting of claims will remain unknowable, but the fact that the United States committed itself to such a modest amount in settlement for victim claims provides justification for the United States to make an inflation-adjusted contribution today for victim funds mingled with Nazi assets located in and seized by the United States during the war.

In testimony before our Committee, Under Secretary Eisenstat urged that a better accounting be made for the fate of heirless assets in banks in the United States, and that the issue of World War II-era insurance policies, securities and art work also be examined. To help answer these questions, the legislation would direct $5 million to the United States Holocaust Museum for archival research to assist in the restitution of assets of all types looted or extorted from Holocaust victims, and that support Holocaust remembrance and education activities.

The second title of the bill deals with Nazi-looted art. A witness at our hearings noted that, 'The twelve years of the Nazi era mark the greatest displacement of art in history.' Under international legal principles dating back to the Hague Convention of 1907, pillaging during war is forbidden as is the seizure of works of art. In defiance of international standards, the Nazis looted valuable works of art from their own citizens and institutions as well as from people and institutions in France and Holland and other occupied countries. This grand theft of art helped the Nazis finance their war. Avarice served as an incentive to genocide with the ultimate in governmental censorship being reflected in the Aryan supremacy notion that certain modern art was denigrated and thus disposable.

The Nazis purged state museums of impressionist, abstract, expressionist, and religious art as well as art they deemed to be politically or racially incorrect. Private Jewish art collections in Germany and Nazi-occupied countries were confiscated. Jewish art dealers were extorted from their owners. Still others were exchanged by their owners for exit permits to flee the country. As the Nazis sold works of art for hard currency to finance the war, many artworks disappeared into the international marketplace. Efforts following the war to return the looted art to original owners were successful to a degree, but to this day many items remain lost to their original owners and heirs.

It is interesting to note that when the French Victor Hugo document identified 12,500 individuals as having inter- national legal grounds to Nazi confiscation of art owned by Jewish citizens in France, the Germans responded that such individuals (including those who were sent to concentration camps) had been declared by French authorities to be citizens of the Nazis. The French government claimed that the 1907 Hague Convention, which prohibits the confiscation of assets from citizens in occupied countries, did not apply. This reasoning cannot be tolerated by civilized people and one purpose of the legislation we are considering today is to underline that the restitution of these works of art to their rightful owners is required by international law, as spelled out in the 1907 Hague Convention. The return of war booty ought to be a goal of civilized nations even at this late date, long after the end of World War II. For that reason, I have included in the legislation a sense of Congress urging all governments to take appropriate actions to achieve this end.

The Holocaust may have been a war within a war—one fought against defined individuals and civilized values—but it was an integral part of the larger world war among states. Hence, the international principles prohibiting the theft of art and private property during wartime should be applied with equal rigor in instances of genocidal war within a country’s borders or conquered territory.

Further Message from the Senate

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

S. 1559. An act to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage with Indiana University.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1271. An act to authorize the Federal Aviation Administration’s research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes.

Conceiving as Adopted Remaining Motions to Suspend the Rules

On Monday, September 29, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the House be considered to have adopted a motion to suspend the rules and pass each of the following measures in the form considered by the House on Monday, September 29th, 1997:

S. 1161, to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999;
(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8061.)

H. R. 2533, to assist in the conservation of coral reefs;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8066.)

H. R. 2007, to amend the Act that authorized the Canadian River reclamation project, Texas, to direct the Secretary of the Interior to allow use of the project as soon as possible to transport water from sources other than the project;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8067.)

H. R. 1476, to settle certain Miccosukee Indian land takings claims within the State of Florida;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8086.)

H. R. 1262, to authorize appropriations for the Securities and Exchange Commission for fiscal years 1998 and 1999, and for other purposes;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8084.)

H. R. 2165, to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8087.)

H. R. 2207, to amend the Federal Water Pollution Control Act concerning a proposal to construct a deep ocean outfall off the coast of Mayaguez, Puerto Rico;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8092.)

S. 819, to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the “Martin V. B. Bostetter, Jr., United States Courthouse’’;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8099.)

S. 833, to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the “Howard M. Metzenbaum United States Courthouse’’;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8099.)

H. R. 548, to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the “Ted Weiss United States Courthouse’’;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8091); and

H. R. 595, to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the “William Augustus Boothe Federal Building and United States Courthouse’’;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8095), and that in each case a motion to reconsider be considered as laid on the table.

Mr. DUNCAN. Mr. Speaker, this bill is similar to legislation, H. R. 2036 which the House considered, but did not vote, on September 25.

S. 1193 reauthorizes the War Risk Insurance Program until December 31, 1998 and supersedes language in the Department of Defense Authorization bill regarding this program.

This shorter extension of the program is a compromise worked out with the other body and with the administration in order to develop an alternative to a borrowing authority provision that was in the original House reported bill.

The Administration has agreed to develop in the coming months an alternative to the borrowing authority that would ensure that air carrier insurance claims could be paid in a timely manner.

And we look forward to working with them on that.

Mr. Speaker, the war risk insurance program was first authorized in 1951, and, over the years, has been improved upon during the reauthorization process.

On May 1 of this year, the Aviation Subcommittee held a hearing to review this very important program, which expired on September 30 of this year.

Of course, we rarely hear about this program until a conflict arises, like Vietnam, the gulf war, or Bosnia. This insurance program was an integral part of our Nation’s military response in those cases.

The Reauthorization of this program is also very essential for a viable Civil Reserve Air Fleet program which meets the Nation’s security needs.

The Department of Defense depends on the CRAF program for over 90% of its passengers, 40% of its cargo, and nearly 100% of its air medical evacuation capability in wartime. These flights could not be operated without the insurance provided by this bill.

So it is very important that we reauthorize this program as soon as possible.

Mr. Speaker, this legislation authorizes the Secretary of Transportation to be guided by reasonable business practices of the commercial aviation insurance industry when determining the amount for which an aircraft should be insured.

This change is intended to recognize that there may be instances in which an aircraft’s market value is not the appropriate basis for determining the amount of insurance.

The bill also states that the President’s signature of the bill concurs in the decision agreement between the DOT Secretary and the head of another U.S. government agency will constitute the required finding under current law that the flight is necessary to carry out the foreign policy of the United States.

Section 4 of the bill permits a war risk insurance policy to provide for binding arbitration of a dispute between the FAA and the commercial insurer over what part of a loss each is responsible.

And finally, the bill includes a very simple provision designed to fix a problem experienced by contractors who lease back their planes from the military in order to fly them in air shows or other similar demonstrations.

Although this practice has been going on for many years, some in the FAA have interpreted the law in a way that would prevent them from occurring.

This bill would allow these flight demonstrations, which are important to product development and company sales, to continue.

I strongly urge the House to support this legislation so that we can reauthorize this very essential program.

CONSIDERING AS PASSED H. CON. RES. 131, SENSE OF CONGRESS REGARDING THE OCEAN, AS AMENDED

Mr. ARMEY. Mr. Speaker, I ask further unanimous consent that the amendment to H. Con. Res. 131 placed at the desk be considered as adopted and the resolution H.Con.Res. 131 be considered as adopted, and a motion to recommit be laid on the table.

The text of H.Con.Res. 131 is as follows:

H. CON. RES. 131

Whereas the ocean comprises nearly three quarters of the surface of the Earth;

Whereas the ocean contains diverse species of fish and other living organisms which form the largest ecosystem on Earth;

Whereas these living marine resources provide important food resources to the United States and the world, and unsustainable use of these resources has unacceptable economic, environmental, and cultural consequences;

Whereas the ocean and sea floor contain vast energy and mineral resources which are critical to the economy of the United States and the world;

Whereas the ocean largely controls global weather and climate, and is the ultimate source of all water resources;

Whereas the vast majority of the deep ocean is unexplored and unknown, and the ocean is truly the last frontier on Earth for science and civilization;

Whereas the ocean is the common means of transportation between coastal nations and carries the majority of the United States foreign trade;

Whereas any nation’s use or misuse of ocean resources has effects far beyond that nation’s borders;

Whereas the United Nations has declared 1998 to be the International Year of the Ocean, and in order to observe such celebration, the National Oceanic and Atmospheric Administration and other Federal agencies, in cooperation with organizations concerned with ocean science and marine resources, have resolved to promote exploration, utilization, conservation, and education of the ocean; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the ocean is of paramount importance to the economic future, environmental quality, and national security of the United States;

(2) the United States has a responsibility to exercise and promote comprehensive stewardship of the ocean and the living marine resources it contains; and

(3) the agencies of the United States Government, and all other public and private organizations, are encouraged to strive toward a better understanding of the ocean, communicate this understanding to the people of the United States, and thereby promote the conservation of the ocean and the sustainable use of ocean resources, and the conservation of these resources for future generations.

H. CON. RES. 131

Whereas the ocean comprises nearly three quarters of the surface of the Earth;

Whereas the ocean comprises nearly three quarters of the surface of the Earth;

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1st SESSION
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The text of House Concurrent Resolution 131, as amended, is as follows:

WHEREAS the ocean, which comprises nearly three-quarters of the Earth’s surface, sustains a large part of the Earth’s biodiversity, provides an important source of food, and interacts with and affects global weather and climate patterns;

WHEREAS the ocean is critical to national security, is the common means of transportation among coastal nations, and carries 95 percent of the world's trade and United States foreign trade;

WHEREAS the ocean and sea floor contain vast energy and mineral resources that are critical to the economy of the United States and the world;

WHEREAS ocean resources are limited and susceptible to change as a direct and indirect result of human activities, and such changes can impact the ability of the ocean to provide the benefits upon which the Nation depends;

WHEREAS the vast majority of the deep ocean is unexplored and unknown, and the ocean is truly the last frontier on Earth for science and civilization;

WHEREAS there exists significant promise for the development of new ocean technologies for stewardship of ocean resources that will contribute to the economy through business and manufacturing innovations and the creation of new jobs;

WHEREAS the Nation’s use or misuse of ocean resources has effects far beyond that nation’s borders;

WHEREAS it has been 30 years since the Commission on Marine Science, Engineering, and Resources (popularly known as the Stratton Commission) met to examine the state of United States ocean policy and issued recommendations that led to the present Federal structure for oceanography and marine resource management; and

WHEREAS 1998 has been declared the International Year of the Ocean, and in order to observe such celebration, the National Oceanic and Atmospheric Administration and other Federal agencies, in cooperation with organizations concerned with ocean science and marine resources, have resolved to promote exploration, utilization, conservation, and public awareness of the ocean: Now, therefore be it—

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

1. The ocean is of paramount importance to the economic future, environmental quality, and national security of the United States;

2. The United States has a responsibility to exercise and promote comprehensive stewardship of the ocean and the living marine resources it contains; and

3. Federal agencies are encouraged to take advantage of new ocean technologies for stewardship of ocean resources.

Amend the title so as to read: “Concurrent Resolution 131

CONSIDERING AS ADOPTED S. 1193, AND H.R. 2036, AVIATION INSURANCE REAUTHORIZATION ACT OF 1997

Mr. ARMEY. Mr. Speaker, I ask further unanimous consent that the Senate bill (S. 1193) to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes, the counterpart of H. R. 2036, considered by the House on Monday, September 29, 1997, be considered as adopted, and the motion to reconsider be laid on the table.

The text of S. 1193 is as follows:

S. 1193

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 “Aviation Insurance Reauthorization Act of 1997”.

SEC. 2. VALUATION OF AIRCRAFT.

(a) General Authority for Insurance and Reinsurance.—Section 4302(a)(2) of title 49, United States Code, is amended by striking “as determined by the Secretary,” and inserting “as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry.”

(b) Limitation on Maximum Insured Amount.—Section 4303(c) of title 49, United States Code, is amended by striking “as determined by the Secretary,” and inserting “as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry.”

SEC. 3. EFFECT OF INDEMNITY AGREEMENTS.

Section 44305(b) of title 49, United States Code, is amended by adding at the end the following: “If such an agreement is countersigned by the President or the President’s designee, the agreement shall constitute, for purposes of section 44302(b), a determination that continuation of the aircraft operations to which the agreement applies is necessary to carry out the foreign policy of the United States.”

SEC. 4. ARBITRATION AUTHORITY.

(a) Authorization of Binding Arbitration.—Section 44303(b)(1) of title 49, United States Code, is amended by inserting after the second sentence the following: “Any such party may bind the arbitration of claims made thereunder in such manner as may be agreed to by the Secretary and any commercial insurer that may be responsible for any part of a loss to which such policy relates.”

(b) Authority to Pay Arbitration Award.—Section 44308(b)(2) of title 49, United States Code, is amended—

(1) by striking “or” in clause (i);

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

“(ii) owned by the United States Government and operated by any person for purposes related to crew training, equipment development, or demonstration.

(F for text of H.R. 2036, see proceedings of the House of Monday, September 29, 1997, at page H8092.)

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the bill, H.R. 2036, be laid on the table.

The SPEAKER pro tempore. Is there objection to the combined requests of the gentleman from Texas?

There was no objection.

Mr. SHUSTER. Mr. Speaker, the War Risk Insurance Program has been a relatively non-controversial program. It was first authorized in 1951 and last reauthorized in 1992.

Since 1975, it has been used to insure more than 5,000 flights to trouble spots such as the Middle East, Haiti, and Bosnia. It was used to insure 9,000 flights ferrying troops to the Middle East during Operation Desert Storm. The program expired on September 30, 1997. The reauthorization of this program is relatively straightforward.

Several technical changes suggested by GAO, the administration, or the affected airlines have been included in the bill. These changes would do the following: First, authorize the Secretary to be guided by the reasonable business practices of the commercial aviation insurance industry when determining the amount for which an aircraft should be insured. This change is intended to recognize that there may be instances in which an aircraft’s market value is not the appropriate basis for determining the amount of insurance. For example, this occurs in the case of leased or mortgaged aircraft when the lessor or mortgagor require a specified amount of insurance in the lease or mortgage agreement. As the market values of aircraft fluctuate, the specified amount may sometimes be different than the market value of the aircraft. Second, state that the President’s determination of an indemnification agreement between the DOT Secretary and the head of another U.S. Government agency will constitute the required finding that the flight is necessary to carry out the foreign policy of the United States. Third, permit war risk insurance policy to provide for indemnification agreements between the FAA and the commercial insurer over what part of a loss each is responsible for. And fourth, extend the program for 1 year.

There are three changes from the bill that was reported by our committee, Report 105–244. They are Elimination of the provision on borrowing authority; shortening of the authorization period; and a very limited provision on the Middle East during Operation Desert Storm. The program expired on September 30, 1997. The reauthorization of this program is relatively straightforward. The elimination of the borrowing authority and the shortening of the reauthorization period are closely related.

We have dropped the borrowing authority at the request of the administration. However, FAA officials have committed to us that in return for eliminating this provision, they would work with us to develop an alternative to ensure that an airline insurance claim could be paid in a timely fashion. We look forward to working with the FAA, DOD, and the airlines on this.
The reauthorization period has been shortened to 1 year to ensure that FAA addresses this matter in the next year. It is our intent that the 1-year reauthorization period in this bill would supersede the longer period in section 1088 of the DOD reauthorization bill.

The newly added public aircraft is a response to a problem recently experienced by Boeing, McDonnell-Douglas, and other defense contractors. The problem arises because these companies will sometimes lease back from the military aircraft that they had previously sold them. The do this in order to fly these shows, flight demonstrations, research, development, test, evaluation, or aircrew qualification. When they do this, FAA now believes that they lose their status as public aircraft and become subject to FAA regulations. However, as military aircraft, they cannot comply with civil regulations.

In order to allow aircraft manufacturers to once again fly their aircraft in air shows and demonstrate them to customers, this bill will make clear that these aircraft retain their status as public aircraft when leased back to the manufacturers by the Government for these limited purposes. This provision will certainly not prevent anyone from leasing a plane from the military and use it to carry passengers or for similar commercial purposes.

This bill is essentially the same as H.R. 2036 that was debated on September 29, 1997. I urge support for this legislation.

TRIBUTE TO ED NICHOLS UPON HIS RETIREMENT

Mr. KLECZKA. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, Ed Nichols, I remember, if I may, watching the House of Representatives back in 1962 and 1963, before I even thought of being a Member. I was always so impressed with the opening of the House, even as a citizen, having never in my life having been to Washington or in this Chamber, the ceremony, the seriousness of the professionalism by which the House is opened each day.

Some days it seems like the last moment of professionalism for the House that day, as it gets to be a raucus-casu- cus place on occasion. But always when Ed Nichols would open that door and bring that mace before us, we knew something important was going to happen in the Nation's business that day.

Ed has done this for 21 years as a service to his country, to this Chamber, and I believe to his family and to each Member here. If I might join the gentleman in wishing my best for you in retirement, may your home never be large enough to hold all your friends, and may you outlive all your enemies.

Ms. DUNN of Washington, Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentlewoman from Washington.

Mr. ARMEY. Mr. Speaker, Ed Nichols, I remember, if I may, watching the House of Representatives back in 1962 and 1963, before I even thought of being a Member. I was always so impressed with the opening of the House, even as a citizen, having never in my life having been to Washington or in this Chamber, the ceremony, the seriousness of the professionalism by which the House is opened each day.

Some days it seems like the last moment of professionalism for the House that day, as it gets to be a raucus-casu- cus place on occasion. But always when Ed Nichols would open that door and bring that mace before us, we knew something important was going to happen in the Nation's business that day.

Ed has done this for 21 years as a service to his country, to this Chamber, and I believe to his family and to each Member here. If I might join the gentleman in wishing my best for you in retirement, may your home never be large enough to hold all your friends, and may you outlive all your enemies.

Ms. DUNN of Washington, Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentlewoman from Washington.

Ms. DUNN. Mr. Speaker, I, too, am one of the admirers of Ed Nichols. There are many people in this body who walk through your life and leave no imprint, but there are others like Ed Nichols, whom you remember forever. Ed is a person to me who epitomizes everything good about this institution and the love that those of us who are committed to this House feel for it.

So for the time I have been here, Ed has been a fixture, and he has made an imprint on my life. He is not somebody that I will soon forget, and it is for this reason, Ed, that I am honored to be able to say thank you for the good things that you have done for those of us who cherish this experience. We know you cherish it along with us. It is my great honor to say thank you on behalf of all of us. We will miss you.

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

Mr. KLECZKA. I yield to the gentleman from Arizona.

Mr. PASTOR. Mr. Speaker, in October 1991 when I first came to this House, one of the persons in this House, who so came to me and said, if I can be of any help, please call on me, and I have to tell you that from that day and even today, I sometimes seek his counsel, and I cherish his friendship.

I want to thank you for the friendship you have given me. I want to thank you for the 21 years of service you have given this country, and I wish you the best and many years of retirement.

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

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I rise because I am really somewhat shocked this evening, having heard the remarks of my friend from Arizona, my friend from Washington, my friend from Texas. I had been up to this moment convinced I was the only person in this Chamber, that Ed Nichols had done to and said, you know, I will do anything for you that I possibly can to help you.

But I find that he was more even-handed than any of us could have possibly thought. He did a great deal, not only ceremonially, but in providing assistance to many of us, and I have to say that I had the great opportunity to get to know Ed and his wife Joan when we used to have those wonderful trips that would go in a bipartisan way, most years once a year to New York City, and I remember those many visits. My friend from New York City, Mr. Gilman, is applauding once again, hoping we can once again have those sorts of bipartisan quarters. Ed will not be here for those, but he dearly did play a role in facilitating those, making them a very, very enjoyable experience for every one of us.

Obviously, here in this Chamber, as I said, he has helped many, many others, and I appreciate his friendship, and I am very gratified by the directive that has come from my friend from Wisconsin that Mr. Nichols not write a book.
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Thank you very much.

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

Mr. KLECZKA. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Wisconsin for yielding.

I rise, Ed, on behalf of myself, but also on behalf of the Minority Leader, Dick Gephardt; our Whip, David Bonior; the Chairman of our Caucus, Vic Fazio; and the Vice Chairman of our Caucus, Barbara Kennelly, and all the other leadership and Members on our side of the aisle.

Ed Nichols has chosen well for the Eastern Shore. Now, I represent the Western Shore, and Wayne Gilchrest is not here, but I am sure that Wayne would swell with pride and be delighted, Ed, that you are going to spend many years of full enjoyment not only the Shore, but of the many recreational opportunities it has. As the gentleman from Wisconsin has said, and the majority leader said, a house full of relatives and friends.

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Far too often, as I have said so many times on this floor, the public turns on C-Span and they see confrontation. Sometimes they even see vitriol directed at one another.

What they do not see often enough is the human relationships of which the gentlewoman from Washington [Ms. Dunn] spoke. What they do not see is the commitment and dedication of the folks who sit at the desk and stand on the floor to ensure that in the context of the confrontation of philosophies and ideas, that there is a semblance of order which allows us to do the people's business, which allows this people's House to act in the finest traditions of democracy. It is people who, as has been said before, like Ed Nichols, dedicated to his country, dedicated to this institution.

Ed Nichols has served under 5 Speakers of the House: Speaker Albert, Speaker O'Neill, Speaker Wright, Speaker Foley, and now Speaker Gephardt. He has served, as my colleagues can tell from listening to the comments made by both sides of the aisle, by Members more liberal, by Members more conservative, he has dealt with each of us in an evenhanded, positive fashion, reaching out to us to assist us in representing to the very best of our abilities the people of our constituencies. And in so doing, he has made a very significant and lasting contribution to the strength of this country and the strength of this institution.

Ed, we will miss you from this floor. We will not forget you. We hope you will return often for that smile and the warm word, the handshake, the nod of encouragement. It meant a great deal to all of us. God bless and Goodspeed.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding to me, because I am pleased, and yet I am mournful of the fact that Ed Nichols is leaving us in this Chamber.

Mr. Speaker, I have had people say to me, Ed, have you watched C-Span, they have called and said, what is that good-looking, gray-haired man who brings in the mace? And I think to myself, Ed Nichols, of course.

In fact, somebody even asked me whether you really want to say he is my constituent. He lives in Montgomery County, Maryland. But unfortunately for me, he is moving to the Eastern Shore, to another part of Maryland, but for me he will always be not only my constituent, but my very good friend.

He has seen a lot of things happen in his 20-plus years, his 2 decades plus 1 here on this House floor, and he also has a great sense of humor, and I often think that as we enter the Chamber, I hope that Will Rogers there is standing up and he is kind of looking down, sort of smiling.

I remember something that Will Rogers said, not because I was there, but I remember reading about Will Rogers making the statement that Congress is a place where somebody speaks and says nothing, nobody listens, and everybody disagrees.

Well, I do not know. I think we have our man here who could give testimony to the fact that a lot of good things do happen in this Chamber. I know that we will always remember the fact that he was there, as has been mentioned, ready to help us, ready to smile, to say everything is going to be fine, this is the way it is done, and very professional, very professional and dignified in all that he did. He made this station be exactly what it should be: One where all of us can look up to what he has done.

So Ed, we appreciate your sense of humor, your professionalism, your dignity, your fairness. On both sides of the aisle we can see tremendous testimony given to you. I will be very careful about those speed bumps in your neighborhood. I do not know whether they have them on the Eastern Shore or not, probably not.

But quite candidly, I will miss you, my colleagues will miss you, and we hope that you have a grand time. As Emerson said to Thoreau, "I meet you at the beginning of your adventure." May you enjoy your adventure, because you certainly left an impact here. Thank you. Goodspeed.

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

Mr. KLECZKA. I yield to the gentleman from Minnesota.

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

I began my service in this body as a member of this committee. I owe the great respect and particular appreciation for those who served to support this institution and support the Members and guide them, point them in the right path, and that is what Ed Nichols has been for all of us. He has been a safe haven in a storm, and when things were swirling about and there was confusion on the floor, many is the Member who sought the quiet refuge and the steady hand of Ed Nichols off in the corner, explaining what had happened, predicting what was about to happen, and apologizing when it did not happen that way.

He understands the institutions, he understood each of us and our specific needs, and he responded in a very special and unique way. But the treasure, for all of the kind and wonderful things that others have said about Ed Nichols, the treasure I will carry with me is the treasure of his friendship, the warmth and the caring of a very special person.

I recall when my wife passed away and Ed was there to help with the arrangements for the Mass of Resurrection. For all those who came to pay their respects, he made it all happen in a caring and thoughtful manner, as he has conducted himself in this office that he holds and which he is about to leave.

Adlai Stevenson, addressing a graduating class, said, "As you leave, remember why you came." Ed will never forget why he came. He came to serve. We thank you for that service.

Mr. KLECZKA. So Ed, on behalf of all of your friends here in the House of Representatives, let me thank you for your 21 years of dedicated service. May your health and with God's blessing, and know that when I have the annual get-together in Milwaukee, Wisconsin with kielbasa, you are always invited.

LIST OF REPUBLICAN MEMBERS SELECTED TO SERVE AS "POOL" FOR PURPOSES RELATING TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. LaHood). Pursuant to clause 6 of rule X, the Chair announces the Speaker's appointment of the following Members to serve as need on investigative subcommittees as prescribed by the recently enacted ethics reforms:

Mr. Bateman of Virginia.
Mr. Bryant of Tennessee.
Mr. Deal of Georgia.
Mr. Hastings of Washington.
Mr. McCrery of Louisiana.
Mr. McKeon of California.
Mr. Miller of Florida.
Mr. Portman of Ohio.
Mr. Talent of Missouri.
Mr. Thornberry of Texas.

LIST OF DEMOCRATIC MEMBERS SELECTED TO SERVE AS "POOL" FOR PURPOSES RELATING TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Pursuant to clause 6 of rule X, the Chair lays before the House the following communication:
CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
OFFICE OF THE DEMOCRATIC LEADER,  

Speaker Newt Gingrich,  
Chairman of the Committee on Standards,  
House of Representatives,  
Washington, DC.

Dear Mr. Speaker: Following is the list of Members of Congress selected to serve as the “pool” for purposes relating to the Committee on Standards:

Mr. Clyburn of South Carolina.  
Mr. Doyle of Pennsylvania.  
Mr. Edwards of Texas.  
Mr. Klink of Pennsylvania.  
Mr. Lewis of Georgia.  
Ms. Meek of Florida.  
Mr. Scott of Virginia.  
Mr. Stupak of Michigan.  
Mr. Tanner of Tennessee.

Sincerely,  
RICHARD A. GEPHARDT.
Health Service and the Bureau of Indian Affairs, service buildings, and employee quarters existing at the time that the projects were carried out; and
(ii) provision of the building and incidental matters or facilities in connection with those facilities;
(B) provide for a townsite adequate for 50 homes, including space and facilities for community gatherings, tribal offices, tribal council chamber, offices of the Bureau of Indian Affairs, a health and social services center, and a combination gymnasium and auditorium;
(b) the requirements under Public Law 87-724 (76 Stat. 698 et seq.) with respect to the mitigation of the effects of the Fort Randall and Big Bend projects on the Lower Brule Indian Reservation have not been fulfilled; and
(7) although the national economy has benefited from the Fort Randall and Big Bend projects, the economy on the Lower Brule Indian Reservation remains underdeveloped, in part because of the failure of the Federal Government to fulfill the obligations of the Federal Government under the laws referred to in paragraph (4).
(c) Social development and cultural preservation of the Lower Brule Sioux Tribe will be enhanced by increased tribal participation in the benefits of the Fort Randall and Big Bend components of the Pick-Sloan Missouri River Basins program; and
(9) the Lower Brule Sioux Tribe is entitled to additional benefits of the Pick-Sloan Missouri River Basin program.
SEC. 3. DEFINITIONS.
In this Act:
(1) FUND.—The term "Fund" means the Lower Brule Sioux Tribe Infrastructure Development Trust Fund established under section 4(a).
(2) PLAN.—The term "plan" means the plan for socioeconomic recovery and cultural preservation prepared under section 5.
(3) PROGRAM.—The term "Program" means the program portion of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.
(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.
(5) TRIBE.—The term "Tribe" means the Lower Brule Sioux Tribe of Indians, a band of the Great Sioux Nation recognized by the United States of America.
SEC. 4. ESTABLISHMENT OF LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.
(a) LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the "Lower Brule Sioux Tribe Infrastructure Development Trust Fund.
(b) MUNICIPAL SYSTEMS.—Beginning with fiscal year 1998, and for each fiscal year thereafter, until such time as the aggregate of the amounts deposited in the Fund is equal to $39,300,000, the Secretary of the Treasury shall deposit into the Fund an amount equal to 25 percent of the receipts from the deposits to the Treasury of the United States for the preceding fiscal year.
(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.
(d) USE OF FUND.—The term "use of the Fund" means the Secretary of the Treasury shall withdraw amounts from the account established under paragraph (1) and transfer such amounts to the Secretary of the Interior for use in accordance with subparagraph (C).
(5) OTHER PROJECTS AND PROGRAMS.—The Secretary of the Treasury shall withdraw amounts from the account established under paragraph (1) and transfer such amounts to the Secretary of the Interior for use in accordance with subparagraph (C).
(b) WITHDRAWAL AND TRANSFER OF FUNDS.—For each fiscal year specified in subparagraph (A), the Secretary of the Treasury shall withdraw an amount equal to 25 percent of the amounts deposited in the Fund is equal to $39,300,000, in accordance with the Federal Government's requirements under Public Law 87-724.
(1) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d)(1), the Secretary of the Treasury may only withdraw amounts deposited under subsection (b) to meet the requirements of Federal law or to provide payments under this Act.
(2) PAYMENTS TO TRIBE.—The Secretary of the Treasury shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe.
(a) IN GENERAL.—The Tribe shall, not later than 2 years after the date of enactment of this Act, prepare a plan for the use of the payments made to the Tribe under this Act.
(b) REQUIREMENTS FOR PLAN COMPONENTS.—The plan shall include the following programs and components:
(1) EDUCATIONAL FACILITIES.—The plan shall provide for an educational facility to be located on the Lower Brule Indian Reservation.
(2) COMPREHENSIVE INPATIENT AND OUTPATIENT HEALTH CARE FACILITIES.—The plan shall provide for a comprehensive inpatient and outpatient health care facility to provide essential services that the Secretary of Health and Human Services, in consultation with the individuals and entities referred to in subsection (a), determines to be necessary to cover the administrative expenses of the Fund.
(4) RECREATIONAL FACILITIES.—The plan shall provide for recreational facilities suitable for high-density recreation at Lake Sharpe and at Big Bend Dam and at other lower Brule Indian Reservation in South Dakota.
(5) OTHER PROJECTS AND PROGRAMS.—The plan shall provide for such other projects and programs as the Tribe determines to be appropriate.
SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CULTURAL PRESERVATION.
(a) PLAN.—The Tribe shall, not later than 2 years after the date of enactment of this Act, prepare a plan for the use of the payments made to the Tribe under this Act.
(b) PROVIDE PLANS FOR PROGRAM COMPONENTS.—The plan shall include: the following programs and components:
(1) EDUCATIONAL FACILITIES.—The plan shall provide for an educational facility to be located on the Lower Brule Indian Reservation.
(2) COMPREHENSIVE INPATIENT AND OUTPATIENT HEALTH CARE FACILITIES.—The plan shall provide for a comprehensive inpatient and outpatient health care facility to provide essential services that the Secretary of Health and Human Services, in consultation with the individuals and entities referred to in subsection (a), determines to be necessary; and
(8) UNAVAILABLE THROUGH FACILITIES OF THE INDIAN HEALTH SERVICE.—The plan shall provide for the construction, operation, and maintenance of a municipal, rural, and industrial water system for the Lower Brule Indian Reservation.
(4) RECREATIONAL FACILITIES.—The plan shall provide for recreational facilities suitable for high-density recreation at Lake Sharpe and at Big Bend Dam and at other lower Brule Indian Reservation in South Dakota.
(5) OTHER PROJECTS AND PROGRAMS.—The plan shall provide for such other projects and programs as the Tribe determines to be appropriate.
SEC. 6. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated such sums as may be necessary to carry out this Act, including such sums as may be necessary to cover the administrative expenses of the Fund.
SEC. 7. EFFECT OF PAYMENTS TO TRIBE.
(a) IN GENERAL.—No payment made to the Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—
(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or
(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.
(b) EXEMPTIONS; STATUTORY CONSTRUCTION.—
(1) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River Basin power rates.
(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed as diminishing or altering any treaty obligation of the United States.
SENSE OF HOUSE REGARDING IRAQ
Mr. THUNE. Mr. Speaker, I ask further unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 322), expressing the sense of the House that the United States should act to resolve the crisis with Iraq in a manner that addresses all of Iraq's compliance with United Nations Security Council resolutions regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction, and that peaceful and diplomatic efforts should be pursued, but that if such efforts fail, multilateral military action or unilateral United States military action should be taken; the amendment to the text that I have placed at the desk be considered as adopted; the resolution be considered as amended; and the amendment to the preamble that I have placed at the desk be considered as adopted.
The text of H. Res. 322, as amended, is as follows:
H. Res. 322
Whereas at the conclusion of the Gulf War the United States and the United Nations acting through the Security Council determined to find and destroy all of Iraq's capability to produce chemical, biological, and nuclear weapons and its ability to produce missiles capable of delivering such weapons of mass destruction; and
Whereas in pursuit of this goal, the United Nations set up a special multinational commission of experts to oversee the completion

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of this task (the United Nations Special Commission—UNSCOM), and that task could and should have accomplished within a matter of months if Iraq had cooperated with the United Nations officials;

Whereas sanctions were imposed upon Iraq to insure its compliance with United Nations directives to eliminate its capability to produce weapons of mass destruction, with the proviso that the sanctions would be lifted when UNSCOM certified that Iraq's capability to produce weapons of mass destruction had been eliminated;

Whereas for six and a half years Iraq has pursued a policy of deception, lies, concealment, harassment and intimidation in a deliberate effort to fool the mandate of UNSCOM in eliminating Iraq's ability to produce and deliver weapons of mass destruction; and

Whereas recently the government of Iraq has escalated its policy of non-compliance with United Nations Security Council resolutions by refusing to permit United States citizens who are recognized specialists from participating as members of UNSCOM teams in carrying out in Iraq actions to implement Security Council resolutions: Now, therefore, be it

Resolved, That it is the sense of the United States House of Representatives

(1) that the current crisis regarding Iraq should be resolved peacefully through diplomatic means but in a manner which assures full Iraqi compliance with United Nations Security Council resolutions, regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction;

(2) that in the event that military means are necessary, that Iraq's compliance with United Nations Security Council resolutions, such military action should be undertaken with the broadest feasible multinational support, preferably pursuant to a resolution of the United Nations Security Council;

(3) but that if it is necessary, the United States should take military action unilaterally to compel Iraqi compliance with United Nations Security Council resolutions.

Strike all after the resolved clause and insert the following:

That it is the sense of the House of Representatives that:

(1) the current crisis regarding Iraq should be resolved peacefully through diplomatic means but in a manner which assures full Iraqi compliance with United Nations Security Council resolutions, regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction;

(2) in the event that military means are necessary to compel Iraqi compliance with United Nations Security Council resolutions, such military action should be undertaken with the broadest feasible multinational support, preferably pursuant to a decision of the United Nations Security Council; and

(3) that the United States should take military action unilaterally to compel Iraqi compliance with United Nations Security Council resolutions.

Strike all that precedes the resolved clause and insert the following:

Whereas at the conclusion of the Gulf War the United States and the United Nations, acting through the Security Council, determined to find and destroy all of Iraq's capability to produce chemical, biological, and nuclear weapons and its ability to produce missiles capable of delivering such weapons of mass destruction;

Whereas in pursuit of this goal, the United Nations established a multinational commission of experts to oversee the completion of this task (the United Nations Special Commission—UNSCOM), and that task could and should have accomplished within a matter of months if Iraq had cooperated with United Nations officials;

Whereas sanctions were imposed upon Iraq to insure its compliance with United Nations directives to eliminate its capability to produce weapons of mass destruction; and

Whereas for 6 1/2 years Iraq has pursued a policy of deception, lies, concealment, harassment, and intimidation in a deliberate effort to conceal and disguise its capability to produce weapons of mass destruction; and

Whereas recently the Government of Iraq has escalated its policy of noncompliance and continues to breach in a material way United Nations Security Council resolutions by refusing to permit United States citizens who are recognized specialists as members of UNSCOM teams in carrying out in Iraq actions to implement Security Council resolutions: Now, therefore, be it

Resolved, That it is the sense of the United States House of Representatives

(1) that the current crisis regarding Iraq should be resolved peacefully through diplomatic means but in a manner which assures full Iraqi compliance with United Nations Security Council resolutions, regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction;

(2) in the event that military means are necessary, that Iraq's compliance with United Nations Security Council resolutions, such military action should be undertaken with the broadest feasible multinational support, preferably pursuant to a decision of the United Nations Security Council; and

(3) but that if it is necessary, the United States should take military action unilaterally to compel Iraqi compliance with United Nations Security Council resolutions.

The urgency for this legislation is apparent from press reports. For more permission for committee on banking and financial services to file report on H.R. 217 no later than December 19, 1997.

Mr. THUNE. Mr. Speaker, I ask further unanimous consent that the Committee on Banking and Financial Services be permitted to file a report on the bill H.R. 217 no later than December 19, 1997.

The SPEAKER pro tempore. Is there objection to the combined requests of the gentleman from South Dakota? There was no objection.

The SPEAKER pro tempore. The various motions to reconsider are laid on the table.
than a year, our Government has been in constant dialog with the Russian leadership regarding Russian assistance to the Iranian ballistic missile program. The meetings have been going on, more talks are scheduled, more summits held, yet the Iranian military continues to make rapid progress in developing long-range missiles with critically needed assistance from Russian firms. Unless something happens soon, according to press reports, Iran is likely to achieve the ability to develop ballistic missiles within less than 1 year.

It is now time for the Congress to say that enough is enough. We need to back up our rhetoric on nonproliferation with meaningful action. With this legislation, we will be giving Russian firms compelling reasons not to trade with Iran. The sanctions which this legislation threatens to impose will force those firms to choose between their short-term profits from dealing with Iran and potentially far more lucrative long-term economic relations with our own Nation.

To make certain that the President takes a careful look at this legislation, the amendment before us also adds to our Iranian sanctions measure the text of Senate Bill 610, the Chemical Weapons Convention Implementation Act of 1997, which passed the Senate unanimously earlier this year. Unlike the Chemical Weapons Convention itself, which is global in the sense that the implementing legislation is strongly supported all across the political spectrum, from the administration to Senators such as John Kyl and Jesse Helms who have led the fight against the Chemical Weapons Convention.

Mr. Speaker, in the 1980s the world stood by as Saddam Hussein built up the Iraqi arsenal of weapons of mass destruction. This bill will help make certain that Iran does not follow the same path. We have learned from experience that cloaking loopholes in our current laws, and help the Administration convince the Russian government to act decisively to crack down on their cash-strapped institutes and firms.

Equally important, with this legislation we will give those Russian institutes and firms compelling reasons not to trade with Iran. The sanctions this legislation threatens to impose will force those firms to choose between short-term profits from dealing with Iran and potentially far more lucrative long-range missile developments with critically needed assistance from Russian firms. Unless something happens soon, according to press reports, Iran is likely to achieve the ability to produce its own ballistic missiles within less than 1 year.

It is now time for the Congress to say that enough is enough. We need to back up our rhetoric on nonproliferation with meaningful action. With the adoption of this bill, we will close the loopholes in our existing sanctions laws, and help the Administration convince the Russian government to act decisively to crack down on their cash-strapped institutes and firms.

Now it is well-known that the Administration does not support this legislation. As is almost always the case, they would rather deal with proliferation to Iran through quiet diplomacy rather than through meaningful sanctions legislation.

To make certain that the President takes a careful look at this legislation, the amendment before us adds to our Iranian sanctions measure the text of Senate Bill 610, the “Chemical Weapons Convention Implementation Act of 1997”, which passed the Senate unanimously earlier this year. Unlike the Chemical Weapons Convention itself, which was very controversial in the Senate, the implementing legislation is strongly supported all across the political spectrum, from the Administration to Senators such as John Kyl and Jesse Helms, who led the fight against the Chemical Weapons Convention.

There is one technical point with regard to the text of S. 610—now title II of H.R. 2709—that Chairman Hyde of our Judiciary Committee has asked me make.

Section 603 of S. 610—which appears as section 273 of H.R. 2709—replaces the exceptions to the automatic stay in paragraphs (4) and (5) of 11 U.S.C. 362(b) with both a broader exemption for governmental units and explicit language embodying organizations exercising authority under the Chemical Weapons Convention. Although Members of this body were not involved in crafting this provision, we view it as important for the legislative history to emphasize that the new paragraph (4) relates only to enforcement of police and regulatory power—a term which cannot appropriately be given an expansive construction for purposes of interpreting the new Bankruptcy Code language. The automatic stay, for example, will continue to apply to the post-petition collection of pre-petition taxes because such collection efforts are not exercises of police and regulatory power within the meaning of new paragraph (4) of Bankruptcy Code section 362(b). The language of section 603 of S. 610—now section 273 of H.R. 2709—also explicitly excludes the enforcement of a money judgment—an exclusion designed to ensure that an exemption from the automatic stay cannot successfully be asserted for such an enforcement effort.

Because enactment of S. 610 is an Administration priority, and because it is something that we in the House will ultimately pass in any event, we have linked it to H.R. 2709 in hopes that the two measures can be enacted together.

Mr. Speaker, in the 1980s, the world stood by as Saddam Hussein built up his arsenal of weapons of mass destruction and the recent events in that country indicate that we have yet to identify and uncover a number of these weapons. We cannot afford to pay any less attention to Iran as it shows every indication that it is fully prepared to use its petrodollars to purchase weapons systems that will threaten its neighbors and endanger our forces throughout the Persian Gulf region.

Your support for this bill will help to ensure that Iran does not follow the example of its neighbor and become the next threat to international stability.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Flower (at the request of Mr. Armey) for today after 5:00 p.m. on account of official business.

Mr. Roemer (at the request of Mr. Gephardt) for today after 3:00 p.m. and the balance of the week on account of personal business.

Mr. Yates (at the request of Mr. Gephardt) for today after 5:00 p.m. on account of personal business.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred, as follows:

S. 1564. An act to provide redress for inadequate restitution of assets seized by the United States Government during World War
TRANSPORTATION AND INFRASTRUCTURE

5944. A letter from the Acting Director, Office of Personnel Management, transmitting a draft of proposed legislation to provide for the correction of retirement coverage errors under the United States Code; jointly to the Committees on Government Reform and Oversight and Ways and Means.

5945. A letter from the Deputy Administration, Health Care Financing Administration, transmitting the Administration’s final rule—Medicare Program; Changes in Provider Agreement Regulations Related to Federal Employees Health Benefits [BPD-748-F] (RIN: 0938-A030) received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS: Committee of Conference.

Conference report on H.R. 2267. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–405). Ordered to be printed.

Mr. GOSSE: Committee on Rules. House Resolution 330. Resolution waiving points of order against the conference report to accompany the bill (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, and for other purposes (Rept. 105–406). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. Berman, and Mr. Davis of Virginia):

H.R. 3037. A bill to clarify that unmarried children of Vietnamese reeduction camp inmates, who are refugees, have not been admitted for the purpose of self-determination, as the result of a traumatic injury sustained in the line of duty; to the Committee on the Judiciary.

H.R. 3038. A bill to clarify that unmarried children of Vietnamese reeduction camp inmates, who are refugees, have not been admitted for the purpose of self-determination, as the result of a traumatic injury sustained in the line of duty; to the Committee on the Judiciary.

H.R. 3039. A bill to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage with in Florida A&M University; to the Committee on Resources.

By Mr. STUMP (for himself, Mr. EVANS, Mr. QUINN, and Mr. FILER):

H.R. 3040. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to guarantee loans to provide multifamily transitional housing for homeless veterans, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. BARTON of Texas (for himself, Mr. BRADY, and Mr. HALL of Texas):

H.R. 3041. A bill to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas, by 16 acres; to the Committee on Resources.

By Mr. BOUCHER (for himself and Mr. CAMPBELL):

H.R. 3042. A bill to update and preserve balance in the Copyright Act for the 21st Century; to advance educational opportunities through distance learning; to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaties, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, Rules, and the Budget, for consideration of the bill by the Committee of Conference.

By Mr. CONYERS (for himself, Mrs. ROS-LEHTINEN, Mr. WATT of Pennsylvania, Mr. RAMSTAD, Mr. SAKTON, Mr. GILMAN, Mr. KINGSTON, Mr. QUINN, Mr. SMITH of New Jersey, and Mr. BACHUS):

H.R. 3043. A bill to provide for financial assistance for higher education to the dependents of Federal, State and local law enforcement officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty; to the Committee on the Judiciary.

By Mr. BONILLA:

H.R. 3044. A bill to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas, by 16 acres; to the Committee on Resources.

By Mr. BOUCHER (for himself and Mr. CAMPBELL):

H.R. 3045. A bill to update and preserve balance in the Copyright Act for the 21st Century; to advance educational opportunities through distance learning; to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaties, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, Rules, and the Budget, for consideration of the bill by the Committee of Conference.

By Mr. CONYERS (for himself, Mrs. MEek of Florida, Mr. DIAZ-BALART, Mr. ROSENTHAL, Mr. WATERS of North Carolina, Mr. HASTINGS of Florida, Ms. BROWN of Florida, and Ms. WATERS):

H.R. 3046. A bill to adjust the immigration status of certain Haitian nationals who were provided refugee in the United States; to the Committee on the Judiciary.
H.R. 3050. A bill to establish procedures and remedies for the prevention of fraudulent and deceptive practices in the solicitation of financial and other subscriptions, and for other purposes; to the Committee on Commerce.

By Ms. CUMMINGS (for himself and Mr. WYNN):

H.R. 3051. A bill to designate the Department of Veterans Affairs Medical Center located at 100 North Greene Street in Baltimore, Maryland, as the "Parren J. Mitchell Veterans Medical Center"; to the Committee on Veterans Affairs.

By Ms. ESHOO (for herself and Mr. PALLONE):

H.R. 3052. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods; to the Committee on Commerce.

By Mr. FATTAH (for himself, Mr. DAVIS of Illinois, Ms. JACKSON-LEE, Mr. THOMPSON, Mr. REYES, and Mr. BISHOP):

H.R. 3053. A bill to provide for the transition for new Members of the House of Representatives; to the Committee on House Oversight.

By Mr. GUTIERREZ (for himself, Mr. BECERRA, Mrs. MEEK of Florida, Mr. HINOJOSA, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. SANCHEZ, and Ms. DELAURA):

H.R. 3054. A bill to adjust the immigration status of certain nationals of El Salvador, Guatemala, and Haiti, to amend the Immigration and Nationality Act to eliminate the special rule relating to termination of the period of continuous physical presence for cancellation of removal, and for other purposes; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 3055. A bill to deem the activities of the Government of the Tamaulipas, Mexico, Reservation to be consistent with the purposes of the Everglades National Park, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker; in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL (for himself, Mr. SMITH of Georgia, Mr. PASCENKO, Mr. BANNISTER of Oklahoma):

H.R. 3056. A bill to provide for the preservation and sustainability of the family farm through the transfer of responsibility for operation of the Tule Lake and the Tule Lake Basin Wildlife Area; to the Committee on Resources.

H.R. 3057. A bill to authorize an exchange of lands among the Secretary of Agriculture, Secretary of the Interior, and the Big Sky Lumber Company; to the Committee on Resources.

By Ms. JACKSON-LEE (for herself, Mr. PALLONE, Mrs. MEEK of Florida, Mrs. TOWNS, Mr. MCCARTHY of Missouri, Mr. CRAMER, Ms. FURSE, Mrs. MINK of Hawaii, Mr. SANDLIN, Ms. MILLER-MCDONALD, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, Mr. WATSON, Mr. GORE, Mr. KILDEE, Ms. ROS-LEHTINEN, Ms. VELAZQUEZ, Mrs. CLAYTON, Mr. WEYGAND, Mr. HAMILTON, Mr. TIERNEY, Mr. ALLEN, Mr. DIABALART, Mr. RODRIGUEZ, Mr. REYES, Mr. HINOJOSA, Mr. LAMPSON, Mr. GEJ-DENSON, Mr. BROWN of California, Mr. MILLER, Mr. QUINN, Mr. CAMBELL, Mr. BRADY, Mr. GRANGER, Mr. PASCRELL, Mr. MENENDEZ, Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Pennsylvania, Mr. FOSHDAR, Mr. COSTELLO, Mr. ORTIZ, and Mr. POMEROY):

H.R. 3058. A bill to require the Secretary of Education to conduct a study and submit a report to the Congress on methods for identifying and treating children with dyslexia in the public schools; to the Committee on Education and the Workforce.

By Ms. JACkSON-LEE (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATSON, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mr. ROMERO-BARCEO, Mr. REYES, Mr. SANDLIN, Mr. LAMPSON, Mr. CUMMINGS, and Ms. MILLER-MCDONALD):

H.R. 3059. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty, to establish a commission to simplify the tax law, and to authorize the Internal Revenue Service to use alternative dispute resolution, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts (for himself, Mr. BARRETT of Wisconsin, Mr. CLAY, Mr. EVANS, Mr. F LNER, Mr. GUTIERREZ, Mr. HINCHY, Mr. OLVER, Mr. PALLONE, Mr. RUSH, Mr. SCHUMER, Mr. THOMPSON, Mr. TORRES, Mr. TOWNS, Ms. WATERS, and Mr. WATTS):

H.R. 3060. A bill to amend the Consumer Credit Protection Act to protect consumers from inadequate disclosures and certain abusive practices and transactions, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. KLINK (for himself and Mr. TRAFICANT):

H.R. 3061. A bill to prohibit the use of state cohort default data in the termination of student assistance eligibility for institutions of higher education; to the Committee on Education and the Workforce.

By Mr. KLINK (for himself, Mr. MCHAILE, Mr. ENGLISH of Pennsylvania, Mr. SCHUMER):

H.R. 3062. A bill to require the provision of information sufficient for homebuyers and homeowners to insure themselves against loss from subsidence resulting from underground coal or clay mines; to the Committee on Banking and Financial Services, and in addition to the Committee on Resources, 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. LARGENT (for himself and Mr. KASICH):

H.R. 3063. A bill to terminate the Internal Revenue Code of 1986, to the Committee on Ways and Means.

By Mr. LIPINSKI:

H.R. 3064. A bill to direct the Administrator of the Federal Aviation Administration to issue regulations to limit the number of pieces of carry-on baggage that a passenger may carry-on baggage per passenger; to the Committee on Transportation and Infrastructure.

By Ms. LOGREN:

H.R. 3065. A bill to direct the Administrator of the Environmental Protection Agency to design and implement a performance-based measurement system to encourage the development of new environmental monitoring technologies; to the Committee on Science, and in addition to the Committees on Commerce, 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 Mrs. MALONEY of New York:

H.R. 3066. A bill to amend the Truth in Lending Act to require before changing the annual percentage rate of interest applicable on any credit card account or before changing the index used to determine such rate, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. MALONEY of New York:

H.R. 3067. A bill to provide that Federal Reserve Banks be covered under the chapter 71 of title 3, United States Code, relating to labor-management relations; to the Committee on Government Reform and Oversight.

By Ms. MICKINNEY (for herself, Mr. CLYBURN, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON-SON, and Mrs. CLAYTON):

H.R. 3068. A bill to provide that a State may use a proportional voting system for the election of Congressmen in districts; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 3069. A bill to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council; to the Committee on Resources.

By Mr. PALLONE (for himself, Mr. BROWN of Ohio, Mr. ESSEO, and Ms. DELAURA):

H.R. 3070. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Oversight.

By Mr. PALLONE (for himself, Ms. JACKSON-LEE, Ms. MILLER-MCDONALD, Ms. NORTON, and Mr. PASCRELL):

H.R. 3071. A bill to amend title 23, United States Code, to provide for the enactment of State laws prohibiting children under 13 years of age from riding in the front seats of motor vehicles; to the Committee on Transportation and Infrastructure.

By Ms. PELOSI (for herself, Mr. GEPHART, Mrs. MCMINN of California, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BONIOR, Ms. DELAURA, Mr. ENGEL, Ms. ESSEO, Mr. FARR of California, Mr. FAZIO of California, Mr. FILNER, Mr. FOST, Mr. GUTIERREZ, Mr. HINCHY, Mr. LANTOS, Mr. MCDERMOTT, Mr. MCREYNOR, Mrs. MALONEY of New York, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Ms. MILLER-MCDONALD, Mr. MILLER of California, Mr. HAINA of Hawaii, Mr. PAYNE, Ms. SANCHEZ, Mr. TOWNS, Ms. WATERS, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, and Ms. JACK-SON-LEE):

H.R. 3072. A bill to amend title XIX of the Social Security Act and title XXVI of the Social Security Act and title XXVI of the Public Health Service Act with respect to treatments regarding infection with the virus commonly known as HIV; to the Committee on Commerce.

By Mr. RIGGS (for himself, Mr. BLIBRAY, Mr. CUNNINGHAM, Mr. FARR of California, Mr. FILNER, Ms. HARMAN, Ms. LOGREN, Ms. ROYBAL-AL- LARD, Mrs. TAUSCHER, Mr. HORN, Mr. LOBIONDO, Mr. MCDERMOTT, Mr. GILCHREST, Mr. KLUG, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Mr. COX of California, Mr. HASTINGS of Washington, Mr. DEFAZIO, Mr. SHERMAN, Ms. WOOLSEY, Mr. CAMP- BELL, Mr. BONO, and Mr. CONDIT):

H.R. 3073. A bill to prohibit certain oil and gas lease sales on portions of the President's Outer Continental Shelf, consistent with the President's Outer Continental Shelf moratorium statement of June 26, 1990; to the Committee on Resources.
of California, Mr. Filner, Ms. Harman, Ms. Lofgren, Ms. Roybal-Allard, Ms. Tauscher, Mr. Horn, Mr. LoBiondo, Mr. McDermott, Mr. Ganske, Mrs. Kihuen, Ms. McNamory of Hawaii, Mrs. Maloney of New York, Mr. Sherman, Ms. Woolsey, Mr. Campbell, Mr. Bono, and Mr. Sanford.

H.R. 3074. A bill to amend the Internal Revenue Code of 1986 to repeal estate, gift, and generation-skipping transfer taxes; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 3075. A bill to amend section 274 of the Immigration Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed; to the Committee on the Judiciary.

By Mr. SANDELIN:

H.R. 3076. A bill to amend the Internal Revenue Code of 1986 to repeal estate, gift, and generation-skipping transfer taxes; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 3077. A bill to amend title II of the Social Security Act to eliminate the provision that reduces primary insurance amounts for individuals receiving pensions from noncovered employment; to the Committee on Ways and Means.

By Mr. SANFORD:

H.R. 3078. A bill to provide for an accurate disclosure on individual pay checks of payments made under the Federal Insurance Contributions Act; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 3080. A bill to waive the determination of the President that Lebanon and Syria are not major drug-transit or major illicit drug producing countries under the Foreign Assistance Act of 1961, and for other purposes; to the Committee on International Relations.

By Mr. SCHUMER (for himself, Mr. Conyers, Ms. Morella, Mr. McCollum, Mr. Gephardt, Mr. Waxman, Mr. Cleaver, Mr. Nadler, Mr. Hinchey, Mr. Levin, Mr. Ford, Mr. Meehan, Mr. Durnlam, Mr. Engel, Mr. Lewis of Georgia, Mr. Lantos, Mr. Oliver, Mrs. Lowey, Mr. Romerobarcelo, Ms. Carson, Mr. Pallone, Mrs. kennelly of Connecticut, Mr. Filner, Mr. Reyes, Mr. Gutiérrez, Mr. Kaptur, Mr. Waltz of Florida, Mr. Owens, Mr. Payne, Mrs. Mink of Hawaii, Mr. Price of North Carolina, Ms. Roybal-allard, Ms. Woolsey, and Mrs. McCarthy of New York).

H.R. 3081. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary, 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. SMITH of Michigan (for himself, Mr. Porter, Mr. Campfield, Mr. Knollenberg, Mr. Houghton, and Mr. Sanford):

H.R. 3082. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide prospectively for personalized retirement security through personal savings retirement accounts to allow for more control by individuals over their Social Security retirement income, and to provide other reforms relating to benefits under such title II; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 3083. A bill to suspend temporarily the duty onGRILL TRIGR; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 3084. A bill to amend title 10, United States Code, to strengthen the limitations on participation of the Armed Forces in foreign airshows or trade exhibitions involving military displays; to the Committee on National Security.

By Ms. WOOLSEY:

H.R. 3085. A bill to amend the Higher Education Act of 1965 to authorize a program to provide grants to postsecondary education institutions for the purpose of creating partnerships between post-secondary institutions and elementary and secondary schools to instruct prospective teachers and classroom teachers; to the Committee on Education and the Workforce.

By Ms. WOOLSEY (for herself, Mr. Kilree, Mr. Miller of California, Mr. Martinez, Mr. Payne, Ms. Sanchez, and Mr. Clay):

H.R. 3086. A bill to amend the Child Nutrition Act of 1966 to expand the School Breakfast Program in elementary schools, and to provide greater access to snacks in school-based child care programs; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska:

H.R. 3087. A bill to require the Secretary of Agriculture to grant an easement to Chugach Alaska Corporation; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 3088. A bill to amend the Alaska Native Claims Settlement Act, regarding Huna Totem Corporation public interest land exchange, and for other purposes; to the Committee on Resources.

By Mr. LIVINGSTON:

H.J. Res. 106. A joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes; to the Committee on Appropriations.

By Mr. BELL:

H. Con. Res. 195. Concurrent resolution to correct the enrollment of the bill S. 830 considered under suspension of the rules and agreed to.

By Mr. SOLOMON (for himself, Mr. McHale, Mr. Gingrich, Mr. Army, Mr. Bunning of Kentucky, Mr. Buyer, Mr. Cox of California, Mr. Dreier, Mr. Gilchrest, Mr. Hastings of Washington, Mr. Inglis of South Carolina, Mr. Sam Johnson, Mr. Jones, Mr. Kasich, Mr. Kincaid, Mr. Lewis of North Carolina, Mr. Livingston, Mr. Metcalf, Mrs. Myrick, Mr. Packard, Ms. Ros-Lehtinen, Mr. Scarborough, Mr. Stump, Mr. Taylor of North Carolina, and Mr. Weldon of Pennsylvania):

H. Con. Res. 197. Concurrent resolution cabling for the resignation or removal from office of Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs; to the Committee on National Security.

By Mr. CASTLE:

H. Con. Res. 198. Concurrent resolution to correct a technical error in the enrollment of the bill S. 1026; to the Committee on House Oversight.

By Mr. BRADY (for himself and Mr. Traficant):

H. Con. Res. 199. Concurrent resolution expressing the sense of the Congress with respect to United States assistance or support for the investigation on capital punishment in the United States by the United Nations Human Rights Commission; to the Committee on International Relations, 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. OBEY (for himself, Mr. Boyd, Mr. Mantan, Mr. Frank of Massachusetts, Mr. Gibbons, Mr. Cooksey, Mr. Gekas, Mr. Johnson of Wisconsin, Mr. Romero-barcelo, Mr. Cramer, Mr. Reyes, Mr. Visclosky, Ms. Carson, Mr. Kind of Wisconsin, Mr. Gordon, Mr. Barrett of Wisconsin, Mr. McNulty, Ms. Sanchez, Mr. Bishop, Ms. Kapust, Mr. Frelinghuysen, and Mr. Bilirakis):

H. Con. Res. 200. Concurrent resolution expressing the sense of the Congress that a series of postage stamps should be issued in recognition of the recipients of the Congressional Medal of Honor; to the Committee on Government Reform and Oversight.

By Mr. SOLOMON:

H. Res. 325. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. SHAW:

H. Res. 327. A resolution providing for the consideration of the bill H.R. 867 and the Senate amendment thereto; considered and agreed to.

By Mr. FAZIO of California:

H. Res. 328. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. LAZIO of New York:

H. Res. 329. A resolution providing for the concurrent resolution by the House with an amendment to the Senate amendment to the House amendments to S. 562 considered under suspension of the rules and adopted.

By Mr. ARMY:

H. Res. 331. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. BLAUGO EVICH (for himself and Mr. Hamilton):

H. Res. 332. A resolution expressing concern for the plight of Assyrians in the Near East; to the Committee on International Relations.

By Mr. GEHPARDT (for himself, Mr. Engel, and Mr. Pasteur):

H. Res. 333. A resolution expressing the sense of Congress that the United States should support Italy’s inclusion as a permanent member of the United Nations Security Council if there is to be an expansion of this important international body; to the Committee on International Relations.

By Mr. SANDERS:

H. Res. 334. A resolution directing the Secretary of the Treasury to produce all factual information pertaining to the action taken by the Secretary of the Treasury and the United States Executive Directors at the international financial institutions to comply with the requirements of 3203 of the International Financial Institutions Act, relating to encouragement of fair labor practices; to the Committee on Banking and Financial Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

231. The SPEAKER presented a memorial of the House of Representatives of the State
of Illinois, relative to House Joint Resolution No. 12 urging the passage of federal legislation which extends the boundaries of the Illinois and Michigan Canal National Heritage Corridor from Harlem Avenue to Lake Michigan; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. Kennedy of Massachusetts.
H.R. 26: Mr. Brady.
H.R. 42: Mr. Hall of Texas.
H.R. 47: Mr. G. K. Butterfield.
H.R. 59: Mr. Campbell, Mr. Stenholm, Mr. Goode, Mr. Deal of Georgia, Mr. Bryant, and Mr. Smith of Michigan.
H.R. 80: Mr. Tauscher.
H.R. 135: Mr. Adam Smith of Washington.
H.R. 146: Mr. Hall of Texas.
H.R. 165: Mr. J. Jones.
H.R. 192: Mrs. Tauscher.
H.R. 251: Mr. Goodling.
H.R. 371: Mr. Watts of Oklahoma.
H.R. 372: Mr. Gejdenson, Mr. Thompson, and Mr. Payne.
H.R. 414: Mrs. Tauscher.
H.R. 543: Mr. Bishop.
H.R. 590: Mr. Luther.
H.R. 595: Mrs. DeLauro and Mr. Metcalf.
H.R. 612: Ms. Sanchez and Ms. Danner.
H.R. 616: Mr. Thompson.
H.R. 617: Mr. Clement.
H.R. 637: Mr. Pappas.
H.R. 705: Mr. Goode.
H.R. 738: Mrs. Lowey and Mr. Engel.
H.R. 746: Mr. Lipinski.
H.R. 758: Mr. Sununu.
H.R. 773: Mr. Gutierrez.
H.R. 815: Ms. McCarthy of Missouri.
H.R. 871: Mr. Coyne.
H.R. 900: Ms. Stabenow.
H.R. 902: Mr. Wamp, Mr. Jenkins, Mr. Tiahrt, and Mr. Geeka.
H.R. 915: Mr. Poshard.
H.R. 925: Ms. Hooley of Oregon and Mrs. Tauscher.
H.R. 983: Mr. Engel.
H.R. 1010: Mr. Pombo and Mr. CAMP.
H.R. 1036: Mr. Watts of Oklahoma.
H.R. 1054: Ms. Harman and Mr. Metcalf.
H.R. 1059: Mrs. Kelly.
H.R. 1070: Mr. Clyburn.
H.R. 1061: Mr. Wolff.
H.R. 1062: Mr. Kasich and Mr. Arney.
H.R. 1063: Mr. Duncan and Mr. Johnson of Wisconsin.
H.R. 1104: Mr. Meehan.
H.R. 1114: Mr. Pomerooy, Mr. Pallone, Mr. Moor of Kansas, and Mr. Mica.
H.R. 1127: Mr. Goss, Mr. McIntosh, Ms. Brown of Florida, Mr. Gilman, and Mr. Spratt.
H.R. 1132: Mr. Maloney of Connecticut.
H.R. 1151: Mr. Wolf.
H.R. 1173: Mr. Owens, Mr. Hinojosa, Mrs. Mink of Hawaii, and Mr. Weldon of Pennsylvania.
H.R. 1232: Mr. Maloney of Connecticut.
H.R. 1237: Mr. Stokes.
H.R. 1261: Mr. Barret of Nebraska and Mr. Moran of Kansas.
H.R. 1280: Mr. Ose.
H.R. 1283: Mr. Frelighuysen and Ms. Hooley of Oregon.
H.R. 1322: Mr. Neal of Massachusetts and Mr. Calvert.
H.R. 1334: Mr. Lewis of Georgia, Mr. Forbes, Mr. Ackerman, Ms. Waters, Mr. Conyers, Mr. Frank of Massachusetts, and Mr. Calvey.
H.R. 1356: Mr. Duncan.
H.R. 1375: Mrs. McCarthy of New York.
Mr. LEAHY. Mr. President, the Senate will soon recess until the beginning of this Congress’ second Session in January of 1998. That provides time to develop a thoughtful proposal on one of the most pressing environmental threats confronting the United States as a whole, and especially the Midwest and the Northeast: namely, the rivers of pollution that stream from the smokestacks of hundreds of old coal-fired powerplants, especially in the Midwest.

These powerplants are collectively the source of enormous amounts of air pollution. Mercury poisons lakes and streams, as well as the fish that swim in them. Oxides of nitrogen not only create groundlevel ozone that chokes almost every major America city, but are transformed into acids that contribute to both acid rain and fine particulate matter. Together with the fine particles formed by sulfur dioxide emissions, they contribute to tens of thousands of unnecessary deaths. Finally, carbon-rich coal adds to global warming, which has increased the temperatures of Earth’s air, oceans, and soils, while raising sea levels and triggering meltdowns of glaciers and ice caps. If you want to see the effects of this pollution, you need only to hike to the top of Camel’s Hump in the Green Mountains, or talk to the fishermen in Missisquoi Bay who catch fish contaminated with mercury, or measure the increasing acid deposition in pristine lakes within Vermont wilderness areas.

Mr. President, none of this is necessary and eliminating these problems need not trigger the sort of regional conflicts that characterized the sometimes bitter ten year struggle to enact a federal program to control acid rain. There are ways of burning coal so that it produces only a tiny fraction of the air pollution now being emitted by these powerplants. And, since virtually all of these powerplants are reaching the age at which significant investment is required to keep them on line, the nation has a unique and valuable opportunity to address the problem.

Steps should be taken not only to prevent further degradation of our environment, but also to ensure fairness in retail electricity competition. When Congress passed the Clean Air Act in

### 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 materials for insertion must be signed by the Member and delivered to the respective offices responsible for the Record in the House or Senate between the hours of 9 a.m. and 5 p.m., Monday through Friday (until the 10th day after adjournment). House Members should deliver statements to the Office of Floor Reporters (Room HT–60 of the Capitol) and Senate Members to the Office of Official Reporters of Debate (S–123 in the Capitol).

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.

Along with signed statements, House Members are requested, whenever possible, to submit revised statements or extensions of remarks and other materials related to House Floor debate on diskette in electronic form in ASCII, WordPerfect or MicroSoft Word format. Disks must be labeled with Members’ names and the filename on the disk. All disks will be returned to Member offices via inside mail.

Senators statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debate at “Record@Reporters”.

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.

By order of the Joint Committee on Printing.

JOHN WARNER, Chairman.
1970, many of the old, dirty power-plants that were expected to close down were granted exemptions to the strict air pollution control requirements that applied to new facilities. Yet, twenty years later, these old plants continue to operate and enjoy a substantial competitive economic advantage over electric generators with pollution control technology.

If ways can be found to assure that investments are made in clean technologies, pollution of almost every sort can be sharply reduced and, in likelihood, so can electricity rates. Contrary to the recent wave of doomsday advertising paid for by multi-million dollar electric utility companies, this can be done without jeopardizing our economy. Vermont has shown how jobs can be created through renewable energy and energy efficient technology.

It is clear, Mr. President, that these new technologies and the expertise in building and operating them, will be needed as soon as the new engines of the future, we can also be the first to build and export them.

The challenge, Mr. President, is to find a proper combination of measures. During the coming winter, I hope and intend to work with my colleagues and others to identify those measures.

AMENDING THE COMMUNICATIONS ACT OF 1934

Mr. MCCAIN. Mr. President, I would like to discuss a very important bill that I first introduced on October 31, 1997. The bill, S. 1334, which I cosponsored by Senators CAMPBELL, STEVENS, INOUYE, DASCHLE, and DORGAN, is an amendment to the Communications Act of 1934. The amendment enables the Federal Communications Commission (FCC) to designate common carriers over local exchange carriers or providers of commercial mobile radio services as set forth in section 332(c)(3) of the Communications Act. Nor will this bill have any effect on litigation that may be pending regarding jurisdictional issues between the States and federally recognized tribal governments.

I thank the Democratic leader for his clarification of this matter.

VETERANS DAY

Mr. ABRAHAM. Mr. President, I rise today in recognition of Veterans Day, that day on which all of us are called on to honor the sacrifices made for our country by those who serve in her armed forces and those who risked or gave their lives defending her.

It is only right, Mr. President, that we pay tribute to the brave men and women who put their country before themselves in time of danger. On the beaches of Normandy or in the jungles of Vietnam, in the South Pacific or the Persian Gulf, on the shores of Inchon or the deserts of North Africa, our soldiers and sailors have defended this country around the globe, in the face of bombs, bullets, disease and hunger. Nothing we can do can repay the debt we owe them. But we must note that debt, recognize it, and let our children know how great it is.

As we remember the brave young people who have defended our nation in time of war, we should not forget that many of them put their lives on the line for America even though they were born in a different land. These soldiers and sailors were not born in this country. But they loved her enough to risk their lives to protect her.

Over 60,000 active military personnel are immigrants to this country. More than 35 percent of recipients of our highest military declaration, the Congressional Medal of Honor, have been immigrants. And the most decorated combat team of World War II was a regiment made up of the sons of Japanese immigrants.

Many immigrants have made the ultimate sacrifice for our country. More than once I have told audiences the story of Nicolas Minue, a Polish born soldier who served the United States in World War II. I tell this story because of the inspiring bravery that is its subject, because of the pride it should evoke in every American, native or foreign born.

In Tunisia in 1943, private Minue's company was pinned down by enemy machine gunfire. According to the official report, "Private Minue voluntarily, alone, and unhesitatingly, with complete disregard of his own welfare, charged the enemy entrenched position with fixed bayonet. Private Minue assaulted the enemy under a withering machine-gun and rifle fire, killing approximately ten enemy machine gunners and riflemen before the completion of this position. Private Minue continued forward, routing enemy riflemen from dugout positions until he was fatally wounded. The courage, fearlessness and aggressiveness displayed by Private Minue in the face of imminent death was unquestionably the factor that gave his company the offensive spirit that was necessary for advancing and driving the enemy from the entire sector."

America remains free because she has been blessed with many American heroes, willing to give their lives in her defense. Nicolas Minue showed that not every American hero was born in America. Michigan, too, has her share of heroes. More than once, I have related the story of Francisco Vega, a citizen of my state who was born and raised in San Antonio, Texas, the son of Mexican immigrants. His father, Naba Lazaro and his mother, Maria Vega served in the American Army during World War I. I tell Mr. Vega's story because it, too, is one of inspiring bravery and love of country.

Mr. Vega volunteered for the Army in October 1942 and served during the Second World War. He fought for the Americans in five major battles in Europe, including the crucial landing at Omaha Beach in Normandy. He was awarded bronze stars for bravery in each of these five battles. Mr. Vega was discharged in December 1945 and came to Michigan, where he attended the University of Michigan in Ann Arbor and graduated from Aquinas College in Grand Rapids. He retired from his own cemetery business in 1993 and currently resides in Grand Rapids.

In Vietnam, also, immigrants served our nation and became heroes. For example, Alfred Rascon immigrated to the U.S. from Mexico. At age 20, while a lawful permanent resident, Mr. Rascon volunteered to serve in Vietnam. During a firefight he twice used his body to shield wounded soldiers. He was nearly killed dashing through heavy enemy fire to get desperately
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needed ammunition, but refused medical attention until the wounds of all the other soldiers in his unit were tended. Asked why he showed such courage even though he was not yet a U.S. citizen, Mr. Rascon replied “I was always an American in my heart.” So impressed was his bravery that fellow soldiers who witnessed his acts have urged that he receive the Medal of Honor.

I could tell many more such stories. But let these three suffice to show the courage and dedication of a man who gives his all to help keep our nation free and safe in a dangerous world. And we owe a continuing debt of gratitude to those who have won freedom for us in the past, and stand ready to win freedom for us again, if they must.

May we never forget our debt to the brave who have fallen and the brave who stand ready to fight.

I yield the floor.

RECOGNIZING JEAN FORD FOR HER CONTRIBUTIONS TO THE GREAT STATE OF NEVADA

Mr. REID. Mr. President, I rise today to pay tribute to a Nevadan whose dedication, foresight and work on behalf of women and minorities has profoundly changed the face of the Silver State. Jean Ford can be called a role model and an inspiration for generations to come, not only in Nevada but across our great Nation. Time and again she has given of herself to better the lives of those around her and she has done it with the long enduring in the history of Nevada.

Jean Ford has been a State legislator, an educator, a successful businesswoman and I am proud to say a true friend to me and my family. Over the years we worked together on a great many projects, and I have come to deeply admire Jean’s compassion for all people, and her devotion to protecting and preserving Nevada’s natural beauty.

I first met Jean Ford more than 25 years ago when she was elected to Nevada’s State Assembly. Jean quickly rose to become a driving force for women’s equality in Nevada, introducing the equal rights amendment, removing the legal barriers to schooling of immigrant and native born, who have won freedom for us in the past, and stand ready to win freedom for us again, if they must.

May we never forget our debt to the brave who have fallen and the brave who stand ready to fight.

I yield the floor.

JUDICIAL NOMINATIONS DURING THE FIRST SESSION

Mr. LEAHY. Mr. President, as we wrap up our business for the first year of the 105th Congress, I believe it is appropriate to take account of the Senate’s advice and consent on judicial nominations. As I have said many times this year in the Judiciary Committee and on the Senate floor, the Senate has failed to fulfill its constitutional responsibilities to the Federal judiciary.

In recent days, the Senate has quickened its painfully slow pace on reviewing and confirming judicial nominations. I have congratulated the Chairman of the Judiciary Committee for holding two judicial nominations hearings in September and October and for holding another hearing yesterday, which brings the total for the year to nine. But I must say, quarterly, bi-monthly and monthly—in June or August—have not been possible.

I ask all my colleagues to join with me today in recognizing a true pioneer for Nevada’s health, child care, the environment, equal rights, protecting our seniors and the list goes on. I also owe her a great deal of thanks for bringing to my attention the need for involvement by women at every level of the political spectrum. From the State legislature to the City Council, I believe that our political teeth, to this very body I stand before today. Diversity of opinion is the lifeblood that feeds democracy and I am grateful that people like Jean Ford helped break down the walls that once kept all but a privileged few out of the political realm.

For her work in opening these doors, Jean has been honored dozens of times by groups throughout Nevada, including being named “Outstanding Woman of the Year” by the Nevada Women’s Political Caucus and “Civil Libertarian of the year” by the ACLU. Jean’s legacy also encompasses several political organizations which she helped co-found including the National Women’s Political Caucus, the Nevada Elected Women’s Network. More recently, Jean has dedicated herself to helping future Nevadans through her work in the classroom. Since 1991, Jean has been an instructor at the University of Nevada—Reno, where she served as acting director of the Women’s Studies Program. She has also been an instructor of History and Political Science, and helped developed the Nevada Women’s archives through the University library system. It is only fitting that Jean is also the current State coordinator for the Nevada Women’s History Project.

But in spite of all that she has endeavored to create, the magnificent achievements that Jean Ford is truly overshadowed by the warmth and graciousness which she has exhibited through the many years that I have known her. I am sure if you could count them, her friends would number in the thousands, and her admirers and her numbers even more. That is the true testament to a life long list of accomplishments.

I ask all my colleagues to join with me today to recognize a true pioneer who changed her world for the better, one whose efforts have touched not only those who call Nevada home, but the hearts and minds of all who have had the pleasure and the honor to know my friend Jean Ford.

I yield the floor.
was reported unanimously by the Judiciary Committee and his confirmation should be expedited.

Michael P. McCuskey was likewise reported without a single objection by the Judiciary Committee for a vacancy that is certainly better than the 17 confirmed last year. It is better than the total of only 9 who had been confirmed before September this year. But in a time period in which we have experienced 121 vacancies on the Federal courts, the Senate has proceeded to confirm judges at an annual rate of only three per month. And that does not begin to consider the natural attrition that will lead to more vacancies over the next several months.

I write to the President of the United States for helping. Not only has the President sent us almost 80 nominees this year but he devoted a national radio address to reminding the Senate of its constitutional responsibility to consider and confirm qualified nominees to the Federal bench. When he spoke, the American people, and maybe even the Senate, listened. Since word that he would be speaking out on this issue reached Capitol Hill, the pace has picked up a bit.

Unfortunately, the final report on this session of Congress is that the Senate did not make progress on the judicial vacancy crisis. In fact, there are more vacancies in the Federal judiciary today than when the Senate adjourned last year. At the snail’s pace that the Senate has proceeded with judicial nominations this year, we are not even keeping up with attrition. Congress adjourned last year, there were 64 vacancies on the Federal bench. In the last 11 months, another 57 vacancies have occurred. Thus, after the confirmation of 36 judges in 11 months, there has been a net increase of 16 vacancies, an increase of more than one-third in the number of current Federal judicial vacancies.

Judicial vacancies have been increasing, not decreasing, over the course of this year and therein lies the vacancy crisis, which the Chief Justice of the United States Supreme Court has called the rising number of vacancies “the most immediate problem we face in the judiciary.”

The Senate still has pending before it 11 nominees who were first nominated during the last Congress, including five who have been pending since 1995. While I am delighted that we are moving more promptly with respect to some of this year’s nominees, I remain concerned about the other vacancies and other nominees.

There remains no excuse for the Senate’s delay in considering the nominations of such outstanding individuals as Professor William A. Fletcher, Judge James A. Beatty, Jr., Judge Richard A. Paez, M. Margaret McKeown, Susan Oki Mollway, Margaret M. M. Grammon, Ann L. Alken, Annabelle Rodriguez, Michael D. Schattman and Hilda G. Tagle, all of whom have been pending since the last Congress. All of these nominees have been waiting at least 18 months and some more than 2 years for Senate action.

Most of these outstanding nominees have been waiting all year for a hearing. Professor Fletcher and Ms. Mollway had both been favorably reported last year. Judge Paez had a hearing last year but has been passed over so far this year. Judge Paez, Professor Fletcher, and Ms. McKeown are all nominees for judicial emergency vacancies on the Ninth Circuit, as well.

Next week the Judiciary Committee will proceed without delay to consider these nominations, as well as the nominations of Clarence Sundram and Judge Sonia Sotomayor, who have participated in hearings but are still bottled up in the Judiciary Committee.

We should be moving promptly to fill the vacancies plaguing the Federal courts. Thirty-five confirmations in a year in which we have witnessed 121 vacancies is not fulfilling the Senate’s constitutional responsibility.

At the end of Senator Hatch’s first year chairing the Committee, 1995, the Senate adjourned having confirmed 58 judicial nominations. In the last year of the Bush Presidency, a Democratic majority in the Senate proceeded to confirm 66 judges.

Unfortunately, this year there has been a concerted campaign of intimidation that threatens the very independence and integrity of our judiciary. We have witnessed an ideological and political attack on the judiciary by some, both outside and within Congress. Earlier this fall the Republican Majority Whip in the House and the Majority Leader in the Senate talked openly about seeking to “intimidate” the Federal judiciary. It is one thing to criticize the reasoning of an opinion, the result in a case, or to introduce legislation to change the law. It is quite another matter to undercut the separation of powers and the independence of the Federal judiciary to insulate the judiciary from politics. Independent judicial review has been an important check on the political branches of our Federal Government that have served us so well for over 200 years.

I want to commend all those who have spoken out against this extremist and destructive rhetoric.

I also thank my Democratic colleagues for their patience this year. No Democrat has delayed or placed a “hold” on a single judicial nominee for a single day, all year. It is the normal course in the Senate when one Senator sees the recommendations of other Senators of the other party moving through to confirmation while his or her nominees are being held back, to place such a hold. This year we resisted.

I have urged those who have been stalling the consideration of the President’s judicial nominations to reconsider and to work with us to have the Judiciary Committee and the Senate fulfill its constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand they are delaying the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges. The mounting backlogs of civil and criminal cases in the dozens of emergency districts, in particular, are growing more critical by the day.

I hope that when we return in January, there will be a realization by those in this body who have started down this destructive path of attacking the judiciary and stalling the consideration of qualified nominees to the Federal bench that those efforts do not serve the national interest or the American people. I hope that we can once again remove these important matters from partisan and ideological politics.

PRESIDENT’S LINE ITEM VETO OF THE OPEN SEASON FOR CIVIL SERVICE RETIREMENT SYSTEM EMPLOYEES IN THE TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

Mr. STEVENS. Mr. President, last year the Congress enacted, and the President signed into law, the Line Item Veto Act—Public Law 104-130. This act delegated specific authority to the President to cancel in whole any dollar amount of discretionary budget authority identified by Congress, new direct spending, and limited tax benefits as the chairman of the Governmental Affairs Committee at that time, I was chairman of the conference committee and one of the principal authors of the act. Another principal author was the Senator from New Mexico, my good friend and chairman of the Senate Budget Committee. We are here on the floor today to say that the President exceeded the authority delegated to him when he attempted to use the Line Item Veto Act to cancel section 642 of the Treasury and General Government Appropriations Act of 1998, which is Public Law 105-61.

Section 642 of that law would allow a six month open season for employees currently under the Civil Service Retirement System (CSRS) to switch to the Federal Employee Retirement System (FERS). The last such open season was in 1988.

On October 16 President Clinton sent a special message to Congress in which he claimed to have canceled section 642 at the request of the administration and to have done so with the concurrence of the Senate. On November 13, 1997, the President rescinded the Line Item Veto, and it was announced that Congress would be given "another opportunity to act on both legislation and administration proposals."
amount of discretionary budget authority, any item of new direct spending, or any limited tax benefit if the President determines that such cancellation will reduce the Federal budget deficit, not impair any essential governmental activity, and not harm the national interest. A cancellation must be made and Congress must be notified by special message within five calendar days of the date of enactment of the law providing the dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit that was canceled.

The President’s special message number 97–56 on the Treasury and General Government Appropriations Act of 1998 states that the President is canceling $854 million in discretionary budget authority provided by section 642. The President arrives at this figure by estimating the dollar amount that employee contributions to the CSRS and FERS would be reduced as a result of Federal employment suspension. Specifically, for FERS, the authority provided for in section 642 of the Line Item Veto Act is the Line Item Veto Act. Therefore those funds could not be reallocated to that section. For CSRS, the authority provided for in section 642 of the Line Item Veto Act is the provision in Table 3–4 showing the Government Appropriations Act of 1998 for that explanation.

In closing, I would like to take this opportunity to clarify further how the Line Item Veto Act operates. Section 1021(a)(3)(B) of the Budget Act—the section of the Line Item Veto Act that provides the cancellation authority—makes it clear that the authority is provided only if it results in the cancelation of a dollar amount of discretionary budget authority that is provided in the just-signed law before the President. Under the specific terms and definitions provided in the Line Item Veto Act, the President cannot cancel a dollar amount of discretionary budget authority provided in some other law that is not the one before the President.

Unfortunately for the President, this administration has long had a special interest in preventing the President from using the Line Item Veto Act to cancel provisions that benefit employees in the Federal government. The President’s advisors seem to have overlooked that employee contributions to retirement accounts are considered governmental receipts, and not offsetting receipts, so they do not meet the definition of budget authority.

Mr. STEVENS. The senator from New Mexico is making my point exactly. The President’s advisors cannot change the definition of budget authority to permit him to reach this provision. As a senior member of the Appropriations Committee I was particularly concerned with the precise nature of the authority delegated to the President, and worked very hard along with my staff to ensure that the definitions were clean and unambiguous. That is why the detailed definition in section 1026 of the Budget Act, as added by the Line Item Veto Act, which incorporates the long established definition of budget authority in section 3 of the Budget Act. Is it the Senator from New Mexico for that explanation.

Mr. DOMENICI. I agree with my colleague from Alaska. Congress added the Line Item Veto Act as Part C of title X of the Congressional Budget and Impoundment Control Act of 1974, which is more commonly referred to as the Line Item Veto Act. In contrast, the definition of “cancel” with respect to new direct spending, which also results in the expenditure of budget authority, is to prevent the specific provision of law or legal obligation from “having legal force or effect.” This definition recognizes that provisions of law that in the past have required the President to cancel at that time—say for example a provision of law that simply increases the amount an individual will receive at a future date under an existing benefit program provided in a law years before the President’s approval—is not to cancel before the expiration of the fiscal year or at a future date, or which result in a future increase in expenditures from budget authority provided elsewhere. If the President wishes to remove the legal force or effect of a general provision of law that applies to budget authority provided in a law other than the appropriations law the provision is in, he may only do so if that provision is new direct spending under the Line Item Veto Act.
when compared to the present budget baseline. As explained above, the President's wish to the contrary notwithstanding, it does not result in a dollar amount of discretionary budget authority. Thus, the President has exceeded his authority in violating the terms of the statute, and I would urge the Justice Department to concede that the cancellation of section 642 was outside the authority provided by the statute.

Mr. DOMENICI. I concur in the Senator's analysis and recommendation. The Line Item Veto Act is a carefully crafted delegation of authority. The President undermines that delegation when he attempts to reach outside the clear limits of that Act.

Mr. STEVENS. I thank the Senator from New Mexico for joining me in this colloquy, and I yield the floor.

STATUS OF OCEAN SHIPPING REFORM AND OECD SHIPBUILDING AGREEMENT LEGISLATION

Mr. LOTT. Mr. President, I rise today to address the status of the Ocean Shipping bill and the implementation of the OECD Shipbuilding Agreement in the Senate. These are very important bills which are badly needed to reform America's maritime industry.

A number of my Senate colleagues joined me in working very hard this year. In a bipartisan way, to get these two bills done. The legislation and amendments reflected a balance among the concerns of all affected parties. However, I must report that a few Senators have held up each bill. This minority of Senators wants more than most of us believe is do-able. Given the waning hours of this session, the Senate will not be able to consider and pass either of these bills this year. I am deeply disappointed.

Mr. President, maritime issues are very important to me. I grew up in the port town of Pascagoula. I still live there. My father worked in the shipyard. I have spent my entire adult life working on maritime issues. So I am very concerned by the Senate's inaction on these two pieces of legislation.

The Ocean Shipping Act is D.I.W.—"dead in the water," at least for this year. The incremental Shipping Act reforms have been stopped because some want to inject new issues into the legislation. Those deliberations could be resolved at the labor-management negotiating table. Issues not directly related to making America's container ships more competitive in the international marketplace.

Mr. President, the bill's sponsors have made it clear on several occasions that we are not trying to undo or inject the Senate into the collective-bargaining process for port labor agreements. These concerns can and should be addressed in a fair and even-handed manner at the bargaining table.

Despite my efforts to work through this issue this past weekend, some Senators on the other side of the aisle have chosen to stop the Ocean Shipping Reform bill. Mr. President, the Ocean Shipping Reform bill is necessary. Mr. President, the Ocean Shipping Reform bill helps U.S. exporters in this nation compete with their foreign competitors.

Without Ocean Shipping Reform, the Senate keeps 50 states D.I.W. for a small organized group.

Mr. President, the Ocean Shipping Reform bill helps America's container ships and exporters.

When we take up this bill early next year, each Senator will be asked to choose between helping the thousands of workers in his or her State or harming them.

Mr. President, the second piece of important maritime legislation I would like to see passed is the implementation of the OECD Shipbuilding Agreement, signed nearly 3 years ago. This legislation is disappointing to report, is also D.I.W.

Senators on two committees worked very hard this session, in a bipartisan manner, to address the legitimate concerns of our nation's largest shipyards. U.S. participation in this agreement is essential. The bill must be based on the firm understanding that the Jones Act and national security requirements regarding vessel construction will not be restricted by other countries. What America desires is a level playing field, without compromising our national security interests.

I believe that S. 1216, with the Lott-Breaux amendment, addresses these principles in a good faith effort to resolve the issues identified by Representative BATEMAN. I would not support any legislation that didn't respect these principles.

Let me be clear. I am a Jones Act supporter, period. And I believe the amendment protects the integrity of the Jones Act.

But once again, a few Senators have stopped this vital legislation in mid-ocean. Another D.I.W. bill.

This minority of Senators wants to include additional exceptions to the OECD Agreement's limitations on commercial vessel construction subsidies and credits. I am concerned that this attempt will scuttle the entire Agreement. This is counter-productive. This would force U.S. shipbuilders back into a subsidized shipbuilding market that they cannot afford to win. This small minority of Senators are not just stopping this legislation in mid-ocean, but scuttling it—sinking it. And I believe that, no matter how well-meaning they may be, they will eventually jeopardize the very U.S. commercial shipbuilding industry they are trying to protect. Our commercial shipbuilding industry needs a worldwide, level playing field. We need it now.

Mr. President, it is time for these few Senators to set aside narrow regional and partisan interests and take up an oar and start rowing with the rest of the Senate. The Senate needs to get the Ocean Shipping and OECD bills moving. I intend to put these bills to a Senate vote early next year.

In the meantime, the Senate has left two vital pieces of maritime legislation stranded in the middle of the ocean, for lack of a vote. D.I.W. dead in the water. This is not good for America's maritime world. This is not good for America.

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 13, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that House had passed the following bills, each without amendment:

S. 1378. An act to extend the authorization of use of official mail in the location and recovery of missing children, and for other purposes.


S. 1519. An act 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.

The message also announced that the House has agreed to the following concurrent resolutions, each without amendment:

S. Con. Res. 61. Concurrent resolution authorizing printing of a revised edition of the publication entitled "Our Flag and Consequences".


The message further announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 2709. An act to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.


The message also announced that the Senate has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1079. An act to permit the mineral leasing of Indian land located within the Fort
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President pro tempore [Mr. Thurmond].

Messages from the House

At 12:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate of the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

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 of the Senate to the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes.

Enrolled Bills and Joint Resolutions

The message further announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 699. An act to provide for the acquisition of the Depot at the Jimmy Carter National Historic Site.

S. 714. An act to amend title 38, United States Code, to revise, extend, and improve programs for veterans.

S. 923. An act to amend title 38, United States Code, to prohibit interment or memorialization in certain cemeteries of persons commingled with State capital crimes.

S. 1231. An act to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.

S. 1238. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

S. 1347. An act to permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city.

H. R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code.

H. R. 1090. An act to amend title 38, United States Code, to allow revision of benefits decisions based on clear and unmistakeable error.

H. R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

H. R. 2366. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

H. R. 2381. An act to waive time 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 Corpman in the Persian Gulf.

H. J. Res. 91. Joint resolution granting the consent of Congress to the Appalachia-Chattahoochee-Flint River Basin Compact.


The enrolled bills and joint resolutions were signed subsequently by the President pro tempore [Mr. Thurmond].

At 3:05 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the bills, each without amendment:

S. 1226. An act to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

S. 1354. An act to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

S. 1417. An act to provide for the design, construction, equipping of the Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes.

S. 1565. An act to make technical and conforming amendments to the Library of Congress and the Library Services Act, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3025. An act to amend the Federal charter for Group Hospitalization and Medical Services, Inc., and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 1658) to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 3031. An act to amend the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customs user fees, to allow the use of such fees to provide for customs inspection personnel in connection with the arrival of passengers in Florida, and for other purposes.

H. R. 3037. An act to clarify that unmarried children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 738. An act to reform the status relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the amendments of the House to the bill (S. 562) to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage, with an amendment, in which it requests the concurrence of the Senate.

Measures Referred

The following bill, previously referred from the House, was referred to the Senate for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H. R. 112. An act to provide for the conveyance of certain property in the United States to Stanislaus County, California, to the Committee on Commerce, Science, and Transportation.

H. R. 484. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local governments of certain surplus property for use in support of fire and rescue purpose; to the Committee on Governmental Affairs.
H.R. 434. An act to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the Springers. No further action taken; to the Committee on Energy and Natural Resources.

H.R. 764. An act to make technical corrections in title 24, United States Code, and for other purposes; to the Committee on the Judiciary.

H.R. 849. An act to prohibit an alien who is not lawfully present in the United States from receiving assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Banking and Financial Services.

H.R. 1129. An act to establish a program to provide assistance for programs of credit and other assistance for microenterprises in developing countries, and for other purposes; to the Committee on Foreign Relations.

H.R. 1502. An act to designate the United States Courthouse located at 301 West Main Street in Benton, Illinois, as the "James L. Foreman United States Courthouse"; to the Committee on Governmental Affairs.

H.R. 2232. An act to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, security by the United States Constitution, have been deprived by final actions for Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising jurisdiction in actions where no State law 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; to the Committee on the Judiciary.

H.R. 1805. An act to amend the Auburn Indian Restoration Act to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and for other purposes; to the Committee on Indian Affairs.

H.R. 1839. An act to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and restored vehicles; to the Committee on Commerce, Science, and Transportation.

H.R. 2322. An act to provide for increased international broadcasting activities to China; to the Committee on Foreign Relations.

H.R. 2402. An act to make technical and clarifying amendments to improve the management of water-related facilities in the Western United States; to the Committee on Energy and Natural Resources.

H.R. 2440. An act to make technical amendments to section 10 of title 9, United States Code; to the Committee on the Judiciary.

H.R. 2464. An act to amend the Immigration and Nationality Act to exempt internees for later than the age of sixteen years or younger from the immunization requirement in section 212(a)(1)(A)(ii) of such Act; to the Committee on the Judiciary.

H.R. 2534. An act to reform, extend, and reestablish agricultural research, extension, and education programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3037. An act to prohibit an alien who is not lawfully present in the United States from receiving assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on the Judiciary.

H.R. 3038. An act to amend title 11, United States Code, to prohibit interment or memorialization in certain cemeteries of persons committing Federal or State capital crimes.

H.R. 3238. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

S. 689. An act to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

S. 714. An act to amend title 38, United States Code, to revise, extend, and improve programs for veterans.

S. 823. An act to amend title 38, United States Code, to prohibit interment or memorialization in certain cemeteries of persons committing Federal or State capital crimes.

S. 1231. An act to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.

S. 1238. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

S. 1347: A bill for the relief of Sylvester Flis.

S. 1526. A bill to authorize an exchange of property with the Republic of the Philippines.

S. 1530. A bill to designate the city of Minneapolis, Minnesota, as the "Robert S. Woodruff United States Courthouse." No further action taken; to the Committee on the Judiciary.

S. 1712: A bill to authorize an exchange of property with the Republic of Mozambique.

S. 1717. A bill for the relief of William W. Johnson.

S. 1746. A bill to designate the United States Courthouse located in Portland, Oregon, as the "Henry M. Jackson United States Courthouse." No further action taken; to the Committee on the Judiciary.

S. 1869. A bill to authorize an exchange of property with the Republic of the Philippines.


S. 2020. A bill to designate the city of Indianapolis, Indiana, as the "William Henry Harrison United States Courthouse." No further action taken; to the Committee on the Judiciary.

H. Con. Res. 172. Concurrent Resolution expressing the sense of Congress concerning the situation in Kenya; to the Committee on Foreign Relations.

H. Con. Res. 139. Concurrent Resolution expressing the sense of Congress that the United States Government should fully participate in EXPO 2000 in the year 2000, in Hannover, Germany, and should encourage the academic community and the private sector in the United States to support this worthwhile undertaking; to the Committee on Foreign Relations.

The following measures were read and referred as indicated:

H. Con. Res. 130. Concurrent Resolution expressing the sense of Congress concerning the situation in Kenya; to the Committee on Foreign Relations.

H. Con. Res. 172. Concurrent Resolution expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia, and for other purposes; to the Committee on Foreign Relations.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 2709. An act to impose certain sanctions on foreign persons who transfer items contributing to Iran’s efforts to acquire, develop, or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

ENROLLED BILLS PRESENTED

The Secretary of the State reported that on November 13, 1997 he had presented to the President of the United States, the following enrolled bills:

S. 689. An act to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

S. 714. An act to amend title 38, United States Code, to revise, extend, and improve programs for veterans.

S. 823. An act to amend title 38, United States Code, to prohibit interment or memorialization in certain cemeteries of persons committing Federal or State capital crimes.

S. 1231. An act to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.

S. 1238. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

S. 1347: A bill for the relief of Sylvester Flis.

S. 1526. An act to authorize an exchange of property with the Republic of the Philippines.

S. 1530. A bill to designate the United States Courthouse located in Portland, Oregon, as the "Henry M. Jackson United States Courthouse." No further action taken; to the Committee on the Judiciary.

S. 1712: A bill to authorize an exchange of property with the Republic of Mozambique.

S. 1717. A bill for the relief of William W. Johnson.

S. 1746. A bill to designate the United States Courthouse located in Portland, Oregon, as the "William Henry Harrison United States Courthouse." No further action taken; to the Committee on the Judiciary.


S. 2020. A bill to designate the city of Indianapolis, Indiana, as the "William Henry Harrison United States Courthouse." No further action taken; to the Committee on the Judiciary.

The following executive reports of committees were submitted:

By Mr. BURNS, from the Committee on Armed Services:

William J. Lynn, III, of the District of Columbia, to be Under Secretary of Defense (Comptroller).

The above nomination was reported with the recommendation that he be confirmed, subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

The following measures were read and referred as indicated:

By Mr. THURMOND, from the Committee on the Judiciary:

Barry G. Silverman, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

Carlos R. Moreno, of California, to be United States District Judge for the Central District of California.

Richard W. Story, of Georgia, to be United States District Judge for the Northern District of Georgia.

Christine O.C. Miller, of the District of Columbia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years. (Reappointment)

Robert S. Warshaw, of New York, to be Associate Director for National Drug Control Policy.

The above nominations were reported with the recommendation 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. BURNS:

S. 1289: A bill to authorize an exchange of land between the Secretary of Agriculture and Secretary of the Interior and the Big Sai...
Central American Relief Act; considered and passed.

By Mr. THURMOND:
S. 1568. A bill to amend the Soldiers’ and Sailors’ Civil Relief Act of 1940 to protect the voting rights of military personnel, and for other purposes; considered and passed.

By Mr. BACHUS:
S. 1567. A bill to suspend until January 1, 2001, the duty on 2,6- Dimethyl-m-Dioxan-4-ol Acetate; to the Committee on Finance.

By Mr. BIDEN:
S. 1568. A bill to provide for the rescheduling of flumizoram into schedule I of the Controlled Substances Act, and for other purposes; to the Committee on the Judiciary.

By Mr. LOTT:
S.J. Res. 39. A joint resolution to provide for the convening of the second session of the One Hundred Fifth Congress; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:
S. Res. 156. A resolution authorizing the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders to make certain appointments after the sine die adjournment of the present session; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):
S. Res. 157. A resolution tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

S. Res. 158. A resolution tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

S. Res. 159. A resolution to commend the exemplary leadership of the Democratic Leader; considered and agreed to.

By Mr. DASCHLE:
S. Res. 160. A resolution to commend the exemplary leadership of the Majority Leader; considered and agreed to.

By Mr. LOTT:
S. Res. 161. A resolution to amend Senate Resolution 48; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):
S. Res. 162. A resolution to authorize testimony and representation of Senate employees in United States v. Blackley; considered and agreed to.

By Mr. MOYNIHAN (for himself, Mr. D’AMATO, Mr. WELLSTONE, Mr. LEVIN, Mr. DODD, Mr. TORRICELLI, Mr. REED, Mr. DURBIN, Ms. MIKULSKI, and Mr. KENNEDY):
S. Res. 163. A resolution expressing the sense of the Senate on the 100th anniversary of the birth of Dorothy Day and designating the week of November 8, 1997, through November 14, 1997, as “National Week of Recognition for Dorothy Day and Those Whom She Served” considered and agreed to.

By Mr. LOTT:
S. Con. Res. 68. A concurrent resolution to adjourn the Senate at the first session of the One Hundred Fifth Congress; considered and agreed to.

By Mr. JEFFORDS:
S. Con. Res. 69. A concurrent resolution to correct a technical error in the enrollment of the bill S. 830; considered and agreed to.

By Mr. D’AMATO:
S. Con. Res. 70. A concurrent resolution to correct a technical error in the enrollment of the bill S. 1026; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:
S. 1526. A bill to authorize an exchange of lands between the Secretary of Agriculture and Secretary of the Interior and the Big Sky Lumber Co.; to the Committee on Energy and Natural Resources.

THE GALLATIN LAND CONSOLIDATION ACT OF 1997

Mr. BURNS. Madam President, I am introducing draft legislation to complete the third phase of the Gallatin Land Consolidation Act. As Congress winds down to the final hours of this session it has become increasingly important to show Montanans that we are committed to completing this act.

In Montana there are many folks who have small problems with the details of the proposed agreement between Big Sky Lumber and the U.S. Forest Service. Also at stake are the exceptional natural resources of the Taylors Fork lands. Those lands are privately owned and face an uncertain future. By showing the private landowners that Congress is, in fact, committed to completing this exchange, the environmental value of Taylors Fork will be preserved.

Taylors Fork is a migration corridor for wildlife which leave Yellowstone National Park for winter range in Montana. With legislation I am committed to preserving Taylors Fork as close to a natural state as possible.

I am confident that by working together, the Montana congressional delegation will be able to resolve the outstanding land use issues in the Bridger-Bangtail area. I also believe we can resolve the concerns of the timber small business set-aside.

This bill is a placeholder. There are many details that need to be included. The deadline for ensuring the Taylors Fork lands remain included in the agreement is December 31 of this year. My intent with this bill is to satisfy the deadline to preserve our option on Taylors Fork and to provide a forum for Montanans to begin to comment on the details of the package. I look forward to moving ahead with Senator HANCOCK and Senator RIVETT, and completing the original act of 1993 in the next session of Congress.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. WYDEN, Mrs. FLEINSTEIN, and Mr. TORRICELLI):
S. 1529. A bill to enhance Federal enforcement of hate crimes and other purposes; for other purposes; to the Committee on the Judiciary.

THE HATE CRIMES PREVENTION ACT OF 1998

Mr. KENNEDY. Mr. President, it is a privilege to join Senator SPECTER and Senator WYDEN in introducing the Hate Crimes Prevention Act of 1998. Last Monday, President Clinton convened a historic White House Conference on Hate Crimes. This conference brought together community leaders, law enforcement officials, religious and academic leaders, parents, and victims for a national dialogue on how to reduce hate violence in our society.

I commend President Clinton for his leadership on this important issue. Few crimes tear at the fabric of society more than hate crimes. They injure the immediate victims, but they also injure the entire community—and sometimes the entire nation is entirely appropriate to use the full power of the federal government to punish them.

This bill is the product of careful consultation with the Department of Justice, constitutional scholars, law enforcement officials, and many organizations with a long and distinguished history of involvement in combating hate crimes, including the Anti-Defamation League, the National Organization for Women Leaders, the Human Rights Campaign, the National Coalition Against Domestic Violence, and the American Psychological Association. President Clinton strongly supports the bill, and we look forward to working closely with the administration to ensure its passage.

Hate crimes are on the rise throughout America. The Federal Bureau of Investigation documented 8,000 hate crimes in 1995, a 33-percent increase over 1994. The 8,000 documented hate crimes actually underestimate the true number of hate crimes, because reporting is voluntary and not all law enforcement agencies report such crimes.

The National Asian Pacific American Legal Consortium recently released its 1997 Audit of anti-Asian violence. Their report documented a 17-percent increase in hate crimes against Asian-Americans. The National Gay and Lesbian Task Force documented a 6-percent increase in hate crimes against gay, lesbian, and bisexual citizens in 1996. Eighty-two percent of hate crimes based on religion in 1995 were anti-Semitic.

Gender motivated violence occurs at alarming rates. The Leadership Conference on Civil Rights recently issued a report on hate crimes which correctly noted that “society is beginning to realize that many assaults against women are not ‘random’ acts of violence but are actually bias-related crimes.”

The rising incidence of hate crimes is simply intolerable. Yet, our current Federal laws are inadequate to deal with this violent bigotry. The Justice Department is forced to fight the battle against hate crimes with one hand tied behind its back.

There are two principal gaps in existing law that prevent federal prosecutors from adequately responding to hate crimes. First, the principal federal hate crimes law, 18 United States Code 245, contains anachronistic and onerous jurisdictional requirements that frequently make it impossible for
federal officials to prosecute flagrant acts of racial or religious violence. Second, federal hate crimes law does not cover gay bashing, gender-motivated violence, or hate crimes against the disabled.

Our bill closes these gaps in existing law, and gives prosecutors the tools they need to fight bigots who seek to divide the nation through violence. Our bill expands the federal government’s ability to address hate violence by removing the unnecessary jurisdictional requirements from existing law. In addition, the bill gives federal prosecutors new authority to prosecute violence against women, against the disabled, and against the elderly.

The bill also provides additional resources to hire the necessary law enforcement personnel to assist in the investigation and prosecution of hate crimes. The bill also provides additional sentencing enhancements for adults who recruit juveniles to commit hate crimes. In addition, the bill gives federal prosecutors the authority to prosecute flagrant violations of hate crime laws.

The Hate Crimes Penalty Enhancement Act was enacted in 1994 by a 92–4 vote in the Senate. The Hate Crimes Statistics Act has been a bipartisan issue in the Senate. The bill we are introducing today is modeled after the Church Arson Prevention Act, the bipartisan bill enacted by the Senate unanimously last year in response to the epidemic of church arson crimes.

By Mr. HATCH:

S. 1530. A bill to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and to establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans; and for other purposes.

The Placing Restraints on Tobacco’s Endangerment of Children and Teens Act

Mr. HATCH. Mr. President, perhaps the most important legacy this Congress can leave for future generations is implementation of a strong plan to curb tobacco use, and especially its use by children and teens.

Quite simply, something needs to be done to get tobacco out of the hands of children—or perhaps more accurately, out of the lungs and mouths of children.

The numbers of children who smoke cigarettes and use other tobacco products such as snuff and chewing tobacco are truly alarming. And these numbers are on the rise.

According to the Centers for Disease Control and Prevention, most youths who take up tobacco products begin between the ages of 13 and 15. It is astounding to find that 1 in 6 of children have tried smoking by age 16.

Again according to the CDC, nearly 6,000 kids a day try their first cigarette, and 3,000 of them will continue to smoke. One-thousand of them will die from smoking.

At the Judiciary Committee’s October 29 hearing, Dr. Frank Chaloupka, a renowned researcher who has spent the last decade studying the effect of pricing and policies on tobacco use, told us that, “there is an alarming upward trend in youth cigarette smoking over the past several years. Between 1993 and 1996, for example, the number of high school seniors who smoke grew by 14%, the number of tenth grade smokers rose by 23%, and the number of eighth grade smokers increased 26%.”

During the time between the issuance of the first Surgeon General’s report in 1964 and 1990, the number of kids smoking was on the decline. Unfortunately, at that time, the number of children who try tobacco products started to rise.

Nearly all first use of tobacco occurs before high school graduation, which suggests to me that if that first use can be prevented, we can wean future generations off these harmful tobacco products.

We also know that adolescents with lower levels of school achievement, those with friends who use tobacco, and children with lower self-images are more likely to use tobacco. Experts have found no proven correlation between socio-economic status and smoking.

An element that is compelling to me is the future generation. As Chairman of the Judiciary Committee, I am the fact that tobacco use is associated with alcohol and illicit drug use and is generally the first substance used by young people who enter a sequence of drug use.

Public health experts have found a number of factors associated with youth smoking. Among them are: the availability of cigarettes; the widespread perception that tobacco use is the norm; peer and sibling attitudes; and lack of parental support.

Unfortunately, what many young people fail to appreciate is that cigarette smoking at an early age causes significant health problems during childhood and adolescence, and increased risk factors for adult health problems as well.

Smoking reduces the rate of lung growth and maximum lung functioning. Young smokers are less likely to be fit. In fact, the more and the longer they smoke, the less healthy they are. Adolescent smokers are more likely to have overall diminished health, not to mention shortness of breath, coughing and wheezing.

The Health Effects of Smoking

We all know that tobacco is unhealthy. Just how unhealthy is hard to imagine.

According to a 1988 Surgeon General’s report, the nicotine in tobacco is an addictive drug.

Cigarette smoking is the leading cause of premature death and disease in the United States.
Each year, smoking kills more Americans than alcohol, heroin, crack, automobile and airplane accidents, homicides, suicides, and AIDS—combined. Cigarettes also have a huge impact on fire fatalities in the United States. In 1992, 50,000 fire deaths resulted from most 22% of all residential fires resulting in over 1,000 deaths and over 3,200 injuries.

And, Mr. President, too many Americans smoke.

According to the CDC, one-quarter of the adult population—almost 50 million persons—regularly smoke cigarettes.

In my home state of Utah, there are 30,000 youth smokers, grades 7-12, and 163,000 adult smokers. The Utah Department of Health has found that over 90% of current adult Utah smokers began smoking before age 18; 60% started before age 16. And I would note that it is not legal to smoke in Utah until age 19.

And, so, it has been established that tobacco products are harmful, that children continue to use them despite that fact, and that cigarettes can provide the gateway through which our youth pass to even more harmful behaviors such aspackaged tobacco use.

Curing Tobacco Use

How can we reverse these trends? Many in the Congress have heeded the public health community’s advice that increases in the price of tobacco products is the most important way that youth tobacco use can be curbed.

According to testimony that Dr. Chaloupa presented to us, for each 10% increase in price, there is corresponding overall reduction in youth cigarette consumption of about 13%. For adult smoking, Dr. Chaloupa has found, a 10% price increase only corresponds to a 4% decrease in smoking.

As Dr. Chaloupa relates, there are several factors which cause teenagers to be more responsive to cigarette prices, including: their lack of disposable income; the effect of peer pressure; the tendency of youth to deny the influence of the family in developing unhealthy smokers.

Important thing about a price increase is not that it keep smokers from buying cigarettes, it is that it can help keep people from starting to smoke. If we can help keep a teen from smoking, we can keep a teen from smoking, we cannot do. The important thing to note is that there is an exponential increase in risk based on when you start smoking. The earlier you start, the worse it is for your health.

Kids who smoke start out smoking less and then build up. After a few years, they are pack a day smokers. The national average for smokers is 19 cigarettes a day, one fewer than a pack.

Much has been debated about the effect of advertising on smoking. The plain fact is that kids prefer to smoke the most advertised brands. One study indicates that 85% of kids smoke the top three advertised brands, where

as only about a third of adults smoke those brands.

We also know that children are three times more affected by advertising expenditures than adults (in terms of brand preference). Research is unclear in terms of whether or not the Counter-Advertising Campaigns, the Compromise, and the Constitution’s First Amendment freedom of speech protections.

In fact, we also need to take advantage of the power that media hold over youth, and undertake counter-advertising on tobacco products. Public health experts advise me that there is good evidence that counter-advertising has a measurable and positive effect on youth smoking. However, as Dr. Chaloupa presented to us, for each 10% price increase in price, there is corresponding overall reduction in youth cigarette consumption of about 13%.

Restrictions on youth access are also an important aspect of the no-teen-smoking equation. While there is not a body of knowledge on this issue, it is important to note that Florida has an aggressive policy on enforcement of laws against youth smoking, and they now have a success rate of 10% for youths who try to buy tobacco products illegally vs. a 50% national average.

An equally important factor is the influence of the family in developing an atmosphere in which kids don’t want to smoke. That is something we will never be able to legislate, any more than we can legislate against teen pregnancy. However, we can help families develop the skills and have the information they need to create as favorable a no-tobacco climate as possible in their homes.

For example, we know that the more directed information kids receive, the less likely they are to smoke. We also know that kids are very attuned to hypocrical messages. For example, if a school has a no-smoking policy, but the teachers smoke, that can have a very detrimental effect.

Work by the State Attorneys General

Against that backdrop, a very courageous cadre of State Attorneys General began filing suits against the tobacco industry. Our contributors to this effort, the five major tobacco companies.

As proposed by the 40 State Attorneys General on June 20, 1997, this global tobacco settlement would require participating tobacco companies to pay $368.5 billion (not including attorneys’ fees) over a 25-year period, the major of which will go to fund a major new national anti-tobacco initiative. Part of the money would also be used to establish an industry fund that would be used to pay damage claims and treatment and health costs to smokers.

During negotiations on the June 20 proposal, parties agreed there would be significant new restrictions on tobacco advertising. It would be banned outright on billboards, in store promotions and displays, and over the Internet. Use of the human images, such as the Marlboro Man, and cartoon characters, such as Joe Camel, would be prohibited. The tobacco companies would also be barred from sponsoring sports events or selling or distributing clothing that bears the corporate logo or trademark. The sale of cigarettes from
vending machines would be banned, and self service displays would be restricted. Cigarette and other tobacco packages must carry strong warning labels concerning the ill effects of cigarettes (such as, its use causes cancer) that cover 25% of the packages. The tobacco companies would have to pay for the anti-tobacco advertising campaigns.

Parties to the agreement would consent to the FDA’s jurisdiction over nicotine and would have the authority to reduce nicotine levels over time. The FDA, however, could not eliminate nicotine from cigarettes before 2009. Furthermore, as part of the settlement, tobacco companies would have to demonstrate a 30 percent decline of aggregate cigarette and smokeless tobacco use by minors within 5 years, a 50 percent reduction within 7 years, and a 60 percent reduction within 10 years. Cigarette and other tobacco products would be banned. Nevertheless, claimants would be assessed against the tobacco companies up to $2 billion a year.

In return, future class-action lawsuits involving tobacco company liability would be settled. This would include the lawsuits brought by 40 States and Puerto Rico seeking to recover Medicaid funds spent treating smokers. Also settled would be one State class action against industry and 16 others seeking certification of class action. These class actions, therefore, would be settled, unless they are reduced to final judgment prior to the enactment of legislation implementing the agreement. Claimants who opt out of existing class actions would be permitted to sue for compensatory damages individually, but the total annual award would be capped at $5 billion. These amounts would be paid from the industry fund. In return for a payment (to be used as part of the industry fund) of $2.46 billion, all existing class actions would be banned. Nevertheless, claimants could seek punitive damages for conduct taking place after the settlement is adopted and implementing legislation is passed.

This is an overview of the settlement, as explained to the Judiciary Committee at our June 26 hearing.

Even a cursory examination of the settlement presents Congress with a clear question: should we seize the opportunity to undertake a new national war on tobacco by implementing certain liability reforms in exchange for enhanced FDA regulation, substantial industry payments, and, in short, what will pass through such a legislative undertaking?

JUDICIARY COMMITTEE CONSIDERATION

Our Committee has examined this in great detail, during four hearings.

At our second hearing, in July, we heard testimony from two constitutional law experts, who advised the Committee on the constitutionality of the settlement, including its advertising provisions. That testimony was extremely valuable in both reassuring me that legislation could be written which would pass constitutional muster, and in guiding me on how an appropriate legislative framework should be crafted.

But as important as the legal issues are, we must never lose sight of the fact that this proposed settlement must be a public health document, a public health statement, a commitment on the part of our country. At our Committee hearing, we heard additional testimony from public health experts about the proposed settlement.

I recall with great clarity a very vivid statement made by Dr. Lonnie Bristow, the immediate past president of the American Medical Association and the only physician to participate in the global settlement discussions, who said this settlement has the potential to produce greater public health benefits than the polio vaccine.

In apprising the Committee about the enormous potential of the public health provisions contained in the settlement, Dr. Bristow recommended that our public health agenda with respect to smoking be guided by three ultimate objectives: significantly reducing the number of children who start smoking, second, reducing the number of existing smokers who will die from their addiction; and third, making the industry pay for the damage it has done.

Dr. Bristow also addressed the fundamental question of who will benefit from the proposed settlement, relating that the American Cancer Society has estimated one million children will be saved from premature death if certain key provisions of the settlement are implemented. These include enforcement of proof-of-age laws, requiring point-of-purchase sales, mandatory licensing of retailers, dramatic restrictions on advertising, and stronger warning labels.

And so, it appears to me that the elements are there for development of a new national tobacco policy which will make unprecedented gains in public health. The question is whether this is the time that Congress must make the tough decisions, with all the attendant political implications, in order to codify the settlement and move us toward a substantial new commitment to improving public health.

Three years ago, on the 30th anniversary of the first Surgeon General’s Advisory Committee on Smoking and Health report, I received a letter from seven past Surgeon Generals of the United States, representing the Administration plus Eisenhower through Bush. In that letter, the Surgeon Generals said:

While the scientific evidence is overwhelming and indisputable, significant policy changes in how this product is manufactured, sold, distributed, labeled, advertised and promoted have been slow in coming. There has been little federal leadership for policy changes for the last 30 years. It seems incomprehensible in the public health community that this nation’s single most preventable cause of death is also its least regulated.

That report stated:

As past Surgeon General of the United States we have had great hopes that a day would come before the year 2000 when we will achieve the goal of a smoke-free society. However, it is very clear from the past 30 years that such a goal will not be achieved unless there is federal leadership and a commitment to change that hampers its goal of the health and welfare of the American public.

And now the question before this body is whether we are willing to accelerate our efforts and rise up to the challenge offered us by the Surgeons General.

If ever there were to be such a time, it is now.

I believe that the June 20 proposal offers us the solid basis for such a national initiative.

I think it behooves the Congress to seize upon that initiative, to improve it where we can without jeopardizing any of its basic components, and to pass legislation immediately upon our return in January.

That task will not be easy. Since the settlement has provisions that span the jurisdiction of more than half the Senate committees, it will be a monumental procedural undertaking.

Nevertheless, after my considerable study of this issue, I have concluded it is in the national interest to pass the 2009 settlement, and I intend to do everything I can to move us toward the public health goals it offers.

INTRODUCTION OF THE PROTECT ACT

Accordingly, I am today introducing legislation I have drafted as a discussion vehicle and which I hope will engage the public debate we need on all the fine points of this massive issue so that we are ready to move legislation upon our return.

I expect this bill to be a ‘‘lightening rod,’’ a draft work product which can be refined over the next 2 months.

The proposed global tobacco settlement is incredibly complex. Drafting this legislation has required 101 decisions, many of them interrelated.

I am willing, indeed eager, to work with interested parties to refine this legislation as it moves forward. What I am not willing to do, however, is further delay action on what could be the most important opportunity to advance public health in decades.

I have entitled the legislation I introduce today the ‘‘PROTECT’’ Act, or ‘‘Placing Restraints on Tobacco’s Endangerment of Children and Teens Act.’’

I consider this to be a ‘‘settlement plus’’ bill. It retains and, indeed, strengthens the major provisions of the settlement; but, it does so in a carefully balanced way which I believe will not only pass constitutional muster but also could be enacted.

Let me be clear about what this bill is.

I consider this to be a discussion draft, a vehicle for the dialogue we must have about this important issue during the next 2 months when Congress is not in session and when we are able to consult with our constituents back home.

At the outset, let me say that I have aimed for a consensus document, a
piece of legislation which bridges the divide over contentious issues in a way that is legislatively viable.

Because it starts with this as a goal, I am painfully aware that this bill will totally please no one. Interest groups, by their very definition, advocate a particular position. Enactment of a tobacco settlement bill will require us to meld many of those positions, to develop a consensus around the center.

As a consensus document put out for discussion purposes, it is my intention that the PROTECT Act would be a useful departure point for future, productive discussions.

I am also cognizant of the anti-tobacco groups’ interest in seeing a piece of legislation that does its utmost to discourage tobacco use.

I would like to do that as well.

That is my primary goal.

I say that not only as a Senator who represents a State which has the lowest smoking rates in the country, not only as a member of a Church which condemns the use of tobacco, but also as a Senator who has devoted the majority of his career to the public health.

Yet, many anti-tobacco groups may be disappointed because this bill is not as stringent as they would like. But I urge those who might believe this to keep an open mind. I think they will find that, in many cases, my bill is more stringent than the AG’s proposal.

I would urge them to keep in mind our primary goal of helping future generations of children. The only way to do that is to approve legislation, which necessitates legislation which is approvable. That is my goal—to get a good bill enacted. A bill that is “perfect” from the point of view of one side or the other cannot be enacted; it must be a consensus.

For that reason, the bill must also contain the legal reform provisions put forward by our colleagues, the attorneys general. Those liability provisions were agreed to not only the industry, but also by the representatives of 40 states, by the public health community, and some members of the plaintiff’s bar.

We should not fool ourselves into believing that such a massive anti-tobacco policy as is embodied in either the AG’s proposal or the PROTECT Act can be enacted absent the liability provisions agreed to in June.

Yes, I know it will have the pressure on for as anti-tobacco bill as we can. But if we are to enact this bill next year, which is my goal, we must be realistic. There are very few legislative days left, believe it or not.

GENERAL DESCRIPTION OF PROTECT ACT

Accordingly, I have drafted my bill as a global tobacco settlement, which mirrors in many ways the key components of the proposal put before us on June 20.

Unlike other bills introduced thus far this session, it is a comprehensive bill.

It contains all of the elements of the June 20 document, embodying the critical balance among the punitive, the preventive, and the realistic. It combines strong penalties on the tobacco industry with strict regulation of tobacco products by the FDA, implementation of a major national anti-to-bacco, anti-addiction campaign, and defined liability protections for the tobacco industry.

The PROTECT Act requires substantial industry payments to fund state and federal public health activities, contains restrictions on tobacco advertising aimed at youth, and provides continuing liability reform for the industry through a strong “look-back” provision.

In addition, the PROTECT Act improves on the state attorneys general June 20 settlement, in a number of key areas:

First, industry payments over 25 years will total $398.3 billion. Of those payments, $95 billion will represent the punitive damages for the tobacco industry’s past reprehensible conduct. These funds are directed toward a National Institutes of Health Trust Fund for biomedical research, similar to the legislation drafted by our colleagues Senator Conner Mack and Senator Tom Harkin.

Second, I have inserted a strong provision to preclude youth access to tobacco products, sponsored by our colleague Senator Gordon Smith. Since the States have a substantial role in enforcing the laws precluding youth smoking, their receipt of the public health funds contained in this bill contingent upon enforcement of those youth anti-tobacco provisions.

Third, to address a concern expressed by members on both sides of the aisle, as well as the President, this bill provides transitional assistance to farmers modeled after the legislation introduced by Agriculture Committee Chairman Dick Lugar, combined with educational assistance for retraining. It is a recognition that tobacco was taken from the “LEAF” Act, drafted by Senators McConnell, Ford, Faircloth, and Helms. There is much to commend both of these bills, and I look forward to working with proponents of each to refine further these provisions as the legislation moves forward.

Fourth, a National Institutes of Health [NIH] Trust Fund is established with funds paid by tobacco companies for the settlement of punitive damages for the tobacco industry’s past reprehensible conduct. Tobacco-related research would be administered through a block grant program.

Fifth, my legislation contains a substantial new funding to preclude youth access to tobacco products as their own class and unapproved drugs. However, the bill provides the FDA with substantial new authority over tobacco products, in-cluding the authority to control their composition through reductions or eliminations of all constituents. Unlike the AG agreement, though, which gives FDA the authority to ban tobacco products after 12 years, my proposal allows the Secretary to make that recommendation in any year, but it cannot be implemented unless approved by Congress.

Eight, the “look-back” surcharge on tobacco manufacturers has been significantly strengthened with penalties more than doubled and the cap on payments removed. The Secretary may also all or part of a penalty, totally at her discretion.

Ninth, after funding is provided for a limited program on tobacco-related asbestos liability, transitional agricultural assistance, and the new Indian health program, my bill divides the remaining funding in half. Fifty percent will be provided to the Federal Government for our new war on tobacco addiction and tobacco use. Fifty percent will be provided to the States for anti-to-bacco programs.

These funds will be provided to each state by a formula agreed upon by the Attorneys General Allocation Subcommittee on September 16. My bill does not treat these payments to the states as Medicaid recoveries per se, and indeed, my bill waives the Medicaid prepayment provision. However, for purposes of use of these State funds, the States will be able to retain that portion of the funds which would have
been attributable to their Medicaid matching rate, and use those funds with absolutely no restrictions. The portion of the funds which would have represented the Federal share under Medicaid, generally the larger share, must be used for certain anti-tobacco public health purposes delineated in the bill. I want to take the opportunity today to discuss many of these areas in more detail.

**NATIONAL TOBACCO SETTLEMENT TRUST FUND**

The bill establishes a Trust Fund—termed the “National Tobacco Settlement Trust Fund.” This is the apparatus that takes the inflow of proceeds made by the participating tobacco manufacturers and makes payments to the states and various federal health programs.

Here is how the fund works: The participating manufacturers must deposit $363 billion in the Trust Fund. Of this amount, $303 billion reflects settlement for compensatory damages and $60 billion for the settlement of punitive damages for bad acts of the tobacco industry. The settlement payments are being made over a 25 year base period.

These amounts are deposited into two separate accounts for use to pay back the states for Medicaid expenditures and a federal account to fund health and tobacco anti-cessation programs. A detailed expenditure table is provided in the bill which earmarks where the payments are being made.

These payments represent a licensing fee, of which $10 billion is paid “up front” to the Trust Fund by the participating tobacco manufacturers and the remainder will be paid in annual amounts stipulated in the bill. The bill thereafter sets the base amount licensing fee that the participating manufacturers must pay to the Trust Fund for the 25 year base period. The bill also provides for penalties and the possible loss of the civil liability protections of the Act if the participating manufacturers default on payments.

The U.S. Attorney General shall administer the Trust and the Secretaries of Treasury and Health and Human Services shall be co-trustees. To ensure that each participant of the tobacco settlement has a fair say, an advisory board is created to advise the Trustees in the administration of the Trust Fund. The board is to be appointed by the House and Senate majority and minority leadership, and one member each representing the state attorneys general, the tobacco industry, the health industry, and the Castano plaintiffs’ class.

**NATIONAL TOBACCO PROTOCOL**

The bill establishes a Protocol—in essence a binding contract among the federal government, the States, the participating tobacco manufacturers, and the Castano private class. The primary purpose of the Protocol is to effectuate the consent decrees, which terminate the underlying tobacco suits. To receive the civil liability protections of the bill, the participating manufacturers must sign the Protocol. This works as a powerful incentive for the participating members of the tobacco industry to abide by the restrictions contained in the protocol.

Because these restrictions raise serious First Amendment concerns, and to avoid years of litigation that would surely tie up the implementation of the bill, we have placed these restrictions in the Protocol contract provision. More specifically, here is how the Protocol works.

To be eligible for liability protection, each participating tobacco manufacturer must sign the Protocol and thus contractually agree to the provisions restricting their tobacco advertising.

The Protocol will also bind the manufacturer’s distributors and retailers to agree to the restrictions by requiring that in any distribution or sales contract distributors agree to the restrictions will become material terms. If a tobacco manufacturer, or one of his distributors or retailers, violates any provision contained in the Protocol, liability protection for the manufacturer and its distributors and retailers on advertising include prohibitions on outdoor advertising, in the use of human and cartoon figures, on advertising in the Internet, on point of sale advertising, and in sporting events. Advertising is also subject to brand name, types of media, and FDA restrictions.

As stated, the restrictions were placed in the Protocol because current statutory restrictions on tobacco advertising contained in a FDA final rule, and in other regulations, raise serious constitutional questions. It remains unclear whether such statutory restrictions violate the First Amendment’s guarantee of freedom of speech. And this doubt invites years of litigation to determine whether or not the statutory restrictions are constitutional.

Rather than open the door to endless litigation, which could delay the implementation of the restrictions for years and at a cost, and might be material terms, to the Protocol contract.

Because the Protocol is a binding and enforceable contractual agreement between the interested parties, a challenge to the constitutionality of the restrictions is avoided. This, I believe, weighs in the most effective approach in dealing with tobacco advertising restrictions.

As a type of commercial speech, tobacco advertising is entitled to some, but not full, First Amendment protection. The law provides that commercial speech which is misleading, or that makes an illegal product or service, and unlike fully protected speech, may be banned if it is unfair or deceptive. Even when it advertises a legal product and is not unfair or deceptive, the government may regulate commercial speech more than it may regulate fully protected speech. This is the case of tobacco advertising.

In May 1996, in *Liquornort, Inc. v. Roberts Broadcasting*, the Supreme Court increased the protection that the Supreme Court in its Central Hudson test guarantees to commercial speech by making clear that a total prohibition on the “dissemination of truthful, nonleading commercial messages for reasons unrelated to the preservation of a fair bargaining process” will be subject to a stricter test than regulation designed to “protect consumers from misleading, deceptive, or aggressive sales practices.”

This case may evidence a trend on the part of the Supreme Court’s part to increase the First Amendment protection accorded commercial speech. If this trend continues, a court is more likely to find that restrictions on tobacco advertising are a legal product—subject to stricter scrutiny than the traditional antifraud type commercial free speech cases, particularly when the tobacco advertising is truthful and nondeceptive.

The Protocol also contains a provision establishing an arbitration panel to determine the federal legal fees for the tobacco settlement and caps such awards to 5 percent of the amounts annually paid to the Trust Fund, any remainder to be paid the next fiscal year. The attorney general fees are to be paid by the manufacturers and are not to be counted against the Trust Fund fees and deposits. Finally, the Protocol may be enforced by the Attorney General, the State attorneys general, and the private signatories in the applicable courts.

**THE CONSENT DECREES**

The primary purpose of this section is to settle existing claims against the participating tobacco manufacturers. Once signed by the parties (federal and state governments, the Castano class private litigants, and the participating tobacco manufacturers) as an enforceable contract, the consent decree becomes effective on the date of the bill’s enactment and allows for three important things: (1) a state receives Settlement Trust funding; (2) a manufacturer receives liability protection; and (3) the Castano claims are settled.

The consent decrees require the parties to agree to various restrictions, including restrictions on tobacco advertising, and on trade associations and lobbying, the disclosure of tobacco smoke constituents and nontobacco ingredients in tobacco products, the disclosure of important health documents, the dismissals of the various underlying tobacco suits, requirements for warning labels and other packaging regulations, the disclosure of tobacco advertising, and payments for the benefit of the States, the private litigants, and the general public.
Pursuant to the consent decrees, the parties waive their right to bring constitutional claims. It also provides that the provisions are severable. The Attorney General must approve the consent decrees, and a state may bring an action to enforce provisions contained in the bill if appropriate. Civil Liability Provisions

In exchange for payments and other concessions, of which I already spoke, the tobacco manufacturers will gain certain benefits from the bill. I believe these benefits which have given the tobacco companies the incentive to come forward and participate in the negotiations which were necessary to resolve the massive litigation surrounding tobacco use. Keep in mind that these benefits only apply to those tobacco manufacturers who voluntarily enter into the Protocol and consent decrees. There are several aspects to this section of the bill:

1. First, all actions which are currently pending against the manufacturers will be dismissed. Those actions include actions by states or local governments, class actions, or actions based on addiction to tobacco or dependency on tobacco. The tobacco companies will be immediately released from any actions in the future. I want to emphasize that personal injury claims will still be viable. An individual will still be able to make claims directly against tobacco companies after the enactment of the bill.

2. Second, the primary benefit which the tobacco companies will receive under this bill is relief from liability for punitive damages. This relief only applies to punitive damages for actions which the tobacco companies took prior to this bill’s enactment. If, at some future date, the tobacco companies take some action or commit some wrong that would subject them to punitive damages, this bill will not relieve them of liability.

3. Third, this bill makes the participating manufacturers jointly and severally liable for damages arising out of claims by individuals. Of course, manufacturers who do not voluntarily consent to the terms of the protocol and consent decree will be treated separately and lawsuits involving both types of tobacco companies will be tried separately.

4. Fourth, the bill includes a cap on the amount of damages that can be paid out on individual claims each year. The cap is one-third of the total annual payments that are due from all the participating tobacco manufacturers. The excess over the cap and the excess of any individual claim over $1 million will be paid in the following year. Eighty percent of those payments to individuals will be credited toward payments due to the fund. These provisions were all drawn from the June 20th proposal and are drafted to be identical to that agreement.

Finally, as an enforcement mechanism, if a tobacco company which has signed the protocol and consent decree is delinquent in payment by more than 12 months, the benefits granted under this bill will no longer apply. The bill also contains enforcement mechanisms for material breaches of the protocol and consent decree. I must point out that the tobacco companies that refuse to sign the protocol and consent decrees—are not eligible to receive the civil liability protections in the bill.

With regard to a state’s eligibility to receive funds under this bill, it is relatively simple. A state must dismiss any claims it has pending against the participating tobacco companies and it must adopt provisions in its state code which mirror the benefits granted to the participating tobacco companies in this bill. On an annual basis, the Attorney General will certify each state which is eligible to receive funds.

FRA Jurisdiction over Tobacco Products

It is my hope that the Congress will adopt some of this body’s proposals that will address this issue of tobacco use. Keep in mind that these tobacco companies will receive substantial sums from the bill. I believe that the tobacco companies will receive substantial sums from the bill.

As the current chairman of the committee, I have great reservation about embarking down a path that appears to turn the world upside down and gut the normal safety and efficiency requirements as applied to medical devices by creating an exception that swallows the rule.

Using the restricted device law—a law whose purpose is to regulate a class of products that require special controls to keep an inherently dangerous product on the market troubles me. I am not certain what kind of precedent this will be, but I fear that it will be significant and of questionable necessity and benefit.

As I understand it, the only product that has been regulated under the restricted device provisions of the law are hearing aids. I am not sure why some apparently feel a compelling need to regulate hearing aids. I don’t share this enthusiasm.

Judging by some of the public rhetoric since the June 20 announcement of the Attorney General’s agreement, one of the most hotly contested areas of the proposed settlement concerns the provision addressing the Federal Government’s authority to regulate tobacco products.

Since June 20 some have adopted the rallying cry of “unfettered FDA authority” and I have suggested that there are major deficiencies in the proposed agreement relating to the ability of FDA to regulate tobacco products.

I suggest that the quality and substance of this debate would improve if we focus on the real issues.

As far as I am concerned, the substantive issue is not whether FDA should have authority over tobacco products; the real question is precisely how much and precisely what kind of authority that FDA should be delegated over these dangerous products.
One thing that I do know is that whatever happens at the court of appeals, the loser will likely appeal its decision. This will take time, time in which more and more young children will start a lifetime addiction to tobacco products that will lead to illness and premature death.

Regardless of the outcome of this litigation, I am convinced that this Congress has a public duty to act, and act now.

Title IV of my bill describes in detail what I think is the appropriate way for FDA to regulate tobacco products. First of all, let me start by taking my hat off to FDA and the Department of Health and Human Services under the leadership of Secretary Shalala for its creativity of using the existing food and drug laws in fashioning its final rules on youth tobacco.

In many ways, these regulations created what that made it possible for the negotiators to sit at the table and bring us the settlement proposal that we are considering today. So I take my hat off to the negotiators as well.

As fully explained in the preamble to the final rule and accompanying legal justification, one of the major reasons why FDA regulated tobacco products as restricted medical devices was because of the relative inflexibility of the drug laws versus the flexibility of the medical device law.

We all know that this question is before the Fourth Circuit, and we expect a decision very soon. But regardless of the outcome of that case, many have expressed the concern that FDA has stretched the statute beyond the breaking point when it uses a statutory provision whose hallmark is the safety and efficacy standard in a fashion to reach products that are inherently unsafe and ineffective.

In many ways, these regulations create the false concept that that was once the case. A tobacco product is a tobacco product, not a medical device.

My proposal is to create a new regulatory chapter that exclusively addresses tobacco products. New chapter IX contains the rules that will apply to tobacco products.

If a tobacco product is not in compliance with this chapter it will run afoul of the PDC statute by the two new prohibited acts that S. 1530 creates in section 915. It will violate the law to introduce into interstate commerce any tobacco product that does not comply with these tough new provisions.

In addition, S. 1530 proposes to alter the definition of drug to include tobacco products that do not comply with new chapter IX. That means that nonconforming tobacco products will be subject to the rigid treatment accorded drugs. Talk about an incentive to comply with the new chapter.

My new chapter IX includes many tough provisions including Tobacco product health risk management standards, good manufacturing standards, good manufacturing standards, tobacco product labeling, warning and packaging standards, reduced risk tobacco product standards, tobacco product marketing.

As well, my bill creates a Tobacco Products Scientific Advisory Committee under the Secretary of HHS and FDA on all of these new standards.

I want to highlight that unlike the proposed settlement that my bill would allow the Secretary to recommend that tobacco products be banned at any time. The AG agreement had a 12-year bar to any such actions.

But because this decision is a major public health decisions with considerable political, social, economic, and even philosophical consequences, I require that any such decision to ban tobacco products to be made personally by the Secretary and require the concurrence of Congress.

So please examine my proposal. I want to hear the comments and constructive criticism of all of my colleagues in this body and other interested parties and citizens.

From my experience, I know that FDA legislatures are controversial and contentious. There are always a lot of devilish details.

I put out this proposal in the interest of moving the tobacco debate forward in the Senate and in public debate.

I challenge those who have in an interest in FDA prevailing in court in the current litigation to put that litigation aside as you read my FDA language and consider what law you would write if you were given the current drug and device paradigms.

I salute those many public health groups and officials who have brought the antitobacco use battle so far in the last few years.

Let us start from a clean blackboard. I believe that my proposal is preferable than to continue to stretch a perhaps already overstretched statute.

If any in this body believe that my proposal goes too far, or they believe they will tell me how. If some believe it is too lenient and too rigid there, I hope they will respond with fixes, not with shouts.

I look forward to this aspect to the debate because of my long term interest in the FDA and the Federal Food, Drug, and Cosmetic Act. Let us take particular care in crafting this language and do so in a way that does not distract FDA from its core missions, including its central role in getting the latest in medical technology to the American public.

The Price of Tobacco Products

Another issue of keen concern to the Congress is the price of tobacco products. Earlier this year, I joined with several of my colleagues on both sides of the aisle to propose the Child Health Insurance and Lower Deficit Act, the CHILD bill. That bill, most of which has now been enacted as part of the Balanced Budget Act, made huge strides to uninsured children with health care services, and it was predicated on a 43 cents increase in the excise tax on cigarettes.

We had a bipartisan coalition under the best of circumstances, and in the end, our 43 cents was whittled down to 10 cents phased up to 15 cents.

In that climate, I do not think it is reasonable for anyone to expect that this Congress will enact a cigarette excise tax of $1 or more.

I do, believe, however, that there is consensus that it would be an important public health goal for the price of cigarettes and other tobacco products to be raised significantly to discourage youth consumption.

It is possible to do that without an excise tax, and that is what my bill does. Under my proposal, which predicated payments upon a Federal licensing fee, I estimate that when fully phased in year six, cigarette prices will go up an additional $1.50 per pack at the manufacturer level, which will be reflected in a retail level of $1.50 or more.

Economists have found that markups by cigarette manufacturers are always accompanied by decreases down the distribution chain, including state excise tax increases. Thus, for purposes of this debate, I think it is critical that we discuss potential price increases in net terms, rather than the manufacturer markup.

There is an important reason to implement the agreement through a licensing payment, as opposed to a tax. Law enforcement officials have noted that the closer the price rise is to the source of the cigarettes, the less opportunity there is for diversion.

For example, if this bill were predicated on an excise tax, manufacturer sales to distributors would not reflect the higher price, and there would be ample opportunity for diversion into the black market of the cheaper goods.

In sum, I believe that my proposal will bring the price of cigarettes to a high level and do so in a way that discourages black market diversion.

Another issue of keen concern to the Congress are the tobacco farmers, most of whom could be displaced if this legislation is successful.

Agricultural Provisions

Mr. President, we cannot forget about our country’s tobacco farmers. Even though the tobacco farmers have the most to lose from the tobacco settlement, they were completely left out of that settlement.

Tobacco farms in this country are often small family run businesses, and in many cases, the entire economic foundation of a community is tied up in the production or processing of tobacco.

As many of my colleagues in the Senate know, I would probably be the last person to stand up and defend the tobacco industry or our nation’s tobacco program. I feel strongly, though, that we should not turn our backs on tobacco farmers and their communities at a time when many will be harmed as a consequence of the tobacco settlement.
Senator Lugar, the Chairman of the Senate Agriculture Committee, has introduced a bill that would end the tobacco program while providing payments and other assistance to tobacco farmers over a three-year transition period. His proposal follows the pattern established by the 1996 farm bill, by getting the government out the farming business and by making temporary assistance available to farmers as they adjust to the free market.

Senator Ford has introduced the LEAF Act, which provides some of the same assistance contained in Senator Lugar’s bill but adds additional grants and assistance for tobacco farmers and workers employed in the processing of tobacco. However, Senator Ford’s bill maintains the tobacco program largely intact.

Frankly, Mr. President, I believe our tobacco communities have tough challenges ahead of them. For that reason, I have combined what I think are the best parts of each of these two bills into the PROTECT Act to ensure that we care for our nation’s tobacco farmers and our tobacco dependent communities.

My bill establishes a Tobacco Transition Account, funded through the Trust Fund. The Transition Account will provide buyout payments to tobacco quota owners, who will lose their quotas, and assistance payments to farmers who lease their quotas from these owners. In addition, the PROTECT Act creates Farmer Opportunity Grants. These will be available to eligible family members of tobacco farmers to help pay for higher education. Eligibility requirements for Farmer Opportunity Grants will be similar to those of the Pell Grant program.

Mr. President, we should also remember the workers in the tobacco processing industry who could be displaced as a result of the tobacco settlement. The PROTECT Act sets up the Tobacco Worker Transition program. Patterned after the NAFTA Trade Adjustment Assistance program, the Tobacco Worker Transition program will provide assistance to displaced workers and help them receive job retraining.

Finally, Mr. President, the PROTECT Act will provide a total of $300 million over three years in block grants to affected states for economic assistance. Governors will be able to use these funds to help rural areas and tobacco dependent communities make the transition to broader based economies and to the free market.

**Native American Health Provisions**

Let me next turn toward another component of my legislation which relates to American Indians and Alaska Natives.

Tobacco use and abuse are significant health issues in Indian country. Native Americans smoke more than any other ethnic group, more than two-fold for Indian men, and more than four-fold for Indian women over non-Indians. The Centers for Disease Control estimate that 40 percent of all adult American Indians and Alaska Natives smoke an average of 25 or more cigarettes daily.

Moreover, according to the Indian Health Service (IHS) lung cancer remains the leading cause of cancer mortality. The IHS further reports that in the period 1989-1993 40 percent of Indian country 80 percent of Indian high school students smoke or chew tobacco. The statistics further show that smoking by American Indians is actually increasing while it is on the decline among other groups.

Clearly, one of the provisions of this global tobacco settlement, measures must be taken to address the unique problems Indian country faces with the use and regulation of tobacco products. Accordingly, my bill contains several Indian specific provisions that ensure tribal governments will have the regulatory authority to address issues of particular concern to tribal health officials while maintaining the interest of the tribe in its sovereign authority over activities occurring on its reservations.

These provisions have been developed, in part, on recommendations made at an October 6, 1997, oversight hearing on the tobacco settlement by the Committee on Indian Affairs on which I serve.

Let me also add that I welcome additional input from Indian country on these important provisions. Overall, my provisions are designed to recognize the unique interests of Indian country in the implementation of the act as well as provide assistance to improve the health status of native Americans.

Specifically, my bill makes clear that the provisions of the act relating to the manufacture, distribution and sale of tobacco products will apply on Indian lands as defined in section 1151 of title 18 of the U.S. Code.

The fundamental precept of the Indian provisions is that tribal governments will be provided with limited compensation for individuals who are exposed to asbestos and whose condition proven to have been exacerbated by tobacco use. The asbestos program is administered by the Indian Health Service, in consultation with the Secretary of the Interior, will be required to develop regulations to permit tribes to implement the licensing requirements of the act in the same manner by which the States are accorded this authority.

Indian tribes will also be considered as a State for purposes of receiving payments in the implementation of the provisions of the act. The Secretary of HHS, in consultation with the Secretary of the Interior, will be required to develop regulations to permit tribes to implement the licensing requirements of the act and in accordance with a plan submitted and approved by the Secretary.

Indian tribes are permitted flexibility to utilize these funds to meet the unique health needs of their members as long as their programs meet the fundamental health requirements of the act.

The amount of public health payment funds for tribes will be determined by the Secretary based on the proportion of the total number of Indians residing on a reservation in a State as compared to the total population of the State. Moreover, a State may not impose obligations or requirements relating to the application of this act to Indian tribes.

Tobacco use remains a significant health factor for Indians and the costs associated for patient care and treatment are extremely high. Results of some studies indicate that there is a disproportionate allocation of limited IHS dollars for tobacco related illnesses.

Accordingly, my bill establishes a supplemental fund for the IHS to augment and leverage funding for essential health care services to Indians. A $5 billion account is established to be allotted to the IHS in increments of $200 million annually for 25 years.

**Antitrust Provision**

Let me also discuss another issue briefly. The proposed settlement is predicated upon the tobacco companies receiving immunity from antitrust laws in a number of limited areas. For example, in order to determine the price increase that will be passed on to consumers due to the settlement licensing fee. Another area in which such antitrust clarification will be needed is in enforcement of the protocol which accompanies the settlement legislation.

In introducing the bill today, I want to acknowledge that this language may need to be refined and tightened up. I do not intend to give the tobacco companies blanket antitrust immunity. That would be totally unwarranted.

I want to thank my colleagues Senators Mike DeWine and Herb Kohl, the chairman and ranking member of the Judiciary Subcommittee on Antitrust, to further polish this language. They have indicated their willingness to work with me on this issue, and I appreciate their expertise and assistance.

**Asbestos**

There exists medical evidence that tobacco use is a contributory factor in asbestos-related diseases and injuries. The protocol contains a provision to provide limited compensation for individuals who are exposed to asbestos and whose condition proven to have been exacerbated by tobacco use. The asbestos program is administered by the Secretary of Labor, who will establish standards whereby it can be demonstrated that tobacco is a significant factor in the cause of asbestos-related diseases. This program would be funded at $200 million per year and would complement the existing system for payments related to asbestos.

**Closing**

As I close, I would like to make one final observation. Three thousand kids a day start smoking; countless others start using smokeless tobacco products like snuff and chewing tobacco.

These children are becoming addicted to powerful tobacco products which can only harm them. The scientific evidence is clear.

I am extremely cognizant of the fact that there is a long history of legal use of tobacco products in this country.

Millions have used them; millions do use them.
I am trying to strike a delicate balance here: That of allowing adults to continue to use these products as they choose, but of discouraging it whenever we can and helping those who are addicted wean themselves from these powerful tobacco products.

But most importantly, we have to renew our efforts aimed at teen tobacco use. The funds provided in the global tobacco settlement will allow us to set that course.

Let me say right now that I fully anticipate criticism of my proposal from those who are afraid it is too large, and perhaps too bureaucratic.

To them I would say that the value of this proposal is in its size. We need to show that we are serious about stopping kids from smoking. We need to penalize the tobacco industry as part of that effort.

I have tried to rely upon the existing administrative structure wherever possible in the implementation of my plan. I hope that others have a better way to run the program, I welcome their advice.

But to those who would advocate a smaller program, let me share my serious concerns about lowering the amount the tobacco industry has already agreed to pay.

I would also have serious concerns about raising the amount and using the funds for unrelated purposes. This is not the pot of money under the rainbow which will allow us to fund 80’s-era left-behind programs. This is a tobacco settlement which will provide us with significant new funding for new war on tobacco. A war to save our children.

My bill differs markedly from the others that have been introduced in that it is comprehensive, it includes all the components of the settlement in one piece of legislation, and it makes all the hard choices necessary to delineate how a settlement will operate.

Further, it is drafted to be constitutional.

Many have begun to criticize my bill before they have even read it. It happened with the CHILD bill. It will happen again.

But to those who wish to sling barbs at my bill, I urge you to study it carefully. It is not the Kennedy bill. And, by the way, it was never intended to be. It is not the Lautenberg bill, nor the McCain bill.

It is a discussion draft intended to embrace, and improve, the proposed global tobacco settlement recommended to the Congress by 40 states this June. I welcome any suggestions for improvements which may be offered to my bill. That is why I am putting it forward today as a discussion vehicle. I hope that the majority of Congress will agree with me that this should become a national priority, and begin to move legislation immediately upon our return in January.

In closing Mr. President, I want to thank all of my colleagues who provide advice and assistance in drafting this legislation. It is clear that we must have a collaborative process if this legislation is to move forward, and I look forward to being a part of that process in the months to come. We can leave no greater legacy to our children.

I want to say a special thanks to Bill Baird in my Office of Legislative Counsel. He worked day and night to get this bill drafted for us, and I want to say publicly how much I appreciate this extra effort.

Anyone who wishes to read the entire text of the bill will soon be able to access it online, which can be reached at: "www.senate.gov\-hatch". It will take us a day or two, but it will be available to the public. Since it is 388 pages, I think this is the most efficient way to make it available.

Finally, for those who just want the digest version, I ask unanimous consent to insert a section-by-section summary of the PROTECT Act in the Record. There being no objection, the section-by-section analysis was ordered to be printed in the Record, as follows:

**SECTION BY SECTION ANALYSES**

**Section 1. SHORT TITLE, TABLE OF CONTENTS.** Entitles the bill "Placing Restraints on Tobacco's Endangerment of Children and Teens" Act "PROTECT"") and lists a table of contents.

**Section 2. FINDINGS.** Makes a series of congressional findings with respect to tobacco, its harmful health effects on children and adults, and the role of government in regulating tobacco products.

**Section 3. GOALS AND PURPOSES.** Sets forth the goals and purposes of the legislation, including decreasing tobacco use by youth and adults, enhancing biomedical research efforts, setting forth Federal standards for smoking in public establishments, establishing the authority of the Food and Drug Administration to regulate tobacco products, providing transitional assistance to farmers, and reforming tobacco litigation practices.

**Section 4. NATIONAL GOALS FOR THE REDUCTION IN UNDERAGE TOBACCO USE.** Sets out national goals for reduction in youth tobacco use. For cigarettes, the national goals, measured from the baseline year, will be a 25% reduction in use in 2003 and 2004; a 50% decrease in 2005, 2006 and 2007; and a 60% reduction thereafter. For smokeless tobacco, the national goals, measured from the baseline year, will be a 25% reduction in use in 2003 and 2004; a 35% reduction in 2005, 2006, and 2007; and a 45% reduction thereafter.

**Section 5. DEFINITIONS.** Defines pertinent terms used in the bill.

TITHE 1—NATIONAL TOBACCO SETTLEMENT TRUST FUND

Section 101. ESTABLISHMENT OF TRUST FUND. Creates a National Tobacco Settlement Trust Fund that will receive payments from tobacco manufacturers according to a schedule set out in the bill. Over the next 25 years, deposits will be $98 billion, of which $95 billion are considered punitive damages and will be used to fund a biomedical research trust.

The National Tobacco Settlement Trust Fund will be administered by the Attorney General, the Secretary of Health and Human Services, and the Secretary of Treasury, and a new program to enhance Native American health. The remaining funds are divided equally with one-half provided to the States and one-half to the Federal government. In addition to the set aside funds for tobacco farmers, tobacco/asbestos plaintiffs, and Native American activities, the remaining funds from the Federal Account will be essentially divided equally between tobacco-related biomedical research and public health activities as provided in sections 521 and 522, respectively.

Funds from the State Account may be used by the states for both general purposes and for tobacco related programs as specified in sections 501 and 502, respectively. State Trustees are precluded from making an expenditure for programs which are currently being funded at either the Federal or State levels, so that the funds provided in this Act are supplemental to any on-going activities and not a substitution.

Section 102. PAYMENT SCHEDULE. As a condition of receiving the liability protections contained in Title II, participating manufacturers must execute a protocol with the Secretary of Health and Human Services, each respective state attorney general, and Castano litigants, sign consent decrees with States and Castano plaintiffs, and deposit an initial $10 billion payment into the Trust Fund. In addition, to be eligible for the liability protections, manufacturers must make payments according to a schedule listed in the bill. The Trustees are authorized to adjust those continuing payments in two cases: 1) an annual inflation adjustment; 2) a volume adjustment which could either increase or reduce the base payments. The amount that each participating manufacturer will pay will be determined in the protocol appended to the agreement.

Section 103. ADMINISTRATIVE PROVISIONS. The Attorney General will hold the Trust Fund and will report annually to the relevant congressional committees on the financial condition of the Trust Fund. The Trustees will invest excess balances of the Fund in interest-bearing obligations of the U.S. and proceeds therefore will become a part of the account. Members of the Trustees' advisory board shall serve without compensation, although travel expenses will be reimbursed, and overall costs of the advisory board are capped. Receipts and disbursements from the Trust Fund will not be included in the annual budget, and cannot be transferred to the general fund of the Treasury.

Section 104. ENFORCEMENT. Any participating manufacturer which fails to make payments required by the Act will be subject to daily fines. If the manufacturer has not made the required payment within one year, the manufacturer will be considered non-participating, will lose the liability protections contained in the Act, and become eligible from becoming a participating manufacturer in the future.
Title II—National Protocol and Liability Provisions

Subchapter A—Protocol Restrictions on Advertising

Section 221. REQUIREMENT. To be eligible to participate in the Protocol, each tobacco manufacturer shall agree and consent to comply with the provisions of the Protocol. The Protocol shall not apply to trade associations or lobbying, disclosure of tobacco products, national goals and objectives, or the health and safety of the public.

Subchapter B—Provisions Relating to Advertising

Section 222. AGREEMENT TO TERMINATE CERTAIN ENTITIES. Parties to the Protocol agree to terminate or to modify certain entities or functions, including the Tobacco Institute and the Council for Tobacco Research, U.S.A., as well as any successor organizations with respect to tobacco products, to membership and activities and will be subject to oversight by the Department of Justice.

Subchapter C—Other Provisions

Section 223. APPLICATION OF SUBCHAPTER. The provisions of this subchapter will be considered part of the Protocol.

Section 224. DETERMINATION OF PAYMENT AMOUNT. Manufacturers not agreeing to the Protocol will determine the percentages each specific manufacturer must pay. Section 225. ATTORNEY’S FEES AND EXPENSES. Within 30 days of enactment, an arbitration panel will be appointed by the Trustees, the participating manufacturers, and State Attorneys General participating in the June 20, 1997 memorandum of understanding and the Castano litigants. The arbitration panel will establish procedures for its conduct. The decision of the panel is final. Fees and expenses, and make awards based on enumerated criteria subject to an annual cap which is equal to 5% of the amount paid to the Trust Fund the previous year. Awards made by the panel will be paid by the participating manufacturers and will not be paid from the Trust Fund.

Section 226. DETERMINATION OF PAYMENTS. Manufacturers agreeing to sell or otherwise distribute tobacco products in television programs, motion pictures, videos, or other media shall place into an escrow reserve fund funds to the National Tobacco Settlement Trust Fund. Awards made by the panel will be paid by the participating manufacturers and will not be paid from the Trust Fund.

Section 227. ATTORNEY’S FEES AND EXPENSES. Within 30 days of enactment, an arbitration panel will be appointed by the Trustees, the participating manufacturers, and State Attorneys General participating in the June 20, 1997 memorandum of understanding and the Castano litigants. The arbitration panel will establish procedures for its conduct. The decision of the panel is final. Fees and expenses, and make awards based on enumerated criteria subject to an annual cap which is equal to 5% of the amount paid to the Trust Fund the previous year. Awards made by the panel will be paid by the participating manufacturers and will not be paid from the Trust Fund.

Section 228. FEDERAL ENFORCEMENT OF THE PROTOCOL. Sets forth the terms and conditions under which the Attorney General may bring civil actions, including imposition of stiff penalties, to enforce the Protocol. The Attorney General may enter into contracts with state agencies to assist in enforcement. The Attorney General is authorized to utilize funds from the Trust Fund for performance of her duties under this section.

Section 229. STATE ENFORCEMENT OF THE PROTOCOL. The chief law enforcement officer of a state may bring actions to enforce the protocol if the alleged violation is occurring within that State. However, the State must first give the Attorney General 30 days’ notice before commencing such a proceeding, and the State may not bring a proceeding if the Attorney General is diligently prosecuting or has settled a proceeding relating to the alleged violation.

Section 230. PRIVATE ENFORCEMENT OF PROTOCOL. A participating manufacturer may also seek a declaratory judgment in Federal court to enforce its rights and obligations under the Act, and may also bring a civil action against other participating manufacturers to enforce or restrain breaches of the Protocol. If no such actions may be commenced, however, if the Attorney General or applicable State is already pursuing an action on the same alleged breach.

Section 231. REMOVAL. The Act allows removal to Federal court of state claims which seek to enforce the Protocol.

Title III—Consent Decrees

Subtitle A—Immunity and Liability for Past Conduct

Section 232. APPLICATION OF CHAPTER. This chapter is the sole enforcement mechanism for claims against any participating manufacturer which have not reached final judgment or settlement by the effective date of this act. Any court judgment entered subsequent to this bill’s enactment shall include express language subjecting the judgment to the Act. No bond, penalty, or increased interest shall be required in connection with appeal of any judgment arising under this act.

Section 233. LIMITED IMMUNITY. All pending actions against participating manufacturers, whether brought by a State or local government entity, as a class action, or as a civil action based on addition to or de-
or as a civil action based on tobacco addiction or dependence. Individual personal injury claims arising from the use of tobacco are preserved.

Section 256. CIVIL LIABILITY FOR PAST CONDUCT. This section applies to all actions permitted under section 256 for conduct before enactment. Punitive damages are prohibited.

All actions must be brought by individuals and may not be consolidated without consent of all parties. The only means to remove an action is if a defendant removes it to Federal court. Participating manufacturers must jointly share in civil liability for damages and to jointly and severally liable with non-participating manufacturers; and actions involving participating and non-participating manufacturers shall be severable. Plaintiffs are individuals, their heirs, and third-party payers who are bringing individual claims for tobacco-related injuries and third-party payers whose claims are not based on subrogation that were pending on June 9, 1997. Defendants under this section are participating manufacturers, their successors or assigns, any future manufacturers, or any corporation designated to survive a defect lien. Vicarious liability for agents applies. Subsequent development of reduced risk tobacco or discovery.

Aggregate annual cap is 1/3 of annual payments required of all signatories for the year involved. Excess amounts shall be paid in the following years in the same manner. The only means to exceed the aggregate annual cap. Defendants shall bear their own attorneys' fees and costs.

Section 257. CIVIL LIABILITY FOR PAST CONDUCT. This section applies to all actions permitted under section 256 for conduct after enactment. Sections 257(c) and (e) (through (i)) shall apply to actions under this section. Third-party payor claims based not on subrogation shall not be commenced under this section. There is no prohibition for punitive damages under this section.

Section 258. CIVIL LIABILITY FOR FUTURE CONDUCT. This section applies to all actions permitted under section 256 for conduct after enactment. Sections 257(c) and (e) (through (i)) shall apply to actions under this section. Third-party payor claims based not on subrogation shall not be commenced under this section. There is no prohibition for punitive damages under this section.

Section 259. NON-PARTICIPATING MANUFACTURERS. This section shall not apply to non-signatories to the Protocol and participating manufacturers who are 12 months delinquent in payments due pursuant to the act. Section 260. PAYMENT OF JUDGMENTS AND SETTLEMENTS. A participating manufacturer may seek injunctive relief in federal court to stop a state court from enforcing a judgment which is unenforceable under this chapter. The federal court shall issue an injunction where it determines that the judgment or settlement is unenforceable under this chapter.

Section 261. LIABILITY OF NON-PARTICIPATING MANUFACTURERS. This section shall not apply to non-signatories to the Protocol and participating manufacturers who are 12 months delinquent in payments due pursuant to the act. Section 262. REMOVAL. This section amends the existing code to enact the removal provisions and give the federal court jurisdiction.

Section 263. CONFORMING AMENDMENTS. The section conforms existing code sections with this act.

Title III: REDUCTION IN UNDERAGE TOBACCO USE

Subtitle A: State Laws Regarding the Sale of Tobacco Products to Minors

Section 301. STATE LAWS REGARDING SALE OF TOBACCO PRODUCTS TO INDIVIDUALS UNDER THE AGE OF 18. Expands upon what is popularly known as the "Synar amendment" (relating to the sale or distribution of tobacco products to individuals under the age of 18) P.L. 102–321.

Effective in FY 1999 (or FY 2000 for States with legislatures which do not convene in 1999) and thereafter, a State which wishes to receive funding under Title V of this Act must have in effect a State law consistent with the provisions contained in the model state law described in A State must demonstrate compliance with the law systematically and conscientiously and in a manner which can reasonably be expected to reduce the extent to which tobacco products are available to individuals under age 18. A State must also certify that enforcement of the law is a priority, conduct random, unannounced inspections to confirm that the law is being enforced, and annually transmit to the Trustees a report describing its operation of the program. As a funding source for the program, States may use payments from the Trust Fund under sections 1901 and 2121 of the Public Health Service Act, license fees or penalties collected pursuant to this Act, or any other funding authorized by the State legislature.

The Trustees are authorized to reduce payments to States for noncompliance. Section 302. MODEL STATE LAW. Describes the provisions of the model state law. Under that model, a series of conditions are placed on the sale of tobacco to restrict use by persons under the legal age for consumption of alcohol. A person commits an unlawful act if he or she knowingly or deliberately allows, authorizes, permits, or furnishes tobacco products to an individual under age 18. Persons who violate this section, and employers of employees who violate this section, are liable for civil penalties. Under the model, it is also unlawful for an individual under age 18 to purchase, smoke or consume (or attempt to do so) tobacco products. Penalties are imposed for violations of this provision. Law enforcement agencies are required to notify promptly the parent(s) or guardians about such violations. Manufacturers shall not provide tobacco products at retail must post signs communicating that the sale to individuals under 18 is prohibited. It is also unlawful for product samples or opened packages to be provided to anyone under 18, or for packages to be displayed so that individuals have direct access. Civil penalties for violations of these requirements.

The model law also requires employers who distribute tobacco products at retail to implement a program to ensure that employees identify tobacco product purchasers who appear to be minors in violation of the preceding requirements. The model also requires appropriate state and local law enforcement officials to enforce the law. Congress is not expected to reduce the extent to which individuals under age 18 have access to tobacco products. Under certain conditions, states are permitted to increase the age of access to tobacco products. The Secretary may suspend or revoke any state's or territory's authority to sell tobacco products.

Subtitle B: REQUIRED REDUCTION IN UNDERAGE USE

Section 311. ANNUAL DAILY INCIDENCE OF UNDERAGE USE OF TOBACCO PRODUCTS. Five years after enactment, and annually thereafter, the Secretary shall make a determination according to the methodology set out in this section of the average annual incidence of daily tobacco use by individuals under age 18.

Section 312. REQUIRED REDUCTION IN UNDERAGE TOBACCO USE. Requires the Secretary to determine if the annual incidence of the daily use of tobacco products exceeds the national goals set forth in section 4.

Section 313. APPLICATION OF SURCHARGES. If the Secretary determines that the national goals have not been met in any year of the sixth year after the effective date of the Act, or in any other year, the Secretary may impose a surcharge on cigarette manufacturers of $100 million per percentage point for each of the first five percentage points by which the goal is not met; the surcharge will be $200 million for each of the next five percentage points by which the goal is not met; and $300 million per percentage point for each of the next five percentage points by which the goal is not met.

The potential surcharge that could apply would be $30 million and $45 million for the next two percentage point increments.

Five years after the surcharge provisions are applicable the (eleventh year after passage), the surcharge payments will be imposed. For cigarettes, the surcharge payment will be $250 million for each of the first five percentage points that the goal is not met and $500 million for each additional percentage point that the goal is not met. (E.g., If cigarette usage failed to meet the applicable target by 6 percentage points, the potential lookback penalties will be $15 million per applicable percentage point for each of the first five percentage points and $30 million for each percentage point for the amount that the goal is not met by eleven or more percentage points. In the case of smokeless tobacco products, when the percentage point by which the goal is not met is 11 or more, the potential surcharge that could apply would be $30 million and $45 million for each of the next two percentage point increments.

For smokeless tobacco products, the corresponding surcharge amounts will be $30 million and $60 million, respectively. This amount is divided among the states for cigarettes of $5 billion for the first five years in which the surcharges apply under the Act (the sixth year after passage) and $1 billion thereafter. The Secretary is authorized to impose a surcharge on cigarette manufacturers of $100 million per percentage point for each of the first five percentage points by which the goal is not met; the surcharge will be $200 million for each of the next five percentage points by which the goal is not met; and $300 million per percentage point for each of the next five percentage points by which the goal is not met.

Any surcharge imposed under this section is the joint and several obligation of all participating manufacturers and the state and local law enforcement officials to stop a state court from enforcing a judgment which is unenforceable under the Act (the sixth year after passage) and $1 billion thereafter. The Secretary is authorized to impose a surcharge on cigarette manufacturers of $100 million per percentage point for each of the first five percentage points by which the goal is not met; the surcharge will be $200 million for each of the next five percentage points by which the goal is not met; and $300 million per percentage point for each of the next five percentage points by which the goal is not met.
Sec. 902. Tobacco Product Health Risk Management Standards. This section directs the Secretary to issue regulations, through routine notice and comment rulemaking procedures, that establish health experts, that establish rigorous controls over the composition of tobacco products. These regulations will include provisions concerning the protection of confidential commercial information and for the public disclosure of the ingredients of tobacco products. Such regulations will grant the Secretary the authority to issue regulations to assess and manage the risks presented by nicotine and tobacco products, or to ban tobacco products after the Secretary considers relevant factors. These factors include: reduction of public health risks by the cars system to provide effective and accessible treatments to current consumers of tobacco products; the potential creation of a significant market for contraband tobacco products; and, the technological feasibility of manufacturers to modify existing products. Secretarial actions to ban tobacco products will require approval from both chambers of the United States Congress.

Sec. 903. Good Manufacturing Practice Standards for Tobacco Products. The Secretary shall issue regulations that specify the good manufacturing practices (GMP) for tobacco products. Such regulations will prescri with new Chapter IX. No change is made in the FDA's basic regulatory statute, the Federal Food, Drug, and Cosmetic Act. This title makes clear that in any judicial proceeding involving the regulations issued under Chapter IX, the courts will use procedures, apply standards of review, and grant the degree of deference that it normally accords the Secretary under the Federal Food, Drug, and Cosmetic Act.

Section 909. Judicial Review Standards. This new section makes clear that in any judicial proceeding involving the regulations issued under Chapter IX, the courts will use procedures, apply standards of review, and grant the degree of deference that it normally accords the Secretary under the Federal Food, Drug, and Cosmetic Act.

Section 910. Preemption. This section permits state and local governments to enact requirements with respect to tobacco products so long as the state or local requirements do not conflict with a requirement of section 902, 903, 904, or 905.

Sec. 905. Reduced Risk Tobacco Products. This section requires the Secretary to issue regulations that establish requirements for the development and commercial distribution of reduced risk tobacco products. Under section 905, manufacturers of new technologies that reduce risks of using tobacco products notify, in confidence, the Secretary of such technology. Upon a determination that an innovation reduces the health risks of tobacco products and is technologically feasible, the Secretary may require that such risk reduction innovations be incorporated, through a licensing program, into either tobacco products. Under section 906, Tobacco Product Marketing Restrictions. Section 906 prohibits the sale of tobacco products to persons under 18 years of age. The bill does not contemplate that tobacco products shall be regulated as restricted medical devices.

Title V—Payments to States and Public Health Programs

Subtitle A—Payments to States

Sec. 501. Reimbursement for State Expenditures. The Trustee shall be paid from the Trust Fund, for each fiscal year, an amount equal to one-half of the sum of the amounts each year (after payments have been allocated for tobacco farmers, Native Americans, and certain combined asbestos/tobacco plaintiffs), apportioned state-by-state according to a table listed in the Act which is based on the State Attorney General anti-tobacco programs. The Trustee shall be paid from the Trust Fund, for each fiscal year, an amount equal to one-half of the sum of the amounts each year (after payments have been allocated for tobacco farmers, Native Americans, and certain combined asbestos/tobacco plaintiffs), apportioned state-by-state according to a table listed in the Act which is based on the State Attorney General anti-tobacco programs.

Sec. 502. Requirements for States' Use of Certain Funds. As a condition of receiving payments under section 501, a State shall use the payments for activities that are consistent with the purpose of the PROTECT Act, and other relevant laws and policies that relate to the nation's effort to reduce use of, and the health risks associated with, tobacco products. Such payments shall be used to reduce use of tobacco products; the potential creation of a significant market for contraband tobacco products; and, the technological feasibility of manufacturers to modify existing products. Secretarial actions to ban tobacco products will require approval from both chambers of the United States Congress.
used for outreach, and efforts which are made to coordinate the new programs with existing Federal and State programs. The state must also collect necessary data and establish and implement a model state anti-tobacco use and tobacco cessation program. Section 522 directs the Secretary to make available the funds available under this section through section 101(c)(3)(C) to the State with the highest percentage of the health benefits of ceasing use of these products. Among the public education and information techniques authorized by this section is a public health campaign to reduce the number of children who use tobacco products. In addition, the Trustees will provide an annual report on operations of the plan.

In order to retain the otherwise-Federal share of the funds for antitobacco programs in coordination with existing Federal public health and social services programs, including child nutrition programs, maternal and child health, the State Children's Health Insurance Program, Head Start, school lunch, Indian Health Service, Community Health Centers, Ryan White, and social services block grant. States may also use these funds for smoking cessation programs that reimburse for medications or other therapeutic techniques, and anti-tobacco education programs, including counter-advertising campaigns.

**SUBTITLE B—PUBLIC HEALTH PROGRAMS**

Section 521, National Institutes of Health Trust Fund for Health Research. A National Institutes of Health Trust Fund for Health Research is established which reflects the settlement of punitive damages for past reprehensible behavior of the tobacco industry. The trust fund will be funded from the National Settlement Trust Fund, and overall funding will amount to $95 billion over the first 25 years. In year 5 and thereafter, an additional annual payment will be available under this section, subject to any required adjustments due to inflation, sales volume adjustments, and look-back penalties.

Section 521(e) requires the Director of the National Institutes of Health, in consultation with leading experts, to devise a National Tobacco and Other Abused Substances Research Agenda. Funds provided under this section are expended as follows: NIH Director's Discretionary Fund, 2%; Research Facilities Construction and Renovation, 1%; national cancer research and demonstration centers under section 414 of the Public Health Service Act, 10%; and remaining 85% shall be allocated to the established Institutes, Centers, and Divisions of NIH in the same proportion as the annual appropriations bill for NIH. Eligible research areas are stipulated in section 521(d)(2) and include diseases associated with tobacco use including cancer, cardiovascular diseases, and stroke.

Section 522, National Anti-Tobacco Product Consumption and Tobacco Product Cessation Public Health Program. Under this section, as specified in section 101(d)(3)(C) of Title I of this Act, the Secretary shall establish and implement a national anti-tobacco product consumption and tobacco product cessation program. This program will be coordinated by the Office of Smoking and Health of the Centers for Disease Control and Prevention. In year 6 and thereafter, a total of $4 billion annually will be available under this section, subject to any required adjustments due to inflation, sales volume adjustments, and look-back penalties.

The Secretary may use funds under this section to offset HHS' administrative costs in carrying out the public health components of this Act, including the assessment of fees policy. The Secretary must provide the Trustees with an assessment of the plan, including the effectiveness of the plan in reducing the number of children who use tobacco products. In addition, the Trustees will provide an annual report on operations of the plan.

In order to retain the otherwise-Federal share of the funds for antitobacco programs in coordination with existing Federal public health and social services programs, including child nutrition programs, maternal and child health, the State Children's Health Insurance Program, Head Start, school lunch, Indian Health Service, Community Health Centers, Ryan White, and social services block grant. States may also use these funds for smoking cessation programs that reimburse for medications or other therapeutic techniques, and anti-tobacco education programs, including counter-advertising campaigns.

**TITLES VIII—PUBLIC HEALTH RESEARCH**

Title VIII, Hazardous Substances Control and Prevention, establishes a National Tobacco Product Depository which will be used as a resource for litigants, public health professionals, and other interested parties and entities in conducting research described in this title. The section also creates a Tobacco Documents Dispute Resolution Panel, to be composed of 3 Federal Judges appointed by the Congress, and outlines the Panel's structure, including its basis for determining a dispute, its final decision rule, and its procedures for providing the Secretary with recommendations for the Panel to establish a procedure for accelerated review and for a Special Masters.

Section 804, Research and Development, establishes a National Tobacco Documents Dispute Resolution Panel with appropriate notice requirements and civil penalty levels.

**SUBTITLE A—TOBACCO PRODUCTION TRANSITION**

Chapter 1, Tobacco Transition Contracts, establishes a Tobacco Transition Account. The Secretary of Agriculture shall offer to buy tobacco quotas from owners through a three-year period. All restrictions on the production and marketing of tobacco will be lifted in 1998, ending the tobacco quota program.

Section 802, PURPOSES. Establishes the Tobacco Transition Account. A total amount of payments for the Tobacco Worker Transition Program is capped at $50,000,000 for any fiscal year, and after ten years, the Secretary may extend the program. Any individual receiving tobacco quota buyout payments are ineligible for this program.

Section 803, DEFINITIONS. Defines pertinent terms used in this title.

**SECTION 811. TOBACCO TRANSITION ACCOUNT.** Establishes the Tobacco Transition Account. The Secretary of Agriculture shall offer to buy tobacco quotas from owners through a three-year period. All restrictions on the production and marketing of tobacco will be lifted in 1998, ending the tobacco quota program.

Section 812, OFFER AND TERMS OF TOBACCO TRANSITION CONTRACTS. The Secretary of Agriculture shall offer to buy tobacco quotas from owners through a three-year period. All restrictions on the production and marketing of tobacco will be lifted in 1998, ending the tobacco quota program.

Section 813, ELEMENTS OF CONTRACTS. Within 90 days of enactment of this legislation, the Secretary to offer contracts to quota owners until June 31, 1999. Buyout payments and transition payments shall start at the beginning of the 1999 marketing year and end at the end of the 2001 marketing year.

Section 814, BUYOUT PAYMENTS TO OWNERS. During the three-year transition period, buyout payments will be made to quota owners as a compensation for the lost value they experience associated with the quota program. The payments will be determined by multiplying $8.00 by the average annual quantity of quota owned during the 1995-1997 crop years.

Section 815, TRANSITION PAYMENTS TO PRODUCERS. Provides assistance to farmers who do not own quotas but who leased from quota owners during the last four years. Transition payments only apply to the leased portion of the recipient's crop and will constitute a compensation to the producer for lost revenue caused by this act. Payments shall be multiplied by 40 cents by the average quantity of tobacco produced during the three years of the transition period.

Section 816, TOBACCO WORKER TRANSITION PROGRAM. Establishes a retraining program for displaced tobacco workers involved in the manufacture, processing, or warehousing of tobacco or tobacco products. Patterned after the NAFTA Trade Adjustment Assistance program, the Governor and then the Secretary of Labor shall determine eligibility for the program. The total amount of payments for the Tobacco Worker Transition Program is capped at $50,000,000 for any fiscal year, and after ten years, the Secretary may extend the program. Any individual receiving tobacco quota buyout payments are ineligible for this program.

Section 804, PURPOSES. Establishes the purpose of this title to disclose previously nonpublic or confidential documents by tobacco product manufacturers.

Section 802, NATIONAL TOBACCO DOCUMENT DEPOSITORY. Establishes a National Tobacco Document Depository and the requirements for the production of documents. Any documents requested by a State or the statute. The section also creates a Tobacco Documents Dispute Resolution Panel, to be composed of 3 Federal Judges appointed by the Congress, and outlines the Panel's structure, including its basis for determining a dispute, its final decision rule, and its procedures for providing the Secretary with recommendations for the Panel to establish a procedure for accelerated review and for a Special Masters.

Section 703, ENFORCEMENT. Allows the Attorney General to bring a proceeding before the Tobacco Documents Dispute Resolution Panel with appropriate notice requirements and civil penalty levels.

**TITLES VIII—AGRICULTURAL TRANSITION**

Chapter 1, Tobacco Transition Contracts, establishes a Tobacco Transition Account. The Secretary of Agriculture shall offer to buy tobacco quotas from owners through a three-year period. All restrictions on the production and marketing of tobacco will be lifted in 1998, ending the tobacco quota program.

Section 801, SHORT TITLE: "Tobacco Transition Act."

Section 802, PURPOSES. Terminates the federal tobacco program while making compensation to quota owners and tobacco farmers. Provides economic assistance to affected counties through block grants to affected states.

Section 803, DEFINITIONS. Defines pertinent terms used in this title.

**CHAPTER 5—TOBACCO TRANSITION CONTRACTS**

Section 501, NATIONAL TOBACCO DOCUMENT DEPOSITORY. Establishes a National Tobacco Document Depository which will be used as a resource for litigants, public health groups, and other interested parties and entities in conducting research described in this section. The section also creates a Tobacco Documents Dispute Resolution Panel, to be composed of 3 Federal Judges appointed by the Congress, and outlines the Panel's structure, including its basis for determining a dispute, its final decision rule, and its procedures for providing the Secretary with recommendations for the Panel to establish a procedure for accelerated review and for a Special Masters.

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Section 821. RURAL ECONOMIC ASSISTANCE BLOCK GRANTS.

Section 821. Rural Economic Assistance Block Grants. For each of the three years of the transition period, 1999 through 2001, the Secretary shall make grants to States to assist rural areas that are dependent on tobacco production. The grants will total $100 million for each of the three years, with a total cost of $300 million. The amount of each State’s grant will be based on (1) the number of counties within the State that depend on tobacco production and (2) the extent to which the counties are dependent on tobacco production. The Governor shall use a similar formula to apportion the State’s grant to the counties. Use of the grants by the counties shall be approved by the Governor.

SUBTITLE B—TOBACCO PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS

CHAPTER 1—TOBACCO PRICE SUPPORT PROGRAM

Section 901. PROVISIONS RELATING TO TOBACCO PRICE SUPPORT PROGRAM. Amends Section 106 of the Agricultural Act of 1990 to phase out the tobacco price support program over the four years following the enactment of this Act. In 1999, the price supports will decline by 25% and then by 10% in 2000 and in 2001, after which the price support program will be terminated.

Section 902. TERMINATION OF TOBACCO PRICE SUPPORT PROGRAM. Amends Section 101 of the Agricultural Act of 1990 to repeal the tobacco price support program after 2001.

CHAPTER 2—TOBACCO PRODUCTION ADJUSTMENT PROGRAMS

Section 903. TERMINATION OF TOBACCO PRODUCTION ADJUSTMENT PROGRAMS. Amends the Federal Agriculture Improvement and Reform Act of 1998 to provide for the termination of the Tobacco Production Adjustment Program.

Section 904. EFFECTIVE DATE. The effective date will be the date of enactment.

By Mr. BREAUX (for himself and Mr. COCHRAN):

S. 1533. A bill to amend the Migratory Bird Treaty Act to clarify restrictions under that act of baiting, and for other purposes; to the Committee on Environment and Public Works.

THE MIGRATORY BIRD TREATY REFORM ACT

Mr. BREAUX. Mr. President, I am pleased to join with the distinguished senior Senator from the State of Mississippi, Senator COCHRAN, in introducing the Migratory Bird Treaty Reform Act. I believe it is legislation all of our colleagues should support.

As members of the Senate Foreign Relations Committee, Senator COCHRAN and I recognize the importance of protecting and conserving migratory bird populations.

Eighty years ago, Congress enacted the Migratory Bird Treaty Act, which implemented the 1916 Convention for the Protection of Migratory Birds between Great Britain, for Canada, and the United States. Since then, the United States, Mexico, and the former Soviet Union have signed similar agreements. The Convention and the Act are designed to protect and manage migratory birds and regulate the taking of that renewable resource.

They have had a positive impact, and we have maintained viable migratory bird populations despite the loss of natural habitat because of human activities.

Since passage of the Migratory Bird Treaty Act and development of the regulatory program, several issues have been raised and resolved. One has not—the issue concerning the hunting of migratory birds "[b]y the aid of baiting, or on or over any baited area.

The doctrine has derived from the federal courts by which the intent or knowledge of a person hunting migratory birds on a baited field is not an issue. If bait is present, and the hunter is there, he is guilty under the doctrine of strict liability. It is not relevant that the hunter did not know or could not have known bait was present. I question the basic fairness of this rule.

Mr. President, I do not want anyone followed by federal court. I propose to support the Migratory Bird Treaty Act. We must protect our migratory bird resources from overexploitation. I would not weaken the Act’s protections.

The Migratory Bird Treaty Reform Act is to address the baiting issue. It is the result of months of negotiation by the International Association of Fish and Wildlife Agencies’ Ad Hoc Committee on Baiting. The Committee has representatives from each of the migratory flyways, Ducks Unlimited, the National Wildlife Federation, and the North American Wildlife Enforcement Officers Association.

This legislation, no person may take migratory birds by the aid of bait, or on or over bait, where that person knew or should have known the bait was present. It removes the strict liability interpretation presently followed by federal courts. In its stead, it establishes a standard that permits a determination of the actual guilt of the defendant. If the facts show the hunter knew or should have known of the bait, liability, which includes fines and possible incarceration, is imposed. However, if the facts show the hunter could not have reasonably known bait was present, the court would not impose liability or assess penalties. This is a question of fact determined by the court based on the evidence presented.

This legislation would require the U.S. Fish and Wildlife Service to publish, in the Federal Register, a notice for public comment defining what is a normal agricultural operation for that geographic area. The Service would make this determination after consultation with state and federal agencies and an opportunity for public comment. The purpose of this provision is to provide guidance to landowners, farmers, wildlife managers, law enforcement officials, and hunters so they know what a normal agricultural operation is for their region.

The goal of the Migratory Bird Treaty Reform Act is to provide guidance to landowners, farmers, wildlife managers, hunters, law enforcement officials, and the courts on the restrictions
on the taking of migratory birds. It accomplishes that without weakening the intent of current restrictions on the method and manner of taking migratory birds; nor do the proposed provisions weaken protection of the resource.

Mr. President, I urge my colleagues to join us in supporting this important legislation, and I ask unanimous consent that the full 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. 1533

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 "Migratory Bird Treaty Reform Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Migratory Bird Treaty Act was enacted in 1918 to implement the 1916 Convention on the Protection of Migratory Birds between the United States and Great Britain (for Canada). The Act was later amended to reflect similar agreements with Mexico, Japan, and South Korea.

(2) Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior is authorized to promulgate regulations specifying when, how, and whether migratory birds may be hunted.

(3) Contained within these regulations are prohibitions on certain methods of hunting migratory birds to better manage and conserve this resource. These prohibitions, many of which were recommended by sportsmen, have been in place for over 60 years and have enjoyed broad acceptance among the hunting community with one principal exception relating to the application and interpretation of the prohibitions on the hunting of migratory game birds by the aid of baiting, or on or over any baited area.

(4) The prohibitions regarding the hunting of migratory game birds by the aid of bait, or on or over any baited area, have been fraught with interpretative difficulties on the part of law enforcement, the hunting community, and courts of law. Hunters who desire to comply with these prohibitions have been subject to citation for violations of the regulations due to the lack of clarity, inconsistent interpretations, and enforcement. The baiting regulations have been the subject of multiple congressional hearings and a law enforcement advisory commission.

(5) Restrictions on the hunting of migratory game birds by the aid of baiting, or on or over any baited area, must be clarified in a manner that recognizes the national and international importance of protecting the migratory bird resource while ensuring consistency and appropriate enforcement including the principles of "fair chase".

SEC. 3. CLARIFYING HUNTING PROHIBITIONS.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 707(a)) is amended—

(1) By inserting "(a)" after "SEC. 3;" and

(2) By adding at the end the following:

"(b) No person shall—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, where the person knows or reasonably should have known that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting or on or over the baited area.

"(2) Nothing in this subsection prohibits any of the following:

"(A) The taking of any migratory game bird, including waterfowl, from a blind or other place of concealment camouflaged with natural vegetation.

"(B) The taking of any migratory game bird, including waterfowl, on or over—

"(i) standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown; or

"(ii) grains, agricultural seeds, or other feed scattered solely as a result of—

"(I) accepted soil stabilization practices or accepted agricultural operations, or procedures; or

"(II) the alteration for wildlife management purposes of a crop or other feed on the land where it is grown that relocation of grain or other feed after the grain or other feed is harvested or removed from the site where it was grown;

"(C) The taking of any migratory game bird, including waterfowl, on or over any lands where salt, grain, or other feed has been distributed or scattered as a result of—

"(i) accepted soil stabilization practices; or

"(ii) accepted agricultural operations or procedures; or

"(D) altering for wildlife management purposes, areas where salt, grain, or other feed has been distributed or scattered as a result of—

"(i) accepted soil stabilization practices or accepted agricultural operations, or procedures; or

"(ii) the alteration for wildlife management purposes of a crop or other feed on the land where it is grown that relocation of grain or other feed after the grain or other feed is harvested or removed from the site where it was grown;

"(E) placing, exposing, depositing, distributing, or scattering salt, grain, or other feed from a blind or other place of concealment camouflaged with natural vegetation.

"(3) As used in this subsection:

"(A) Except as otherwise provided in this Act, the term 'baiting' means the intentional or unintentional placement of salt, grain, or other feed capable of attracting migratory game birds, in such a quantity and in such a manner as to serve as an attractant to which birds are drawn to such feeding areas where hunters are attempting to take them, by—

"(I) placing, exposing, depositing, distributing, or scattering salt, grain, or other feed from a blind or other place of concealment camouflaged with natural vegetation.

"(II) creating, or concentrating, or concentrating natural vegetation, placed millet, or other vegetation (as specified in migratory bird hunting regulations issued by the Secretary of the Interior) planted for nonagricultural purposes; or

"(IV) gathering, collecting, or concentrating natural vegetation, planted millet, or other vegetation (as specified in migratory bird hunting regulations issued by the Secretary of the Interior) planted for nonagricultural purposes, following alteration or harvest.

"(B) The term 'baited area' means any area where salt, grain, or other feed has been distributed or scattered as a result of—

"(i) used in the area solely for soil stabilization purposes, including erosion control; and

"(ii) approved by the State fish and wildlife agency after consultation with the State Office of the Natural Resources Conservation Service, and the United States Fish and Wildlife Service.

"(C) The term 'accepted soil stabilization practices' means techniques that are—

"(i) subject to clause (ii), means sow with seed that have been harvested; and

"(II) does not include alteration of mature stands of planted millet or of such other vegetation planted for nonagricultural purposes.

"(E) The term 'migratory game bird' means any migratory bird included in the term 'migratory game birds' under section 6(c) of the Migratory Bird Treaty Act (16 U.S.C. 707(c)) is amended as follows:

"(1) By striking "All guns," and inserting "Except as provided in paragraph (2), all guns":

"(2) By adding the following at the end:

"(2) In lieu of seizing any personal property not crucial to the prosecution of the alleged offense, the Secretary of the Interior shall permit the owner or operator of the personal property to post bond or other collateral, pending the disposition of any proceeding under this Act."

By Mr. TORRICELLI.

S. 1534. A bill to amend the Higher Education Act of 1965 to delay the commencement of the student loan repayment period for certain students called to active duty in the Armed Forces; to the Committee on Labor and Human Resources.
Mr. TORRICELLI: Mr. President, I rise today to introduce the Veterans’ Student Loan Deferment Act of 1997. This important legislation will amend the Higher Education Act to preserve the 6-month grace period for repayment of federal student loans for reservists who have been called into active duty.

Throughout my career as a public official, I have always supported the brave men and women who serve our nation in the Reserve Components. These forces represent all 50 States and four territories, and truly embody our forefathers’ vision of the American citizen-soldier. Reservists are active participants in the full spectrum of U.S. military operations, from the smallest of contingencies to full-scale theater war, and no major operation can be successful without them.

However, under current law, students who receive orders to serve with our military in places like Bosnia are returning home to discover that they have lost the six month grace period on their federal student loans and must begin making repayments immediately. I believe it is patently unfair and inconsistent with our increased reliance on the Reserve Forces to call upon these students to serve in harm’s way and, at the same time, to keep the clock running on the six month grace period for paying back student loans. Enactment of my legislation would eliminate this serious inequity confronting students in the Reserves.

Mr. President, hundreds upon hundreds of New Jerseyans have been in Operation Joint Endeavor in Bosnia to date. Many of these courageous individuals had to withdraw from classes in order to serve their nation in uniform. Although the Department of Education can grant deferments to these students, federal law prohibits reinstating their grace period, so interest continues to accrue on their loans whenever they are not attending classes. It is important to note that this legislation will not provide these veterans with any special treatment or benefit. My legislation will simply guarantee that the repayment status on their student loans will be the same when they return home as when they left for service.

I feel very strongly that students should not be punished for serving in the Reserves, and believe that when they are called to serve our country, their focus should be on the mission, not on the status of their student loans. I am proud to offer this legislation on behalf of the hundreds of thousands of Reservists in the United States, and look forward to working with my colleagues to ensure its passage. 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. 1394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DELAY IN COMMENCEMENT OF REPAYMENT PERIOD

(a) FEDERAL STAFFORD LOANS AND FEDERAL DIRECT STAFFORD/FORD LOANS.—Section 428(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1097a(b)(7)) is amended by adding at the end the following:

"(D) There shall be excluded from the 6 month period that begins on the date on which a student ceases to carry at least one-half the normal full-time academic workload as described in subparagraph (A)(i) any period not to exceed 3 years during which a borrower who is a member of the Armed Forces named in section 10101 of title 10, United States Code, is called or ordered to active duty for a period of more than 30 days (as defined in section 101(d)(2) of such title)."

(b) FEDERAL PERKINS LOANS.—Section 466(c) of the Higher Education Act of 1965 (20 U.S.C. 1057(d)(c)) is amended by adding at the end the following:

"(7) There shall be excluded from the 9 month period that begins on the date on which a student ceases to carry at least one-half the normal full-time academic workload as described in paragraph (1)(A) any period not to exceed 3 years during which a borrower who is a member of a reserve component of the Armed Forces named in section 10101 of title 10, United States Code, is called or ordered to active duty for a period of more than 30 days (as defined in section 101(d)(2) of such title)."

By Mr. SANTORUM (for himself, Mr. LAUTENBERG, Mr. DeWINE, Mr. CHAFEE, Mr. COATS, Mr. GREGG, Mr. FEINGOLD, and Mr. SPECTER):

S. 1535. A bill to provide marketing quotas and a market transition program for the 1997 through 2001 crops of quota and additional peanuts, to terminate marketing quotas for the 2002 and subsequent crops of peanuts, and to make nonrecourse loans available to peanut producers for the 2002 and subsequent crops of peanuts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

The Peanut Program Improvement Act of 1997

Mr. SANTORUM. Mr. President, I rise to introduce legislation that will phase out the peanut quota program over 6 years, with the quota system being eliminated beginning in crop year 2002. I am joined in this effort by my colleague from New Jersey, Mr. LAUTENBERG, as well as other original cosponsors.

Under our legislation, the price support for peanuts grown for edible consumption is gradually reduced each year from the current support price of $630 per ton to $350 per ton. In the year 2002 and ensuing years, there would be no quotas on peanuts and the Secretary of Agriculture would be required to make non-recourse loans available to all peanut farmers at 85 percent of their estimated market value. This is consistent with the non-recourse loan program available for other agricultural commodities. In year 2002, and thereafter, the non-recourse loan is capped at the current world price of $350 per ton.

In determining quotas for the crop years 1998 through 2001, the Secretary would be required to consult with representatives of the entire industry. The Secretary would also be required to consider stocks in Commodity Credit Corporation involvement and the beginning of the new crop year as well as a reasonable carryover to permit orderly marketing at the end of the crop year.

This bill also authorizes the complete sale, lease or transfer of poundage quotas across county and state lines. It abolishes the current limitation that now restricts sales, leases, and transfers to no more than 40 percent of the total poundage quota in the county within a state.

Under current law, additional peanuts (those produced in excess of the farmers’ poundage quota) may only be sold by the Department of Agriculture, as well as to other federal, state or local government agencies, including for use in the school lunch program.

Mr. President, the federal peanut program is an anachronism. Born in the 1930’s during an era of massive change and dislocation in agriculture, the program is sorely out of place in today’s vibrant agricultural sector. While other farm commodities are seeking new markets, and new export opportunities abroad, building new markets and helping to improve our national balance of trade; the peanut industry is building new barriers to protect its rapidly diminishing industry. Certainly imports are a factor, but the true threat to America’s peanut farmer is the very quota system that he so stubbornly protects. Industry statistics show that the quota program is causing the demand for peanuts to fall sharply. The quota system stifles freedom for farmers and it fosters a set of economic expectations that cannot be sustained without continued government intervention. Moreover, failure to reform this program costs consumers $500 million annually, and adds to the cost of feeding programs for low-income Americans.

This program must be changed. As sponsors of this measure, however, my colleagues and I recognize that the peanut program cannot be repealed overnight. That is why we are proposing a fair transition period to enable farmers and lenders to adjust their expectations to the marketplace. Following completion of the phase-out period, the peanut program will operate like most other agricultural commodities.

I am pleased that Senators DeWINE, CHAFEE, COATS, GREGG, and FEINGOLD have joined Senator LAUTENBERG and I as original sponsors of this measure, and I encourage my colleagues to support swift enactment of this important legislation.
By Mr. TORRICELLI (for himself and Ms. SNOWE).

S. 1536. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis and to help women make informed choices about their reproductive and post-menopausal health care, and to otherwise provide for research and information concerning osteoporosis and other related bone diseases; to the Committee on Labor and Human Resources.

THE EARLY DETECTION AND PREVENTION OF OSTEOSPOROSIS AND RELATED BONE DISEASES ACT—1997

Mr. TORRICELLI. Mr. President, I rise today to introduce the Early Detection and Prevention of Osteoporosis and Related Bone Diseases Act of 1997 along with my colleague from Maine, Ms. SNOWE.

Osteoporosis and other related bone diseases pose a major public health threat. More than 28 million Americans, 80 percent of whom are women, suffer from or are at risk for osteoporosis. Between three and four million Americans suffer from related bone diseases like Paget's disease or osteogenesis imperfecta. Today, in the United States, 10 million individuals already have osteoporosis and 18 million have low bone mass, placing them at increased risk.

Osteoporosis is often called the "silent disease" because bone loss occurs without symptoms. People often do not know they have osteoporosis until their bones become so weak that a sudden bump or fall causes a fracture or a vertebra to collapse. Every year, there are 1.5 million bone fractures caused by osteoporosis of all women and one-eighth of all men, age 50 or older, will suffer a bone fracture due to osteoporosis.

Osteoporosis is a progressive condition not known to cure, to prevent and treatment are key. The Early Detection and Prevention of Osteoporosis and Related Bone Diseases Act of 1997 seeks to combat osteoporosis, and related bone diseases like Paget's disease and osteogenesis imperfecta, in two ways.

First, the bill requires private health plans to cover bone mass measurement tests for qualified individuals who are at risk for developing osteoporosis. Bone mass measurement is the only reliable method of detecting osteoporosis in its early stages. The test is non-invasive and painless and is as predictive of future fractures as high cholesterol levels are of heart disease or stroke. This provision is similar to a provision in the Balanced Budget Act of 1997 that requires Medicare coverage of bone mass measurements.

Second, the Early Detection and Prevention of Osteoporosis and Related Bone Diseases Act authorizes $1,000,000 to fund an information clearinghouse and $50,000,000 in each fiscal year 1999 through 2001 for the National Institutes of Health to expand and intensify its effort to combat osteoporosis and other bone-related diseases.

Funding for research on osteoporosis and related bone diseases is severely constrained at key research institutes like the National Institute on Aging. Further research is needed to improve prevention and treatment of these devastating diseases.

Money spent now on prevention and treatment will help defray the enormous costs associated with this disease in the future. Currently, osteoporosis costs the United States $13,000,000,000 every year. The average cost of repairing a hip fracture, a common effect of osteoporosis, is $32,000.

Because osteoporosis is a progressive condition and affects primarily aging individuals, reductions in the incidence or severity of osteoporosis will likely significantly reduce osteoporosis-related costs under the Medicare program.

Medical experts agree that osteoporosis and related bone diseases are highly preventable. If 80 percent of these diseases is to be reduced, the commitment to prevention and treatment must be significantly increased. With increased research and access to preventive testing, the future for definitive treatment and prevention is bright.

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. 1536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Early Detection and Prevention of Osteoporosis and Related Bone Diseases Act of 1997."

(b) FINDINGS.—Congress makes the following findings:

(1) NATURE OF OSTEOSPOROSIS.—

(A) Osteoporosis is a disease characterized by low bone mass and structural deterioration of bone tissue leading to bone fragility and increased susceptibility to fractures of the hip, spine, and wrist.

(B) Osteoporosis has no symptoms and typically remains undiagnosed until a fracture occurs.

(C) Once a fracture occurs, the condition has usually advanced to the stage where the likelihood is high that another fracture will occur.

(D) There is no cure for osteoporosis, but drug therapy has been shown to reduce new hip and spine fractures by 50 percent and other treatments, such as nutrition therapy, have also proven effective.

(2) INCIDENCE OF OSTEOSPOROSIS AND RELATED BONE DISEASES.—

(A) 28 million Americans have (or are at risk for) osteoporosis, 80 percent of which are women.

(B) Osteoporosis is responsible for 1.5 million bone fractures annually, including more than 300,000 hip fractures, 700,000 vertebral fractures and 200,000 fractures of the wrists.

(C) Half of all women and one-eighth of all men, age 50 or older will have a bone fracture due to osteoporosis.

(D) Between 3 and 4 million Americans have Paget's disease, osteogenesis imperfecta, hyperparathyroidism, and other related metabolic bone diseases.

(3) IMPACT OF OSTEOSPOROSIS.—The cost of treating osteoporosis is significant:

(A) The annual cost of osteoporosis in the United States is $13.8 billion and is expected to increase precipitously because the population of older persons is expanding and each generation of older persons tends to have a higher incidence of osteoporosis than preceding generations.

(B) The average cost in the United States of repairing a hip fracture due to osteoporosis is $32,000.

(C) Fractures due to osteoporosis frequently result in disability and institutionalization of individuals.

(D) Because osteoporosis is a progressive condition and affects primarily aging individuals, reductions in the incidence or severity of osteoporosis, particularly for post menopausal women before they become eligible for Medicare, has a significant potential of reducing osteoporosis-related costs under the Medicare program.

(4) USE OF BONE MASS MEASUREMENT.—

(A) Bone mass measurement is the only reliable method of detecting osteoporosis at an early stage.

(B) Low bone mass is as predictive of future fractures as is high cholesterol or high blood pressure of heart disease or stroke.

(C) Bone mass measurement is a non-invasive, painless, and reliable way to diagnose osteoporosis before costly fractures occur.

(D) Under section 4106 of the Balanced Budget Act of 1997, Medicare will provide coverage, effective July 1, 1998, for bone mass measurement for qualified individuals who are at risk of developing osteoporosis.

(5) RESEARCH ON OSTEOSPOROSIS AND RELATED BONE DISEASES.—

(A) Technology now exists, and new technology is developing, that will permit the early diagnosis and prevention of osteoporosis and related bone diseases as well as management of these conditions once they develop.

(B) Funding for research on osteoporosis and related bone disease is severely constrained at key research institutes, including the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Diabetes and Digestive and Kidney Diseases, the National Institute of Dental Research, and the National Institute of Child Health and Human Development.

(C) Further research is needed to improve medical knowledge concerning:

(i) cellular mechanisms related to the processes of bone resorption and bone formation, and the effect of different agents on bone remodeling;

(ii) risk factors for osteoporosis, including newly discovered risk factors, risk factors related to groups not ordinarily studied (such as men and minority groups), risk factors related to genes that help to control skeletal metabolism, and risk factors relating to the relationship of aging processes to the development of osteoporosis;

(iii) bone mass measurement technology, including more widespread and cost-effective techniques for making more precise measurements and for interpreting measurements;

(iv) calcium (including bioavailability, intake requirements, and the role of calcium in building heavier and denser skeletons).
and vitamin D and its role as an essential vitamin in adults; (v) prevention and treatment, including the efficacy of current therapies, alternative drug therapy, prevention and treatment, and the role of exercise; and (vi) rehabilitation.

(D) Further educational efforts are needed to increase awareness and professional knowledge of the causes of, methods for avoiding, and treatment of osteoporosis.

SEC. 2. REQUIRING COVERAGE OF BONE MASS MEASUREMENT UNDER HEALTH PLANS.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act, as amended by section 708(a) of Public Law 104-204, is amended by adding at the end the following new section:

"SEC. 2706. STANDARDS RELATING TO BENEFITS FOR BONE MASS MEASUREMENT.

"(a) REQUIREMENTS FOR COVERAGE OF BONE MASS MEASUREMENT.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall include (consistent with this section) coverage for bone mass measurement for beneficiaries and participants who are qualified individuals.

(b) DEFINITIONS RELATING TO COVERAGE.—In this section:

"(1) BONE MASS MEASUREMENT.—The term 'bone mass measurement' means a radiologic or radiodensitometric procedure or other procedure approved by the Food and Drug Administration performed on an individual for the purpose of identifying bone mass or detecting bone loss or determining bone quality, and includes a physician’s interpretation of the results of the procedure. Nothing in this paragraph shall be construed as requiring a provider of bone mass measurement to be conducted in a particular type of facility or to prevent such a measurement from being conducted through the use of mobile facilities that are otherwise qualified.

(2) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means an individual who—

"(A) is an estrogen-deficient woman at clinical risk for osteoporosis;

(B) has vertebral abnormalities; or

(C) is receiving chemotherapy or long-term glucocorticoid (steroid) therapy; or

(D) has primary hyperparathyroidism, hyperthyroidism, or excess thyroid replacement; or

(E) is being monitored to assess the response to or efficacy of approved osteoporosis drug therapy.

"(3) LIMITATION ON FREQUENCY REQUIRED.—Taking into account the standards established under section 1811(c)(3) of the Social Security Act, the Secretary shall establish standards regarding the frequency with which a qualified individual shall be eligible to be provided bone mass measurements under this section. The Secretary may vary such standards based on the clinical and risk-related characteristics of qualified individuals.

"(4) REQUIREMENTS FOR COVERAGE OF BONE MASS MEASUREMENT.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall include (consistent with this section) coverage for bone mass measurement for beneficiaries and participants who are qualified individuals.

(b) DEFINITIONS RELATING TO COVERAGE.—In this section:

"(1) BONE MASS MEASUREMENT.—The term 'bone mass measurement' means a radiologic or radiodensitometric procedure or other procedure approved by the Food and Drug Administration performed on an individual for the purpose of identifying bone mass or detecting bone loss or determining bone quality, and includes a physician’s interpretation of the results of the procedure. Nothing in this paragraph shall be construed as requiring a provider of bone mass measurement to be conducted in a particular type of facility or to prevent such a measurement from being conducted through the use of mobile facilities that are otherwise qualified.

(2) REQUIREMENTS FOR COVERAGE OF BONE MASS MEASUREMENT.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(A) require a beneficiary to undergo bone mass measurement.

(b) PROVIDING INCENTIVES FOR BONE MASS MEASUREMENT.—Nothing in this section shall be construed to require an individual who is a participant or beneficiary to undergo bone mass measurement.

(c) NOTICE.—A group health plan under this section shall comply with the notice requirement under section 713(g) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

(3) LEVEL AND TYPE OF REIMBURSEMENT.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

(4) PREEMPTION.—

"(1) IN GENERAL.—The provisions of this section do not preempt State law relating to health insurance coverage to the extent such State law provides greater benefits with respect to osteoporosis detection or prevention.

"(2) CONSTRUCTION.—Section 2728(a)(1) shall not be construed as superseding a State law described in paragraph (1).

"(B) CONFORMING AMENDMENT.—Section 2728(a) of such title (42 U.S.C. 300gg-28(a)), as amended by section 604(b)(2) of Public Law 104-204, is amended by striking "section 2704" and inserting 'sections 2704 and 2706'.

"(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of title I of title I of the Employee Retirement Income Security Act of 1974, as amended by section 901(b) of Public Law 104-204, is amended by adding at the end the following new section:

"SEC. 713. STANDARDS RELATING TO BENEFITS FOR BONE MASS MEASUREMENT.

"(a) REQUIREMENTS FOR COVERAGE OF BONE MASS MEASUREMENT.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall include (consistent with this section) coverage for bone mass measurement for beneficiaries and participants who are qualified individuals.

(b) DEFINITIONS RELATING TO COVERAGE.—In this section:

"(1) BONE MASS MEASUREMENT.—The term 'bone mass measurement' means a radiologic or radiodensitometric procedure or other procedure approved by the Food and Drug Administration performed on an individual for the purpose of identifying bone mass or detecting bone loss or determining bone quality, and includes a physician’s interpretation of the results of the procedure. Nothing in this paragraph shall be construed as requiring a bone mass measurement to be conducted in a particular type of facility or to prevent such a measurement from being conducted through the use of mobile facilities that are otherwise qualified.

(2) LIMITATION.—The term ‘qualified individual’ means an individual who—

"(A) is an estrogen-deficient woman at clinical risk for osteoporosis;

(B) has vertebral abnormalities; or

(C) is receiving chemotherapy or long-term glucocorticoid (steroid) therapy; or

(D) has primary hyperparathyroidism, hyperthyroidism, or excess thyroid replacement; or

(E) is being monitored to assess the response to or efficacy of approved osteoporosis drug therapy.

"(c) LIMITATION ON FREQUENCY REQUIRED.—Taking into account the standards established under section 1811(c)(3) of the Social Security Act, the Secretary shall establish standards regarding the frequency with which a qualified individual shall be eligible to be provided bone mass measurements under this section. The Secretary may vary such standards based on the clinical and risk-related characteristics of qualified individuals.

"(d) REQUIREMENTS FOR COVERAGE OF BONE MASS MEASUREMENT.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan; except that the summary description required to be provided under the last sentence of section 106(b)(1) with respect to such modifications shall be provided no later than 60 days after the initial date of the plan year in which such modifications apply.

"(2) PROVIDE INCENTIVES FOR BONE MASS MEASUREMENT.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(A) require a beneficiary to undergo bone mass measurement.

(b) PROVIDING INCENTIVES FOR BONE MASS MEASUREMENT.—Nothing in this section shall be construed as requiring a provider of bone mass measurement to be conducted in a particular type of facility or to prevent such a measurement from being conducted through the use of mobile facilities that are otherwise qualified.

"(c) NOTICE.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan; except that the summary description required to be provided under the last sentence of section 106(b)(1) with respect to such modifications shall be provided no later than 60 days after the initial date of the plan year in which such modifications apply.

"(2) PROVIDE INCENTIVES FOR BONE MASS MEASUREMENT.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(A) require a beneficiary to undergo bone mass measurement.

(b) PROVIDING INCENTIVES FOR BONE MASS MEASUREMENT.—Nothing in this section shall be construed as requiring a provider of bone mass measurement to be conducted in a particular type of facility or to prevent such a measurement from being conducted through the use of mobile facilities that are otherwise qualified.

"(c) NOTICE.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan; except that the summary description required to be provided under the last sentence of section 106(b)(1) with respect to such modifications shall be provided no later than 60 days after the initial date of the plan year in which such modifications apply.

"(2) PROVIDE INCENTIVES FOR BONE MASS MEASUREMENT.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(A) require a beneficiary to undergo bone mass measurement.
health insurance coverage to the extent such State law provides greater benefits with re-
spect to osteoporosis detection or preven-
tion.

(2) CONSTRUCTION.—Section 731(a)(1) shall not be construed as superseding a State law described in paragraph (1).

(b) CONFORMING AMENDMENTS.—

(1) Section 731(c) of such Act (29 U.S.C. 1191(c)), as amended by section 603(b)(1) of Public Law 104–204, is amended by striking “section 711” and inserting “sections 711 and 713.”

(2) Section 732(a) of such Act (29 U.S.C. 1191(a)), as amended by section 603(b)(2) of Public Law 104–204, is amended by striking “section 711” and inserting “sections 711 and 713.”

(3) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 712 the following new item:

“Sec. 713. Standards relating to benefits for bone mass measurement.

(b) INDIVIDUAL HEALTH INSURANCE.—

(1) IN GENERAL.—Part B of title XXVII of the Public Health Service Act, as amended by section 603(a) of Public Law 104–204, is amended by inserting after section 2751 the following new section:

“SEC. 2752. STANDARDS RELATING TO BENEFITS FOR BONE MASS MEASUREMENT.

(1) IN GENERAL.—The provisions of section 2706 (other than subsection (g)) shall apply with respect to bone mass measurement programs for such coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

(2) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 713(g) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.

(c) PREEMPTION.—

(1) IN GENERAL.—The provisions of this section do not preempt State law relating to health insurance coverage to the extent such State law provides greater benefits with re-
spect to osteoporosis detection or preven-
tion.

(2) CONSTRUCTION.—Section 2762(a) shall not be construed as superseding a State law described in paragraph (1).

(3) CONFORMING AMENDMENTS.—Section 2762(b)(2) of such Act (42 U.S.C. 622(b)(2)), as added by section 605(b)(3)(B) of Public Law 104–204, is amended by striking “section 2751” and inserting “sections 2751 and 2752.”

(c) EFFECTIVE DATES.—

(1) GROUP HEALTH PLANS.—The amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning after January 1, 1999.

(2) INDIVIDUAL MARKET.—The amendments made by subsection (b) shall apply with re-
spect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

3. OSTEOPOROSIS RESEARCH.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 265d et seq.) is amended by adding at the end the following new section:

“RESEARCH ON OSTEOPOROSIS AND RELATED DISORDERS.

“Sec. 422A. (a) EXPANSION OF RESEARCH.—

The Director of the Institute, the Director of the National Institute on Aging, the Direc-
tor of the National Institute of Diabetes and Digestive and Kidney Diseases, the Director of the National Institute of Dental Research, and the Director of the National Institute of Child Health and Human Development shall expand and intensify research on osteoporosis and related bone diseases. The research shall be in addition to research that is authorized under any other provision of law.

(b) MECHANISMS FOR EXPANSION OF RESEARCH.—Each of the Directors specified in subsection (a) shall, in carrying out such research, provide for one or more of the following:

(1) Investigator-initiated research.

(2) Funding for investigators beginning their research.

(3) Mentorship research grants.

(c) SPECIALIZED CENTERS OF RESEARCH.—

(1) IN GENERAL.—The Director of the Institute, after consultation with the advisory council for the institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct research on osteoporosis and related bone diseases. Subject to the extent of amounts made available in appropriations Acts, the Director shall provide for not less than three such centers.

(2) ACTIVITIES.—Each center assisted under this subsection—

(A) shall, with respect to osteoporosis and related bone diseases, do each of the following:

(i) conduct basic and clinical research;

(ii) develop protocols for training physi-
cians, scientists, nurses, and other health and allied health professionals;

(iii) conduct training programs for such individuals;

(iv) develop model continuing education programs for such professions; and

(v) disseminate information to such profes-
sionals and the public;

(B) may use the funds to provide stipends for health and allied health professionals en-
rolled in training programs described in sub-
paragraph (A)(iii); and

(C) shall use the facilities of a single in-
sitution, or be formed from a consortium of cooperating institutions, meeting such re-
quirements as may be prescribed by the Di-

rector of the Institute.

(3) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods if the Director of the institute has been reviewed by an appro-
riate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

(4) DEFINITION OF RELATED BONE DIS-
EASES.—For purposes of this section, the term ‘related bone diseases’ includes—

(A) Paget’s disease characterized by enlarge-
ment and loss of density with bowing and deformity of the bones;

(B) osteogenesis imperfecta, a familial dis-
ease marked by extreme brittleness of the long bones;

(C) hyperparathyroidism, a condition charac-
terized by the presence of excess para-
thormone and calcium metabolism in the body result-
ing in disturbances of calcium metabolism;

(D) renal bone disease, a disease charac-
terized by metabolic disturbances (fracture di-
alysis, renal transplants, or other renal dis-

‘‘(d) primary or postmenopausal osteoporosis and secondary osteoporosis, such as that induced by corticosteroids; and

(7) other general diseases of bone and metabolism including abnormalities of vitamin D.

(e) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES.—For the purpose of carrying out this section through the National Institute of Arthritis and Musculoskeletal and Skin Diseases, there are authorized to be appropriated $17,000,000 for each of the fiscal years 1999 through 2001, and such sums as may be nec-

essary for each subsequent fiscal year.

(2) NATIONAL INSTITUTE ON AGING.—For the purpose of carrying out this section through the National Institute on Aging, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1999 through 2001, and such sums as may be nec-

essary for each subsequent fiscal year.

(3) NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES.—For the purpose of carrying out this section through the National Institute of Diabetes and Digestive and Kidney Diseases, there are author-
ized to be appropriated $5,000,000 for each of the fiscal years 1999 through 2001, and such sums as may be necessary for each subsequent fiscal year.

(4) NATIONAL INSTITUTE OF DENTAL RE-
SEARCH.—For the purpose of carrying out this section through the National Institute of Dental Research, there are authorized to be appropriated $5,000,000 for each of the fiscal years 1999 through 2001, and such sums as may be necessary for each subsequent fiscal year.

(5) NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT.—For the purpose of carrying out this section through the Na-
tional Institute of Child Health and Human Development, there are authorized to be appropriated $5,000,000 for each of the fiscal years 1999 through 2001, and such sums as may be necessary for each subsequent fiscal year.

(6) SPECIALIZED CENTERS OF RESEARCH.—For the purpose of carrying out subsection (c), there are authorized to be appropriated $3,000,000 for each of the fiscal years 1999 through 2001, and such sums as may be necessary for each subsequent fiscal year.

(7) RELATION TO OTHER PROVISIONS.—Au-
thorizations of appropriations available under this subsection are in addition to amounts au-
thorized to be appropriated for biomedical research relating to osteoporosis and related bone diseases under any other provision of law.”.

SEC. 4. FUNDING FOR INFORMATION CLEARING-
HOUSE ON OSTEOPOROSIS, PAGET’S DISEASE, AND RELATED BONE DIS-
ORDERS.

Section 409(a) of the Public Health Serv-

ice Act (42 U.S.C. 284(d)) is amended by add-
ing at the end the following:

By Mr. SANTORUM:

S. 1338. A bill to amend the Honey Research, Promotion, and Consumer Information Act to improve the honey research, promotion, and consumer information program, and for other pur-
poses; to the Committee on Agri-
culture, Nutrition, and Forestry.
Mr. SANTORUM. Mr. President, I rise to offer a measure to revise the Honey Research, Promotion, and Consumer Information Act Amendments Act of 1997.

By Mr. CHAFEE:

S. 1537. A bill to suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-\{3-\{2-hydroxy-3-\{4-methoxyphenyl\} amino \} carbonyl \} -1-naphtha-lenyl\}azo\} -4-methylbenzoyl\}amino\}, calcium salt (2:1); to the Committee on Finance.

S. 1545. A bill to suspend until December 31, 2002, the duty on Benzenedicarboxylic acid,2-\{1-\{\{2,3-dihydro-2-oxo-1H-1H-benzimidazol-5-yl\}\(-3-\{4-\{3-\{2-hydroxy-3-\{4-methoxyphenyl\} amino \} carbonyl \} -1-naphtha-lenyl\}azo\} -4-methylbenzoyl\}amino\}, calcium salt (2:1); to the Committee on Finance.

S. 1546. A bill to suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-\{3-\{2-hydroxy-3-\{4-methoxyphenyl\} amino \} carbonyl \} -1-naphtha-lenyl\}azo\} -4-methylbenzoyl\}amino\}, calcium salt (2:1); to the Committee on Finance.

S. 1547. A bill to suspend until December 31, 2002, the duty on Butanamide, 2,2′- \{1,2-diethanediylbis (oxy-2,1-phenylenazo) \} bis\{N\{2,3-dihydro-2-oxo-1H-benzimidazol-5-yl\}\(\\{methylamino\}\) carbonyl\} -2-oxopyrrolyl\}azo\}benzamide; to the Committee on Finance.

S. 1548. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 2-\{3-\{2,3-dihydro-2-oxo-1H-benzimidazol-5-yl\}\(\{methylamino\}\) carbonyl\} -2-oxopyrrolyl\}azo\}benzamide; to the Committee on Finance.

S. 1549. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 2-\{3-\{2,3-dihydro-2-oxo-1H-benzimidazol-5-yl\}\(\{methylamino\}\) carbonyl\} -2-oxopyrrolyl\}azo\}benzamide; to the Committee on Finance.

S. 1550. A bill to suspend until December 31, 2002, the duty on Butanamide, N,N′-\{3′,4′-dimethylphenyl\} -4,4′-diyl\}bis\{azo\} \{bis\{N\{2,3-dihydro-2-oxo-1H-benzimidazol-5-yl\}\(-3-\{4-\{3-\{2-hydroxy-3-\{4-methoxyphenyl\} amino \} carbonyl \} -1-naphtha-lenyl\}azo\} -4-methylbenzoyl\}amino\}, methyl ester; to the Committee on Finance.

S. 1551. A bill to suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-\{3-\{2-hydroxy-3-\{4-methoxyphenyl\} amino \} carbonyl \} -1-naphtha-lenyl\}azo\} -5-methyl-\{\(\{methylamino\}\) sulphonylphenyl\}azo\}naphthalene-2-carboxamide; to the Committee on Finance.

Mr. CHAFEE. Mr. President, today I am introducing 13 bills to suspend the duty on the importation of certain products that are used by manufacturers in my home state of Rhode Island.

The products in question are organic replacements for colorants that use heavy metals—such as lead, molybdenum, chrome, and cadmium—in the plastics and coatings industries. Heavy metal colorants traditionally have been used in the coloration of plastics and coatings, especially where the applications are subjected to high heat, or where high weatherfastness or lightfastness are required. Until recently, finding substitutes for these heavy metal-based products was difficult. However, thanks to new formulations, a number of organic products have proved themselves to be satisfactory substitutes.

Reducing our reliance on heavy metal colorants makes sense environmentally. However, none of the organic substitutes in question are produced in the United States. Thus, our producers have no choice but to import the substitutes. To offset the requisite import taxes, which range from 6.6 to 14.6 percent, the total price tag associated with these duties, while relatively small in the context of our federal budget, translates into a considerable business cost to the importing manufacturers. The added cost hurts their ability to compete, and thus their ability to maintain their workforce. Yet, given that there is no domestic industry producing the substitutes, the duties serve little purpose.

The package of bills I am introducing today would remedy this situation by suspending the duty on these thirteen products. As I say, none of these organic substitutes are produced in the United States, and therefore lifting the current duties will not result in harm to any domestic industry. Rather, suspending the duties will allow our domestic manufacturers to reduce costs, thus maintaining U.S. competitiveness and safeguarding Rhode Island jobs.

This is a critical point. I feel strongly that we in Rhode Island should do all we can to keep the state's economy going by creating jobs, encouraging business activity, and spurring new growth.

These bills would contribute to a productive manufacturing sector in Rhode Island, and aid our employers in keeping their costs down and their sales—and employment—up.

It is my hope that by introducing this package of legislation today, there will be ample time for review and comment on each bill, and that as a result, should the Senate take up comprehensive duty suspension legislation next year, these provisions will be ready for inclusion.
The reuse plan I am endorsing provides for a self-sustaining and revenue generating housing and local services site, which is a well developed and cooperative solution to some very real local concerns.

Giving the lack of any formal initiative on the part of a federal agency, which would be given priority consideration, I support the efforts of the city. Our college, Congressman Bob Schaffer, representing Colorado’s 4th congressional district, has introduced legislation for the purpose of conveying the unused Air Force housing facility to the city of La Junta. Today, I am introducing a companion measure in the Senate.

It is my hope that this bill will be referred to the appropriate committee and receive expedited consideration through next year’s authorizing and appropriations process.

By Mr. D’AMATO (for himself and Mr. MOYNIHAN):

S. 1553. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 with respect to the dumping of dredged material in Long Island Sound and for other purposes; to the Committee on Environment and Public Works.

THE LONG ISLAND SOUND PRESERVATION AND PROTECTION ACT

Mr. D’AMATO. Mr. President, I rise today to introduce legislation along with my friend and colleague, Senator MOYNIHAN, that will help guarantee that one of our Nation’s most important estuaries is no longer used as a dumping ground for polluted dredged material. Long Island Sound is a spectacular body of water located between Long Island, New York and the State of Connecticut. Unfortunately, past dumping of dredged material of questionable environmental impact has occurred in the sound. It is high time that we put an end to any future, willful pollution of the sound.

The legislation that we are introducing today will prevent any individual of any government agency from randomly dumping sediments into the ecologically sensitive sound. Specifically, the legislation prevents all sediments that contain any constituents prohibited as other than trace contaminants, as defined by federal regulations, from being dumped into either Long Island Sound or Block Island Sound. Exceptions to the act can be made only in circumstances where the Administrator of the Environmental Protection Agency shows that the material will not cause undesirable effects to the environment of marine life.

In the fall of 1995, the U.S. Navy dumped over 1 million cubic yards of dredged material from the Thames River into the New London dump site located in the sound. Independent tests of that sediment indicated that contaminant levels of the material that now lies at the bottom of the sound’s New London dump site—contaminants such as dioxin, cadmium, pesticides, polyaromatic hydrocarbons, PCB’s, and mercury. Right now, there is a question as to the long-term impact this material will have on the aquatic life and the environment in that area of the ocean. Such concerns should not have to occur. It has taken too many years to clean up Long Island Sound—we should not jeopardize those gains by routinely allowing the dumping of polluted sediments in these waters.

Vast amounts of federal, state, and local money have been spent in the State of New York in the last quarter century combating pollution in the sound. However, at times over the last 25 years, we have looked the other way when it comes to dumping in the sound. Such actions are counter-productive in our efforts to restore the sound for recreational activities such as swimming and boating as well as the economic benefits of sportfishing and the shellfish industry—all of which bring more than $5.5 billion to the region each year.

New Yorkers realize the importance of the sound and are stepping up their efforts to make sure it is cleaned up. New York voters approved an environmental bond initiative that, among other things, commits $200 million for sewage treatment plant upgrades, habitat restoration, and nonpoint source pollution controls on Long Island Sound. New York is doing its part; it is time now to get the support of the federal government and the actions taken by New York, and with the passage of the legislation Senator MOYNIHAN and I are introducing, I am confident that Long Island Sound will move steadily forward on the road to recovery. I urge my colleagues to join us in cosponsoring this bill, and I encourage its swift passage in 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. 1553
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 “Long Island Sound Preservation and Protection Act of 1997”.

SEC. 2. DUMPING OF DREDGED MATERIALS IN LONG ISLAND SOUND.

Section 106 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1416) is amended by striking subsection (f) and inserting the following:

“(f) DUMPING OF DREDGED MATERIAL IN LONG ISLAND SOUND.—

“(1) PROHIBITION.—No dredged material from any Federal or non-Federal project in a quantity exceeding 25,000 cubic yards that contains any of the constituents prohibited as other than trace contaminants as defined by federal regulations may be dumped in Long Island Sound (including Fishers Island Sound) or Block Island Sound, except in a case in which it is demonstrated to the Administrator and the Administrator certifies by publication in the Federal Register, that the dumping of the dredged material containing the constituents will not cause significant undesirable effects, including the threat associated with bioaccumulation of the constituents in marine organisms.

“(2) COMPLIANCE WITH OTHER REQUIREMENTS.—In addition to the provisions of this Act and notwithstanding the specific exclusion relating to dredged material of the first sentence in section 102(a), any dumping of dredged material in Long Island Sound (including Fishers Island Sound) or Block Island Sound from a Federal project pursuant to Federal authorization, or from a dredging project by a non-Federal entity in a quantity exceeding 25,000 cubic yards, shall comply with the requirements of this Act, including the provisions established under the second sentence of section 102(a) relating to the effects of dumping.

“(3) RELATION TO OTHER LAW.—Subsection (d) shall not apply to this subsection.”.

By Mr. HATCH (for himself and Mr. LIEBERMAN):

S. 1554. A bill to provide for relief from excessive punitive damage awards in cases involving primarily financial loss by establishing rules for proportionality between the amount of punitive damages and the amount of economic loss; to the Committee on the Judiciary.

THE FAIRNESS IN PUNITIVE DAMAGES AWARDS ACT

Mr. HATCH. Mr. President, I rise today to introduce, along with Senator LIEBERMAN, the Fairness in Punitive Damages Awards Act. In general, this bill limits the amount of punitive damages that may be awarded in certain civil actions, primarily financial injury lawsuits, to three times the amount awarded to the claimant for economic loss or $250,000, whichever is greater.

These are cases where the claims essentially arise from breach of contract or insurance “bad-faith” or fraud injuries. The punitive damage provision also excludes awards in cases where death, loss of limb, bodily harm, or physical injury occur. It generally does not encompass products liability and physical harm tort cases—cases where supporters of punitive damage awards contend that exemplary damages are needed to deter reckless behavior.

Thus, what sets this bill apart from previous measures is that it has been narrowly tailored to address concerns raised by the Administration and opponents of punitive damages limitations bills. We hope to attract bipartisan support because of the narrow scope of this bill, and, more significantly, because the bill addresses a major impediment to economic growth—runaway punitive damage awards, particularly in financial injury cases.

It is beyond doubt that our civil justice system is being plagued by an epidemic of punitive damage awards. In recent testimony before the Judiciary Committee, former Assistant Attorney General Theodore Olson noted that throughout the 19th and mid-20th century, punitive damages were quite rare. “For example, the highest punitive damage award affirmed on appeal
Mr. President, we must restore reason to the award of punitive damages. This bill is an important step in that direction. I urge my colleagues to join me in co-sponsoring this legislation and encourage the Senate to act expeditiously on this important bill.

I ask unanimous consent that the entire text of the bill be placed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1554

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 “Fairness in Punitive Damage Awards Act”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) punitive damage awards in jury verdicts in financial injury cases are a serious and growing problem, and according to a Rand Institute of Civil Justice study in 1997 of punitive damage verdicts from calendar years 1985 through 1994 in States that represent 25 percent of the United States population, nearly 50 percent of all punitive damage awards are made in financial injury cases (those in which the plaintiff is alleging a financial injury only and is not alleging injuries to either person or property);

(2) punitive damages are awarded in 1 in every 5 financial injury cases and in every 2 financial injury cases in the State of California;

(3) punitive damage awards in jury verdicts in financial injury cases are a serious and growing problem, and according to a Department of Justice study in 1995 result in a jury verdict; and

(4) a provision specifically designed to protect small businesses, which form the backbone of the nation’s economy. Excessive, unpredictable, and often arbitrary punitive damage awards jeopardize the financial well-being of many individuals and companies, particularly the Nation’s small businesses. Under this bill, if the claim for damages is against an individual whose net worth is less than $500,000 or against a business with less than 25 full-time employees, then punitive damages are limited to the lesser of 3 times the economic loss or $500,000. Establishing a rule of proportionality between the amount of punitive damage awards and the amount of economic damages would be fair to both plaintiffs and defendants. In addition, we will take a step towards resolving the constitutional objection, raised by the United States Supreme Court last year in BMW of North America v. Gore, to punitive damages that are grossly excessive in relation to the harm suffered.

Mr. President, we must restore rationality, certainty, and fairness to the financial well-being of many individuals and companies, particularly the Nation’s small businesses, and adversely affect government and taxpayers;
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process rights by placing reasonable limits United States Constitution, the purposes of obtained in Article I, section 8, clause 3 and

• the United States or in the District of Columbia, may be imposed; and

• wrong or injury for which punitive damages applicable Federal or State law; or

• the extent such recovery is allowed under ap-

• expenses, loss of earnings, burial costs, loss

• verifiable monetary losses including medical

• brought; and

• son on whose behalf such an action is

• tion that is subject to this Act and any per-

• States or any State; and

• the United States or any State; or

• November 13, 1997

• (2) uphold constitutionally protected due

• that is the subject of the action was proximate

• cause by such person. Notwithstanding any

• punitive damages are

• in relation to the harm suffered; and

•颈 (a) mean any person who brings a civil

• (2) QUESTION OF LAW.—The applicability of

• others, from engaging in similar behavior in the future; and

• punished, would—

• be fair to both plaintiffs and defend-

• (A) mean any individual, corporate, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

• (7) ‘‘punitive damages’’ mean damages awarded against any person to punish or deter such person, or others, from engaging in similar behavior in the future; and

• (6) ‘‘person’’ mean any individual, corporate, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

• or between any such territory and another, or between any such territory and any State or foreign nation, or between the District of Columbia and any State or territory or foreign nation;

• or between any such territory and another, or between any such territory and any State or foreign nation, or between the District of Columbia, and any State or territory or foreign nation;

• there is a need to restore rationality, certainty, and fairness to the award of punitive damages in order to protect against excessive litigation, and uncertain awards;

• (9) establishing a rule of proportionality, in cases that primarily involve financial injury, between the amount of punitive damages a court may impose and the amount of compensatory damages, as 15 States have established, would—

• (B) be a fair to both plaintiffs and defendants; and

• (A) be fair to both plaintiffs and defendants; and

• (B) address the constitutional objection of the United States Supreme Court in BMW of North America v. Gore 116 S. Ct. 1589 (1996) to punitive damages that are grossly excessive in relation to the harm suffered; and

• (10) permitting a maximum for each claimant recovery for punitive damages of the greater of $250,000, or an amount in

• Nothing in this Act shall be construed to—

• (1) create a cause of action for punitive damages; (2) supersede or alter any Federal law; or (3) preempt or supersede any Federal or State law to the extent such law would further limit the award of punitive damages; or (4) modify or reduce the ability of courts to order remittitur.

• SEC. 6. PREEMPTION.

• Nothing in this Act shall be construed to—

• (1) i) be a violation of the criminal laws of the United States or any State; or

• (ii) would be a criminal violation if committed in the jurisdiction of the United States or any State; and

• (B) appears to be intended to intimidate or coerce a civilian population, to influence the policy or Official conduct of a government by intimidation or coercion, or to affect the conduct of a govern-

• (B) constituting a hate crime (as that term is defined in section 16 of title 18, United States Code); and

• (A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) for which the defendant has been convicted in any court; or

• (B) constituting an act of terrorism for which the defendant has been convicted in any court; and

• (C) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act, Public Law 101-275; 104 Stat. 140; 28 U.S.C. 594 note) for which the defendant has been convicted in any court.

• (D) occurred at a time when the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug that may not lawfully be sold without a prescription and had been taken by the defendant other than in accordance with the terms of a lawful prescription; or

• (E) constitutes a felony sexual offense, as defined by applicable Federal or State law, for which the defendant has been convicted in any court.

• (2) QUESTION OF LAW.—The applicability of this subsection shall be a question of law for
determination by the court. The liability of any other person in such an action shall be determined in accordance with this Act.

• SEC. 5. PROPORTIONAL AWARDS.

• (a) GENERAL.—(1) In general.—The amount of punitive damages that may be awarded to a claimant in any civil action that is subject to this Act shall not exceed the greater of—

• (i) 3 times the amount awarded to the claimant for economic loss; or

• (ii) $250,000.

• (B) APPLICABILITY.—For purposes of deter-

• (a)(1) In general.—For purposes of deter-

• (A) (i) is a violation of the criminal laws of

• (ii) would be a criminal violation if com-

• (B) appears to be intended to intimidate or

• (2) QUESTION OF LAW.—What constitutes
decision in subsection (a)(1) if the misconduct for which punitive damages are awarded against that person—

• (A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) for which the defendant has been convicted in any court;

• (B) constitutes an act of terrorism for which the defendant has been convicted in any court; and

• (C) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act, Public Law 101-275; 104 Stat. 140; 28 U.S.C. 594 note) for which the defendant has been convicted in any court.

• (D) occurred at a time when the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug that may not lawfully be sold without a prescription and had been taken by the defendant other than in accordance with the terms of a lawful prescription; or

• (E) constitutes a felony sexual offense, as defined by applicable Federal or State law, for which the defendant has been convicted in any court.

• (2) QUESTION OF LAW.—The applicability of this subsection shall be a question of law for
determination by the court. The liability of any other person in such an action shall be determined in accordance with this Act.

• SEC. 6. PREEMPTION.

• Nothing in this Act shall be construed to—

• (1) create a cause of action for punitive damages; (2) supersede or alter any Federal law; or (3) preempt or supersede any Federal or State law to the extent such law would further limit the award of punitive damages; or (4) modify or reduce the ability of courts to order remittitur.

• SEC. 7. FEDERAL CAUSE OF ACTION PRECLUDED.

• The district courts of the United States shall not have jurisdiction pursuant to this Act based on section 1331 or 1337 of title 28, United States Code.

• SEC. 8. EFFECTIVE DATE.

• This Act applies to any civil action described in section 4 that is commenced on or after the date of enactment, without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before such date of enactment.

By Mr. FAIRCLOTH: S. 1555. A bill to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes; to the Committee on Finance.

The internal revenue service oversight, restructuring and tax code elimination act of 1997

Mr. FAIRCLOTH. Mr. President, today I am introducing S. 1555, the ‘‘Internal Revenue Service Oversight, Restructuring and Tax Code Elimination Act of 1997.’’ This legislation establishes a bipartisan board composed of private citizens to review the policies and practices of our nation’s tax collection agency. The measure also eliminates the existing tax code by December 31, 2000, and eliminates the Internal Revenue Service by the end of the Year 2000 fiscal year.

Mr. President, the American people have been telling this Congress that all
is not right at the Internal Revenue Service, and it is time for the Congress to do something about it. Of course, no one enjoys paying their taxes, but the American people voluntarily comply with the tax code to a degree that is the envy of governments around the world. They do so because they want to do what is right. They deserve to be treated fairly, and they deserve a tax system that supports working families, not one that punishes them.

This past September, the Senate Committee on Finance held hearings in which taxpayers described the many abuses they have suffered at the hands of the Internal Revenue Service. The general theme of those hearings was an agency which has become arrogant and unresponsive to the American people, ruining businesses and causing considerable suffering to the men and women who were unlucky enough to be the focus of IRS scrutiny. For most Americans, those hearings were an all too familiar recurrence of a painful episode in their own lives.

Mr. President, something must be done about the Internal Revenue Service and the massive Internal Revenue Code of 1986. Our tax code is incomprehensible to all but a few tax attorneys who make their living off of the current chaos created by our tax laws. What is worse, the agency charged with enforcing our tax laws has developed procedures to target their auditing efforts at middle class taxpayers.

The time has come to get rid of the I.R.S., get rid of our nightmarish tax code, and create an oversight board composed entirely of citizens from outside of the I.R.S. to keep watch over that agency until the date when it ceases to exist.

To carry out those objectives, I have introduced S. 1555, the Internal Revenue Service Oversight, Restructuring and Tax Code Elimination Act of 1997. This bill establishes an oversight board composed of nine members, each of whom are from the private sector, and at least one of whom must be an owner or manager of a small business. This oversight board will be responsible for reviewing the policies and practices of the Internal Revenue Service.

Among the specific areas the board will oversee are the agency’s auditing procedures and collections practices, as well as the agency’s procurement policies and information technology. Procurement at the I.R.S. has resulted in outrageous waste and misuse of taxpayer funds, such as the decision to spend nearly $4 billion to develop a new computer system, which officials now concede has been a complete failure. Creating an oversight board to rein in the IRS is just the first step. S. 1555 also calls for the tax code to be terminated as of December 31, 2000, with exceptions for Social Security and Railroad Retirement.

My bill sets out several guidelines for the structure of a new tax code. The new code should apply a low rate to all Americans; require a supermajority of both Houses of Congress to raise taxes; provide tax relief for working Americans; protect the rights of taxpayers and reduce tax collection abuses; eliminate the bias against savings and investment; promote economic growth rather than penalize marriage and families; protect the integrity of Social Security and Medicare; and provide for a taxpayer-friendly collections process to replace the Internal Revenue Service.

Mr. President, it is time to get rid of the I.R.S. and the massive and incomprehensible tax code in favor of a fairer, simpler system. I firmly believe that we will never be rid of our tax code until Congress sets out a specific deadline for its elimination. That is what my bill does. We should begin the national debate now over the form a new tax code should take. I have laid out a series of guidelines in this legislation for the new tax code. Without the right incentive it is neither needed for the I.R.S., and it is my view that this agency is too entrenched in its bureaucratic ways to be reformed. It should simply be eliminated. Until the I.R.S. is gone, an oversight board is badly needed to protect the interests of the taxpayers, and act as a watchdog over this unaccountable agency. I urge my colleagues to support this legislation.

By Mr. LEAHY:

S. 1556. A bill to improve child nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

The Child Nutrition Initiatives Act

Mr. LEAHY, Mr. President, as the ranking member of the nutrition subcommittee, I want to make very clear what my bill does. We should begin the reauthorization.

By Mr. LEAHY:

S. 1997. A bill to increase the participation in the school lunch program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

The Child Nutrition Initiatives Act

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The Child Nutrition Initiatives Act

Mr. LEAHY, Mr. President, as the ranking member of the nutrition subcommittee, I want to make very clear what my bill does. We should begin the reauthorization. By Mr. LEAHY:
Robert Dostis has done an outstanding job as the executive director of the Vermont Campaign to End Childhood Hunger. He also deserves a great deal of credit regarding the effort to get more schools on the school breakfast program. He has recently written a Report on Childhood Hunger in Vermont: A Handbook for Action."

He cites some startling statistics in this report. For example, he notes that about 8,000 Vermont children are receiving food from local Vermont food shelves—which is double the figure for 1990.

In addition, nearly 222,000 meals are being served yearly at two dozen community kitchens in Vermont—that is 21 percent more than in 1994.

I will be also working with Donna Bister, as I have for years, on issues related to the WIC program and with Alison Gardener who is the Public Health Nutrition Chief, for the Vermont Department of Health.

I want to extend a special thanks to Dr. Richard Narkewicz of Vermont who is a past president of the American Academy of Pediatrics. He recently visited me with his grandson Corey.

Most of all I want to thank the hundreds of Vermonters who run Vermont's Food Shelves and Community Kitchens, and all of those helping out at Vermont's Community Action Agencies.

For many years I have watched the tremendous contributions made by the Vermont FoodBank in the fight against hunger. They have been a first line of defense against child hunger in Vermont and I look forward to working with their director, Deborah Flateman.

All of these Vermonters, and hundreds more who I have not mentioned, carry out the true Vermont tradition of extending a helping hand to neighbors in need.

My bill incorporates many ideas from Vermont. I have often designed nutrition legislation based on ideas from State and local officials from around the Nation.

Since this bill is not a full reauthorization bill—which I will cosponsor at a later date with other members of the Committee—I have not automatically extended each expiration date in current law. I will certainly support such extensions as appropriate at a later date and will support many other improvements to the bill.

Section 101 is based on an idea provided to me by Joseph Keifer of the Vermont Food Works program. It provides modest Federal funding to help integrate food and nutrition projects with elementary school curricula for a few pilot tests of this provision.

Section 102 increases the reimbursement rates for the summer food service program to a level that should encourage strong participation. At the recommendation of the Vermont Campaign to End Childhood Hunger the bill also provides special funding to help defray the costs of transporting children to the food service locations. This additional financial support—of 75 cents per day for each child transported to and from school—is only applicable in very rural areas, as defined by USDA.

Vermont child care sponsors strongly recommend that Congress provide funding for an additional meal supplement for children who are in a child care center for 8 hours or more. Section 103 of the bill does just that and thus helps working parents.

The bill provides for the eligibility of additional schools for the after school care meals program and expands funding for a program that provides meals to homeless preschool children in emergency shelters.

Title II of the bill creates a grant program to assist schools and others to establish or expand a school breakfast program, or a summer food service program. $5 million, per year, in mandatory funding would be made available for this effort.

The school breakfast start up program in Vermont, before it was terminated by Congress, was a remarkable success in part due to the hard work of Jo Busha, Bob Dostis, the Vermont School Food Service Association, and many others.

Also under Title II of the bill, the WIC Farmers’ Market Program is provided guaranteed funding. I have worked on this program for a number of years with Mary Carlson of Vermont. Mary is now the president of the association that represents State farmers’ market nutrition programs such as the WIC Farmers’ Market Program. Making this tremendous program mandatory will assure funding and avoid any appearance of being in competition with the WIC program for appropriated funds.

The bill also sets forth a sense of the Congress that the WIC program should be fully funded, now and forever, for all eligible applicants nationwide. I know that reaching this goal has taken a long time. I appreciate all the help that Donna Bister, the Vermont WIC Director, and many other Vermonters, as well as Bread for the World at the national level, have provided on the WIC program. David Beckmann and Barbara Howell of Bread for the World have worked for years toward this goal.

Finally, I have heard from Alison Gardner about the problems she is having in funding for the Nutrition Education and Training Program. Congress made that program mandatory but then changed its status back to a program subject to appropriations. My bill will provide $10 million a year for that program and provide a State minimum grant of $85,000 per year.

I want to emphasize again that my bill represents some important child nutrition initiatives. I hope they will all be included in the reauthorization bill. I look forward to working with Senators LUGAR, HARKIN, MCCONNELL and all the other members of the Agriculture, Nutrition and Forestry Committee on this effort just as we worked together on the child nutrition provisions in the Senate-passed research bill.

I also look forward to working with all the Members of the House of Representatives Education and the Workforce Committee. I know they have a great deal of interest in protecting children and I have enjoyed working in the past with Chairman Goodling and with the ranking minority member Mr. BILL CLAY.

The last reauthorization bill passed both the Senate and the House of Representatives by unanimous consent. This shows how well the Congress can work together when the interests of children are at stake.

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. 1556
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Child Nutrition Initiative Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Title I—National School Lunch Act

Sec. 101. Grants to integrate food and nutrition projects with elementary school curricula.

Sec. 102. Summer food service program for children.

Sec. 103. Child and adult care food program.

Sec. 104. Meal supplements for children in afterschool care.

Sec. 105. Homeless children nutrition program.

Sec. 106. Boarder baby and other pilot projects.

Sec. 107. Information clearinghouse.

Title II—Child Nutrition Act of 1966

Sec. 201. Area grant program.

Sec. 202. Special supplemental nutrition program for women, infants, and children.

Sec. 203. Nutrition education and training.

Title III—National School Lunch Act

Sec. 101. Grants to integrate food and nutrition projects with elementary school curricula.

Sec. 12(m) of the National School Lunch Act (42 U.S.C. 1760(m)) is amended—

(1) by striking "(m)(1) The" and inserting the following:

"(m) Grants to integrate food and nutrition projects with elementary school curricula."

(2) by striking paragraph (5), the following:

"(1) In general.—Subject to paragraph (5),";

(3) by striking paragraph (3) and inserting the following:

"(3) Amount of grants.—Subject to paragraph (5), the Secretary shall make grants to each of the 3 private organizations or institutions selected under this subsection in amounts of not less than $60,000, or more than $130,000, for each of fiscal years 1999 through 2001; and"

(4) by striking paragraph (5) and inserting the following:

"(5) Payments.—

(A) In general.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary to carry out this subsection

November 13, 1997
$300,000 for each of fiscal years 1999 through 2001.

“(B) ENTITLEMENT TO FUNDS.—The Secretary shall be entitled to receive the funds made available under subparagraph (A) and shall accept the funds.

“(C) INSUFFICIENT NUMBER OF APPLICANTS.—

The Secretary may expend less than the amount made available under subparagraph (A) for a fiscal year to the extent that there is an insufficient number of suitable applicants for grants under this subsection for the fiscal year.

“(D) UNOBLIGATED FUNDS.—Of any funds that are made available, but not obligated, to carry out the program for the fiscal year, the Secretary shall adjust and retain the amount by agreement with applicable State agencies for the following:

(i) the remainder shall be returned to the general fund of the Treasury.

SEC. 102. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) PURPOSES.—Section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended in the first sentence by striking “initiate and maintain” and inserting “initiate, maintain, and expand”.

(b) AREAS IN WHICH POOR ECONOMIC CONDITIONS EXIST.—Section 13(a)(1)(C) of the National School Lunch Act (42 U.S.C. 1761(a)(1)(C)) is amended by striking “40 percent” and inserting “90 percent”.

(c) COMMERCIAL VENDORS.—Section 13(a)(2) of the National School Lunch Act (42 U.S.C. 1761(a)(2)) is amended in the first sentence—

(1) by striking “25 percent” and inserting “49 percent”;

(2) by inserting “, or by commercial vendors” after “by a nonprofit organization”;

(d) NUMBER OF PRIVATE NONPROFIT ORGANIZATIONS IN A RURAL AREA.—Section 13(a)(3)(B)(1)(II) of the National School Lunch Act (42 U.S.C. 1761(a)(3)(B)(1)(II)) is amended by striking “25 sites” and inserting “20 sites”.

(e) SECOND HELPINGS.—Section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)) is amended by adding at the end the following:

“(f) in subparagraph (B)(i), by striking “$1.97” and inserting “$2.29”;

(i) in subparagraph (B)(ii), by striking “2 meals and 1 supplement” and inserting “4 meals”;

(ii) by inserting “or for whom transportation is arranged by the service institution” after “eligible children”;

(iii) by adding at the end the following:

“(D) REIMBURSEMENT FOR TRANSPORTATION.—

“(i) IN GENERAL.—The Secretary shall provide an additional reimbursement to each eligible service institution located in a very rural area (as defined by the Secretary) for the cost of transporting each eligible child to a feeding site or from a feeding site for children who are brought to the site by the service institution or for whom transportation is arranged by the service institution.

“(ii) AMOUNT.—Subject to clause (iii), the amount of reimbursement provided to a service institution under this subparagraph may not exceed the lesser of—

1. 75 cents per day for each child transported to and from a feeding site; or

2. The actual cost of transporting children to and from a feeding site, as determined by the Secretary.

“(iii) ADJUSTMENTS.—The amounts specified in clause (i) shall be adjusted in accordance with subparagraph (C).

(g) NUTRITION AND MEALS—

Section 13(b)(2) of the National School Lunch Act (42 U.S.C. 1761(b)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking “‘Any service’ and inserting the following:

‘‘(2) in subsections (A) and (B)’’;

(3) by striking “3 meals, or 2 meals and 1 supplement,” and inserting “3 meals, or 2 meals and 1 supplement,” and

(iv) in subsection (D), by striking “A camp or migrant program may serve a breakfast, a lunch, a supper, and meal supplements.”

(b) EXTENSION.—Section 13(q) of the National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking “1998” and inserting “2003”.

SEC. 103. CHILD AND ADULT CARE FOOD PROGRAM.

(a) EXTENSION.—Section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended by striking “1997” and inserting “2003”.

(b) IN GENERAL.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary to carry out this subsection a sum, to be determined by the Secretary, not to exceed $45,000,000 for each fiscal year through and including fiscal year 2003.

(c) USE OF FUNDS.—The Secretary shall use the funds made available under this section to—

(1) make payments under the Program to—

(i) in the case of the school breakfast program, to school food authorities for eligible schools, and

(ii) in the case of the summer food service program, to service institutions.

(2) make payments under the Program on a competitively bid basis to the extent that there is an insufficient number of suitable applicants for assistance provided under this subsection for a fiscal year.

(3) PAYMENTS.—The Secretary shall—

(i) in the case of the school breakfast program, to school food authorities for eligible schools, and

(ii) in the case of the summer food service program, to service institutions.

(4) EXCLUSION.—The Secretary may expend less than the amount described in subparagraph (A) for a fiscal year to the extent that there is an insufficient number of suitable applicants to whom payments would be made under this subsection for a fiscal year.

(5) PRIORITY.—The Secretary shall make payments under the Program on a competitive basis in accordance with the order of priority (subject to the other provisions of this subsection) to—

(i) School food authorities for eligible schools to assist the schools with non-recurring expenses incurred in—

(ii) initiating a school breakfast program under this section; or

(iii) expanding a school breakfast program.

SEC. 104. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

Section 17(a)(2)(C) of the National School Lunch Act (42 U.S.C. 1766(a)(2)(C)) is amended by striking “on May 19, 1989.”

SEC. 105. HOMELESS CHILDREN NUTRITION PROGRAM.

Section 17(h)(1) of the National School Lunch Act (42 U.S.C. 1766(g)(1)) is amended in the first sentence by striking “3,700,000 for fiscal year 1999” and inserting “5,700,000 for fiscal year 1999”.

SEC. 106. BOARDER BABY AND OTHER PILOT PROGRAM.

Section 17(h)(1) of the National School Lunch Act (42 U.S.C. 1766(g)(1)) is amended—

(1) in subsection (b)(1), by striking “1998” each place it appears and inserting “2003”;

(2) in subsection (b)(2), by striking “and” at the end of “section 18 of the National School Lunch Act” and inserting “section 18 of the National School Lunch Act (42 U.S.C. 1766(a)(3))”;

(3) by adding at the end—

“(C) IN GENERAL.—The Secretary shall provide an additional reimbursement to each eligible service institution located in a very rural area (as defined by the Secretary) for the cost of transporting each eligible child to a feeding site or from a feeding site for children who are brought to the site by the service institution or for whom transportation is arranged by the service institution.

“(ii) AMOUNT.—Subject to clause (iii), the amount of reimbursement provided to a service institution under this subparagraph may not exceed the lesser of—

1. 75 cents per day for each child transported to and from a feeding site; or

2. The actual cost of transporting children to and from a feeding site, as determined by the Secretary.

“(iii) ADJUSTMENTS.—The amounts specified in clause (i) shall be adjusted in accordance with subparagraph (C).

(4) NUTRITION AND MEALS—

Section 13(b)(2) of the National School Lunch Act (42 U.S.C. 1761(b)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking “Any service” and inserting the following:

‘‘(2) in subsections (A) and (B)’’;

(3) by striking “3 meals, or 2 meals and 1 supplement,” and inserting “3 meals, or 2 meals and 1 supplement,” and

(iv) in subsection (D), by striking “A camp or migrant program may serve a breakfast, a lunch, a supper, and meal supplements.”

(c) NUMBER OF PRIVATE NONPROFIT ORGANIZATIONS.—

Section 13(b)(2) of the National School Lunch Act (42 U.S.C. 1761(a)(2)) is amended in the first sentence—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking “2 meals and 1 supplement” and inserting “4 meals”;

(3) by inserting “or for whom transportation is arranged by the service institution” after “eligible children”;

(4) by adding at the end the following:

“(D) REIMBURSEMENT FOR TRANSPORTATION.—

“(i) IN GENERAL.—The Secretary shall provide an additional reimbursement to each eligible service institution located in a very rural area (as defined by the Secretary) for the cost of transporting each eligible child to a feeding site or from a feeding site for children who are brought to the site by the service institution or for whom transportation is arranged by the service institution.

“(ii) AMOUNT.—Subject to clause (iii), the amount of reimbursement provided to a service institution under this subparagraph may not exceed the lesser of—

1. 75 cents per day for each child transported to and from a feeding site; or

2. The actual cost of transporting children to and from a feeding site, as determined by the Secretary.

“(iii) ADJUSTMENTS.—The amounts specified in clause (i) shall be adjusted in accordance with subparagraph (C).

(g) NUTRITION AND MEALS—

Section 13(b)(2) of the National School Lunch Act (42 U.S.C. 1761(b)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking “Any service” and inserting the following:

‘‘(2) in subsections (A) and (B)’’;

(3) by striking “3 meals, or 2 meals and 1 supplement,” and inserting “3 meals, or 2 meals and 1 supplement,” and

(iv) in subsection (D), by striking “A camp or migrant program may serve a breakfast, a lunch, a supper, and meal supplements.”

Title II—Child Nutrition Act of 1966

SEC. 201. AREA GRANT PROGRAM.

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by adding at the end the following:

“(A) AREA GRANT PROGRAM—

“(1) DEFINITIONS.—In this subsection:

“(I) EQUITABLE SCHOOL.—The term ‘equitable school’ means a school—

(B) Service institutions to assist the institutions with nonrecurring expenses incurred in—

(i) initiating a school breakfast program for children; or
$15,000,000 for fiscal year 1999, $19,000,000 for fiscal year 2000, and $24,000,000 for fiscal year 2001, $30,000,000 for fiscal year 2002 and $37,000,000 for fiscal year 2003. Such funds shall remain available for this program until expended.

(11) ENTITLEMENT TO FUNDS.—The Secretary shall be entitled to receive the funds made available in subparagraph (A) and shall accept the funds.

SEC. 203. NUTRITION EDUCATION AND TRAINING.

Subsection (1)b) of the Child Nutrition Act of 1966 (42 U.S.C. 1796(b)) is amended—

(A) in the first sentence of subparagraph (B), by striking "and each succeeding fiscal year" and inserting "and each fiscal year so that all eligible participants for the fiscal year under this section shall be $85,000.

(2) by striking paragraph (3); and

(3) by redesignating paragraphs (4) and (5) as paragraph (3) and (4), respectively.

By Mr. TORRICELLI (for himself, Mr. AKAKA, Mr. KERRY, and Mrs. FEINSTEIN):

S. 1557. A bill to end the use of steel jaw leghold traps on animals in the United States; to the Committee on Environment and Public Works.

This bill takes on added importance as the European Union proposes to ban the importation of U.S. fur caught with this class of trap. By ending the use of the leghold trap within our borders, we will effectively set a humane standard for trapping, as well as protect the U.S. fur industry by keeping Europe's doors open to U.S. exports.

While this bill does not prohibit trapping, it does outlaw a particularly savage method of trapping by prohibiting the import or export of, and the shipment in interstate commerce of, such traps and of articles of fur from animals captured in such traps.

The steel jaw leghold trap is a cruel and antiquated device for which many alternatives exist. The American Veterinary Medical Association and the American Trappers Council have condemned leghold traps as inhumane and the majority of Americans oppose the use of this class of trap. Currently, 89 nations have banned these cruel devices, and have done so with broad-based public support. In addition, Colorado and Massachusetts have joined Rhode Island, Florida and my home State of New Jersey in banning the trap.

One quarter of all U.S. fur exports, $44 million, go to the European market. One-third of this, $21 million, would be eliminated by the ban. This would clearly cause considerable economic damage to the U.S. fur industry, an important source of employment for many Americans. Since many Americans rely on trapping for their livelihood, it is imperative to find a solution which prevents the considerable damage that this ban would cause to our fur industry. It is important to note that since the steel-jaw leghold trap has been banned in Europe, alternatives have been provided to protect and maintain the European fur industry.

Our Nation would be far better served by ending the use of the archaic and inhumane steel jaw leghold trap. By doing so, we are not only setting a long-overdue humane standard for trapping, we are ensuring that the European market remains open to all American fur exports.

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. 1557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. DECLARATION OF POLICY.

It is the policy of the United States to end the needless maiming and suffering inflicted upon animals through the use of steel jaw leghold traps by prohibiting the import or export of, and the shipment in interstate commerce of, such traps and of articles of fur from animals that were trapped in such traps.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) ARTICLE OF FUR.—The term "article of fur" means—

(A) any furkin, whether raw or tanned or dressed;

or any article, however produced, that consists in whole or part of any furkin. For purposes of subparagraph (A), the terms "furkin", "raw", and "tanned or dressed" have the same meanings as those terms have under heading 1 of chapter 43 of the Harmonized Tariff Schedule of the United States.

(2) CUSTOMS LAWS OF THE UNITED STATES.—The term "customs laws of the United States" means any law enforced or administered by the Customs Service.

(3) INTERSTATE COMMERCE.—The term "interstate commerce" has the same meaning as given such term in section 10 of title 18, United States Code.

(4) IMPORT.—The term "import" means to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing in, introducing, or entry constitutes an entry into the customs territory of the United States.

(5) PERSON.—The term "person" includes any individual, partnership, association, corporation, trust, or any officer, employee, agent, department, or instrumentality of the Federal Government or of any State or political subdivision thereof, or any other entity subject to the jurisdiction of the United States.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) STEEL JAW LEghOLD TRAP.—The term "steel jaw leghold trap" means any spring-powered pan- or seal-actuated device with a steel jaw that is designed to capture an animal by snapping closed upon the animal's limb or part thereof.
SEC. 3. PROHIBITED ACTS AND PENALTIES.

(a) OFFENSES.—It is unlawful for any person knowingly:

(1) to import, export, ship, or receive in interstate commerce an article of fur if any part of the article of fur is derived from an animal that was trapped in a steel jaw leghold trap;

(2) to receive, export, deliver, carry, transport, or ship by any means whatever, in interstate commerce, any steel jaw leghold trap or;

(3) to sell, receive, acquire, or purchase any steel jaw leghold trap that was delivered, carried, transported, or shipped in contravention of paragraph (2).

(b) VIOLATIONS TO WHICH A VIOLATION OF THIS ACT (EXCEPT WITH RESPECT TO VIOLATIONS TO WHICH SUBSECTION (b) APPLIES), MAY, IN EXERCISING DISCRETION, BE IMPOSED—

(1) for the first such violation, shall be guilty of a violation punishable under title 18, United States Code; and

(2) for each subsequent violation, shall be imprisoned not more than 2 years, fined under title 18, United States Code, or both.

SEC. 4. REWARDS.

The Secretary shall pay, to any person who furnishes information which leads to a conviction of any person in violation of any provision of this Act or any regulation issued thereunder, an amount equal to one half of the fine paid under title 18, United States Code, and

any court of competent jurisdiction for enforcement that may be imposed—

(1) for the first such violation, shall be guilty of a violation punishable under title 18, United States Code; and

(2) for each subsequent violation, shall be imprisoned not more than 2 years, fined under title 18, United States Code, or both.

SEC. 5. ENFORCEMENT.

(a) IN GENERAL.—Except with respect to violations of this Act to which subsection (b) applies, the provisions of this Act and any regulation issued thereunder, may be enforced by the Secretary, who may use by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency or of any State or local government who furnishes information or renders service in the performance of his or her official duties is not eligible for payment under this section.

(b) EXPORT AND IMPORT VIOLATIONS.—

(1) IMPORT VIOLATIONS.—The importation of articles in contravention of section 3 shall be treated as a violation of the customs laws of the United States, and the provisions of law relating to violations of the customs laws shall apply thereto.

(2) EXPORT VIOLATIONS.—The provisions of the Export Administration Act of 1979 (including any provisions (s. t. c. App. 2401 et seq.) shall apply for purposes of enforcing the prohibition relating to the export of articles described in section 3.

(c) PROCESSES.—The district courts of the United States may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this Act and any regulation issued thereunder.

(d) ENFORCEMENT AUTHORITIES.—Any individual or authority to enforce this Act (except with respect to violations to which subsection (b) applies), may, in exercising such authority:

(1) detain for inspection, search, and seize any package, crate, or other container, including its contents, and all accompanying documents, if such individual has reasonable cause to suspect that such package, crate, or other container contains articles with respect to which a violation of this Act (except with respect to violations to which subsection (b) applies) has occurred, is occurring, or is about to occur;

(2) make arrests without a warrant for any violation of this Act (except with respect to violations to which subsection (b) applies) committed in his or her present or view or if the individual has probable cause to believe that the person to be arrested has committed or is committing such a violation; and

(3) execute and serve any arrest warrant, search warrant, or search warrant order, or criminal process issued by any judge or magistrate of any court of competent jurisdiction for enforcement of this Act (except with respect to violations to which subsection (b) applies).

(e) FORFEITURE.—

(1) IN GENERAL.—Except as provided in paragraph (3), any article of fur or steel jaw leghold trap, if any possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, or shipped in violation of this Act shall be subject to forfeiture to the United States.

(2) APPLICABLE LAW.—The provisions of law relating to—

(A) the seizure, summary and judicial forfeiture, and condemnation of property for violations of the customs laws,

(B) the disposition of such property or the proceeds from the sale thereof,

(C) the remission or mitigation of such forfeitures, and

(D) the compromise of claims, shall apply to seizures and forfeitures under this Act, and, if any article of fur or steel jaw leghold trap is taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, or shipped in violation of this Act and the customs laws of the United States, the United States may, within their respective jurisdictions, upon their own initiative or at the request of the Secretary or such officers and employees as the Secretary may designate, execute and serve any arrest warrant, search warrant, or search warrant order, or any process issued by any judge or magistrate of any court of competent jurisdiction for enforcement that may be imposed—

(3) EXCEPTION.—The provisions of the Export Administration Act of 1979 shall apply with respect to the seizure and forfeiture of any article of fur or steel jaw leghold trap imported in violation of this Act and the customs laws of the United States shall apply with respect to the seizure and forfeiture of any such article or trap imported in violation of this Act.

(f) INJUNCTIONS.—The Attorney General of the United States may seek to enjoin any person who is alleged to be in violation of any provision of this Act.

(g) COOPERATION.—The Secretary of Commerce, the Secretary of the Treasury, and the heads of other Federal agencies or any State or local government who furnishes information or renders service in the performance of his or her official duties is not eligible for payment under this section.

SEC. 6. REGULATIONS.

The Secretary shall prescribe such regulations as are necessary to carry out this Act.

SEC. 7. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 year after the date of enactment.

By Mr. D'AMATO:

S. 1558. A bill to amend the Harmonized Tariff Schedule of the United States with respect to shadow mask steel; to the Committee on Finance.

THE SHADOW MASK STEEL HARMONIZED TARIFF SCHEDULE AMENDMENT ACT OF 1997

Mr. D'AMATO. Mr. President, I rise today to introduce legislation to amend the Harmonized Tariff Schedule of the United States with respect to shadow mask steel. Shadow mask steel, a vital component of color television picture tubes and computer video monitors, is used to produce “shadow masks” which prevent image distortion in the images transmitted by television and computer video monitors. Unfortunately, neither shadow mask steel, nor any viable substitute, is produced within the United States. Therefore, United States shadow mask producers must import this product from steel producers in Japan and Germany.

Domestic shadow mask production faces a difficult challenge to stay competitive. In today’s shadow mask market, competition for United States shadow masks is increasing as foreign manufacturers aggressively pursue the U.S. market. In addition, color picture tube and computer video monitor manufacturers are increasing their efforts to reduce production costs and increase competition in the television and computer markets.

These factors reinforce the vital need for competitively-priced component materials, such as shadow masks. Eliminating the duty on shadow mask steel, a product that is already subject to a gradual tariff elimination schedule, would be an important step toward enabling domestic manufacturers to remain competitive in the global market. Moreover, we must support picture tube and computer video monitor manufacturers that employ thousands of workers throughout the United States rely on a consistent supply of domestically-produced shadow masks. If such companies were unable to obtain such a supply, we run the risk of supplanting domestic production of this product with imported shadow masks from foreign competitors, resulting in higher costs and delivery uncertainties associated with purchasing shadow mask imports.

Such increased costs and uncertainty would certainly result in reduced competitiveness of U.S. television picture tube and computer video monitor manufacturers vis-à-vis foreign manufacturers. Reduced competitiveness could lead to the transfer of existing U.S. manufacturing operations abroad, and/or the closing of U.S. facilities, resulting in the loss of thousands of actual and potential U.S. jobs in the television and computer manufacturing industries.

By Mr. FAIRCLOTH:

S. 1590. A bill to require the Federal banking agencies to make certain certifications to Congress regarding new accounting standards for derivatives before they become effective; to the Committee on Banking, Housing, and Urban Affairs.

THE ACCURATE ACCOUNTING STANDARDS CERTIFICATION ACT OF 1997

Mr. FAIRCLOTH. Mr. President, several times during this session, the Securities Subcommittee of the Senate Banking Committee has held hearings on the issue of the Financial Accounting Standards Board (FASB) accounting standards for derivatives and other instruments.

The hearings have demonstrated that there is great concern in the banking industry, and virtually every industry, about the FASB standards as they are presently written.

In particular, there are concerns that the FASB will finalize these standards
by the end of this year, without re-exposing its draft for further public comment. FASB has received hundreds of comment letters expressing concern about the new standards. Yet, the comments appear to go unheeded. In particular, concern in the banking industry that the standards are not taking into account the unique nature of banks. Even Alan Greenspan has taken the unusual step of expressing his concern to the FASB.

The Chairman of the Federal Reserve Board of Governors said in his letter that "FASB's planned approach would not improve the financial reporting of derivatives activities and would constrain prudent risk management practices."

Mr. President, I am a strong supporter of Generally Accepted Accounting Principles. I strongly believe that these standards should be set by the private sector. I believe, however, that the FASB, a private organization, is working too closely with the SEC, and therefore, is ignoring the concerns raised by bank regulators. In effect, this is not so much a dispute of a private group defying the wishes of an industry—but it is a dispute between two parts of our Government over how best to proceed on accounting for risk on the balance sheet. The FASB appears to be ignoring the concerns of the bank regulators, and by doing so, needlessly complicating disclosure to investors. Investors and analysts right now are fully capable of reviewing the balance sheets of depository institutions and determining who is well run and who is not.

The Securities Subcommittee issued a report this year in which it stated that "by focusing on derivatives risk exposure in isolation from the risk faced by the bank, the risk management techniques are prone to present investors a distorted and misleading picture of company conditions and activities."

In my view, the new standards will throw a wrench into the present accounting framework and only serve to confuse investors. It is highly ironic that financial institutions, the principal users of accounting information in order to make credit decisions, find the new standards confusing and cumbersome.

For this reason I feel compelled to introduce legislation that would provide the banking regulatory agencies with the authority to reject the standards if they feel that the new standards will not accurately reflect assets, liabilities and earnings. Further, the regulators could refuse to adopt the standards if the new rules would serve to diminish the use of the risk management techniques currently used to reduce risks and soundness in the operation of an insured depository institution.

I think this is an appropriate solution to this problem. I have great faith that the banking regulators, the primary users of financial information from banks, can make the best determination if these standards are appropriate. Thank you Mr. President.

By Mr. WARNER:
S. 1561. A bill to reform the conduct of Federal elections; to the Committee on Rules and Administration.

THE CONSTITUTIONAL AND EFFECTIVE REFORM OF CAMPAIGN FINANCE ACT

Mr. WARNER. Mr. President, today I introduce the Constitutional and Effective Reform of Campaigns Act, or "CERCA". This legislation is the product of 2 years of hearings in the Rules Committee with numerous experts, party officials, and candidates, and nearly two decades of participating in campaigns and campaign finance debates in the Senate. Many of the proposals in this bill have been made in some form by several of my Senate colleagues and by Members of the House, and I readily acknowledge drawing on their expertise. Most particularly, the important discussions during the meetings of this year's task force head by Senator Nickles, at the request of Majority Leader Lott, were invaluable. This legislation offers an opportunity for bipartisan support. It is a good faith effort to strike a middle ground between those who believe public financing of campaigns is the solution, and those who believe the solution is to remove current regulations. It offers a package of proposals which realistically can be achieved with bipartisan support and meet the desire of the majority of Americans who believe that our present system can be reformed. In my judgment, we will not succeed with any measure of campaign reform in this complicated field without a bipartisan consensus.

In drafting this legislation, I began with four premises. First, all provisions had to be consistent with the First Amendment: Congress would be acting in bad faith to adopt provisions which have a likelihood of being struck down by the federal courts. Second, I oppose public financing and mandating "free" or reduced-cost media time which in my mind is neither free nor a good policy idea. Why should seekers of federal office get free time, while candidates for state office or local office—from governors to local sheriffs—do not receive comparable free benefits? Such an inequality and imbalance will breed friction between federal and state office seekers. Third, I believe we should try to increase the role of citizens and the political parties. Fourth, any framework for campaign legislation must respect and protect the constitutional right of individuals, groups, and organizations to participate in advocacy concerning political issues.

This bill is designed to be a "bilateral disarmament" on the tough issues of soft money and union dues: each side must give up equivalent ground. The Republicans should give ground by placing a cap on soft money which has tended to favor our side. And Democrats should give ground by allowing union members voluntarily, whether these dues fund direct contributions to candidates or parties, or pay for undisclosed spending on phone banks, get-out-the-vote efforts, literature, and television ads.

Under this legislation, unions would be required to obtain advance, written consent before deducting money for political activities from union members' paychecks. The present state of the law requires only that union members be given three days advance notice of the candidates to whom their money would be paid. This legislation offers an opportunity to remove current regulations. It offers a voluntary, whether these dues fund direct contributions to candidates or parties, or pay for undisclosed spending on phone banks, get-out-the-vote efforts, literature, and television ads.

Specifically, on the issue of soft money, no reform can be considered true reform without placing limits on the corporate and union donations to the national political parties. This bill places a $100,000 cap on such donations. While this provision addresses the problem of the propriety of these large donations, it allows the political parties sufficient funds to maintain their headquarters and conduct their grassroots efforts. In addition, the current limits on "hard" contributions must be updated. The ability of citizens to contribute voluntarily to a wide range of candidates and to their parties is fundamental.

At the same time, the practice of mandatory union dues going to partisan politics without union members' consent must end: it is counter to all the political freedoms that make America a true democracy. The concept of "paycheck protection" must be included in any campaign finance reform. I believe that the SEC, and therefore, is ignoring the concerns raised by bank regulators. In effect, this is not so much a dispute of a private body defying the wishes of an industry—but it is a dispute between two parts of our Government over how best to proceed on accounting for risk on the balance sheet. The FASB appears to be ignoring the concerns of the bank regulators, and by doing so, needlessly complicating disclosure to investors. Investors and analysts right now are fully capable of reviewing the balance sheets of depository institutions and determining who is well run and who is not.

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Sierra Club. Nobody is compelled to join these types of organizations, and those that do, know or should know that their dues are going in part to political causes.

Furthermore, I considered including in this bill a narrowly-tailored disclosure requirement for individuals and groups spending large sums on public advertising affecting the public image of candidates during election seasons. However, in keeping with my first basic premise that reforms must pass the federal court test of constitutionality, I concluded that such a provision, in view of a long line of Supreme Court cases, likely would be declared unconstitutional, and thus I did not include the provision.

The McCain-Feingold bill was thoroughly debated in the Senate, and any objective observer of the Senate would agree that we are genuinely deadlocked and, for all intents and purposes, the debate of McCain-Feingold. I hope that all Members will review my bill as an objective and pragmatic approach to current problems with our campaign system. I encourage other Members to come forward, as I have, with proposals which objectively represent pragmatic approaches to what can be achieved. I do not claim to have the only solution: those with other ideas should come forward.

In addition to the issues of soft money and union dues discussed above, nine other fundamental problems—all of which can be solved in a constitutional manner—are the most pressing. Here are these problems, in no particular order, and my proposed solutions:

Problem 1: Politicians spend too much time fundraising, at the expense of their legislative duties for incumbents and, for both incumbents and challengers, at the expense of debating the issues with voters.

Solution: The current individual contribution limit of $1,000 has not been raised, or even indexed for inflation, for over twenty years. This fact requires that candidates must spend more and more time seeking more and more dollars. The limit should be doubled, as well as indexed for inflation.

Problem 2: The influence of voters on campaigns has been diminished by the activities of political action committees and interest groups.

Solutions: I propose a $100 tax credit for contributions made by citizens, with specified limits, to Senate and House candidates in their states: this credit should spark an influx of small dollar contributions to balance the greater ability of citizens with higher incomes to participate.

In addition to the increased individual contribution limit, the activities of political action committees should be balanced by the activities of political action committees.

Problem 3: The influence of voters on campaigns has been diminished by contributions from those not eligible to vote.

Solution: If you are not eligible to vote, you should not contribute to campaigns. My bill would prohibit contributions by those ineligible to vote, including non-citizens, children, and persons under felony convictions. It also codifies current regulations concerning political donations by domestic subsidiaries of foreign companies.

Problem 4: Compared to incumbents, challengers face greater difficulties raising funds and communicating with voters, particularly at the outset of a campaign.

Solution: This legislation will allow candidates to receive "seed money" contributions of up to $10,000 from individuals and political action committees. This provision should help get candidates off the ground. The total amount of these "seed money" contributions could not exceed $100,000 for House candidates or $300,000 for Senate candidates. To meet the constitutional test, this provision would apply to both challengers and incumbents alike, but in the case of an incumbent with money carried over from a prior cycle, those funds would count against the seed money limit.

Second, Senate incumbents would be barred from using the franking privilege to send out mass mailings during the election year, other than the sixty day ban in current law.

Problem 5: Candidates with personal wealth have a distinct advantage through their constitutional right to spend their own funds.

Solution: If a candidate spends more than $25,000 of his or her own money, the individual contribution limits would be raised to $10,000 so that candidates could raise money to counter that personal spending. Again, to meet constitutional review, this provision would apply to all candidates.

Problem 6: Current laws prohibiting fundraising activities on federal property are weak and insufficient.

Solution: The current ban on fundraising is unenforceable. This bill updates the law before the law created such terms as "hard" and "soft" money. This bill updates this law to require that no fundraising take place on federal property.

Problem 7: Reporting requirements and public access to disclosure statements are weak and inadequate.

Solutions: Under this proposal, the FEC would be required to post reports on the Internet for all to see, and to require that candidates, and groups making independent expenditures, make faster and more complete reports. In addition, registered lobbyists would be required to report their campaign contributions and those of their employer on their lobbyist disclosure reports.

Problem 8: The Federal Election Commission is in need of procedural and substantive reform.

Solutions: This legislation contains a number of procedural and substantive reforms of the FEC, including term limits for commissioners, and increases in penalties for violations.

Problem 9: The safeguards designed to protect the integrity of our elections are compromised by weak aspects of federal laws regulating voter registration and voting.

Solutions: The investigations of contested elections in Louisiana and California have shown significant weaknesses in federal laws designed to safeguard the registration and voting processes. The McCain-Feingold bill allows registration by mail has undermined confidence that only qualified voters are registering to vote and only registering once: states should be allowed to decide whether to allow mail-in registrations. In addition, states should be allowed to require proof of citizenship when registering and proof of identification when voting: we require a photo ID to buy beer or cigarettes and can certainly allow states to protect the voting process by requiring a photo ID as a condition for voting.

These are the problems which I believe can be solved in a bipartisan fashion. In addition to this section by section review of the legislation, I look forward to working with my colleagues to enact meaningful campaign reform, by looking at reform beyond the usual soundbites and addressing the real problems of our present system of campaigns.

Mr. President, I ask unanimous consent that the text of the bill summary be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL AND EFFECTIVE REFORM OF CAMPAIGN ACT—SENATE

TITLE I—ENHANCEMENT OF CITIZEN INVOLVEMENT

Section 101.—Prohibits those ineligible to vote (non-citizens, minors, felons) from making contributions ("hard money") or donations ("soft money"). Also bans foreign aliens making independent expenditures and codifies FEC regulations on foreign control of domestic donations.

Section 102.—Updates maximum individual contribution limit to $2,000 per election (primary and general) and indexes both individual and PAC limits in the future.

Section 103.—Provides a tax credit up to $1,000 for contributions to candidates for Senate and House for incomes up to $60,000 ($200 for joint filers up to $120,000).

TITLE II—LEVELING THE PLAYING FIELD FOR CANDIDATES

Section 201.—Seed money provision: Senate candidates may collect $500,000 and House candidates $100,000 (minus any funds carried over from a prior cycle) in contributions up to $1,000 from individuals and PACs.

Section 202.—"Anti-millionaires" provision: when one candidate spends over $25,000 of personal funds, a candidate may accept contributions up to $10,000 from individuals and PACs up to the amount of personal spending minus a candidate's funds carried over from a prior cycle and own use of personal funds.

Section 203.—Bans use of Senate frank for mass mailings from January 1 to election day for incumbents seeking reelection.
Mr. BAUCUS. Mr. President, I rise today to introduce an important piece of legislation for Montana. This bill is titled "the Gallatin Range Consolation Completion Act of 1997."

Mr. President, this legislation is similar to a bill introduced earlier this month by my colleague from Montana. While I am glad he has at last staked out a public position in favor of this exchange, I believe his approach is too little, too early. So I am introducing a bill which more accurately reflects where discussions on this exchange have progressed since Senator Burns' earlier involvement.

Completing the Gallatin Land Exchange is a top priority for me. The land considered in this legislation is key wildlife habitat and is among some of the most beautiful anywhere. When completed, this exchange will result in improved habitat and will improve recreation opportunities in the region. But, as with many land exchanges this will not be a simple process.

The company involved, Big Sky Lumber has been pursuing this matter for nearly 4 years. The Forest Service has collected public comment and has worked to see that concerns of all parties affected, the recreation interests, conservation advocates, and the business owners are all addressed. I have been working with these groups drafting legislation with the help of the Forest Service.

I was surprised that Senator Burns introduced a draft bill today without notice. Contrary to an agreement among the State's congressional delegation that no bill be introduced until we reached agreement among ourselves and with other interested groups. The land involved in this exchange is a highly valuable addition to the National Forest System; and to—

There being no objection, the bill was sent that the text of the bill be printed in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.
(4) subject to availability of funds, the Secretary of Agriculture shall purchase land belonging to BSL in the Taylor Fork area, as depicted in Exhibit D, at a purchase price of not more than $6,000,000 and
(5) the Secretary of the Interior shall convey to BSL, by patent or otherwise, subject to valid existing rights and to such other terms, conditions, exceptions, and limitations as may be agreed to by the Secretary of the Interior and BSL, fee title to approximately 1,860 acres of Bureau of Land Management land, as depicted in Exhibit B to the Option Agreement.

(b) VALUATION.—The property and other assets exchanged by BSL and the United States under subsection (a) shall be approximately equal in value, as determined by the Secretary of Agriculture.

(c) Timber Harvest Rights.—(1) IN GENERAL.—The Secretary of Agriculture shall prepare, grant to BSL, and administer the timber harvest rights identified in Exhibit C to the Option Agreement, over a period of 5 consecutive years after the date of enactment of this Act.

(2) IN GENERAL.—On completion of the Exchange Agreement, the Secretary of Agriculture shall purchase land described in subsection (a) and, within 60 days after receipt of all applicable title documents from BSL, determine whether—
(A) the applicable title standards for Federal land acquisition have been satisfied or documents from BSL, determine whether—
(B) the applicable title standards for Federal land acquisition have been satisfied or documents from BSL, determine whether—
(C) a current title commitment verifying title includes both the surface and subsurface estate; and

(ii) timber, timber rights, and timber interests; and
(iii) water, water rights, and ditch conveyances; and

(vi) any other interest in the property.

(2) CONVEYANCE OF TITLE.—If the quality of title does not meet Federal standards or is otherwise determined to be unacceptable to the Secretary of Agriculture, the Secretary of Agriculture shall advise BSL regarding corrective actions necessary to make an affirmative determination under subparagraph (i).

(c) TIMING OF IMPLEMENTATION.—(1) EXCHANGE AGREEMENT.—The Exchange Agreement shall be completed and executed not later than 60 days after the date of enactment of this Act.

(2) LAND-FOR-LAND EXCHANGE.—The Secretary of Agriculture shall make the timber harvest rights described in subsection (a)(3) consistent with the same area.

(3) LAND-FOR-TIMBER EXCHANGE.—The Secretary of Agriculture shall make the timber harvest rights described in subsection (a)(3) consistent with the same area.

(4) PURCHASE.—The Secretary of Agriculture shall complete the purchase of BSL land under subsection (a)(4) not later than 60 days after the date of enactment of this Act. Specific procedures for execution of the harvest rights shall be specified in the Exchange Agreement.

SEC. 5. GENERAL PROVISIONS.

(a) MINOR CORRECTIONS.—(1) IN GENERAL.—The Option Agreement and the Exchange Agreement shall be subject to such minor corrections as may be agreed to by the Secretary of Agriculture and BSL.

(b) NOTIFICATION.—The Secretary of Agriculture shall notify the Congress on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, the Committee on Resources of the House of Representatives, and each member of the Montana congressional delegation; and

(c) STATUS OF LAND.—All land conveyed to the United States under this Act shall be added to and administered as part of the Gallatin National Forest, as appropriate, in accordance with the Act of March 1, 1911 (commonly known as the ‘Weeks Act’) (36 Stat. 961, chapter 106), and other laws (including regulations) pertaining to the National Forest System.

(d) IMPLEMENTATION.—The Secretary of Agriculture shall ensure that sufficient funds are made available to the Gallatin National Forest to carry out this Act.

By Mr. SMITH of Oregon (for himself, Mr. CRAIG, Mr. Gorton, Mr. Roberts and Mr. Grams): S. 1563. A bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation; to the Committee on the Judiciary.

The Temporary Agricultural Worker Act of 1997

Mr. SMITH of Oregon. Mr. President, I rise today to introduce the Temporary Agricultural Worker Act of 1997. I am joined by Senators Reid, Goings, and Roberts. Our bill would create a streamlined guest worker pilot program which would allow for a reliable supply of legal, temporary, agricultural immigrant workers.

Mr. President, we are facing a crisis in agriculture—a crisis born of inadequate labor supply, bureaucratic red tape, and burdensome regulations. For many years, farmers and nurserymen
have struggled to hire enough legal agricultural labor to harvest their produce and plants. This issue is not new to Congress. In the past, Congress has introduced legislation to address this urgency, but no workable solution has been implemented. The agriculture industry cannot survive without a reliable and legal supply of agricultural workers. The labor pool is tight and shortages are developing because of the limited domestic workers willing to work in agricultural fields.

The United States has historically been faced with a need to supplement the domestic work force, especially during peak harvesting periods. Since domestic workers prefer the security of full-time employment in year-round agriculture-related jobs, the shorter term seasonal jobs are often left unfilled by domestic workers. These domestic workers also prefer the working conditions involved in packing and processing jobs, which are generally performed indoors and do not involve the degree of strenuous physical labor associated with field work.

Labor intensive agriculture is one of the most rapidly growing areas of agricultural production in this country. Its growth not only creates many production and harvest jobs, but also creates many more jobs outside of agriculture. Approximately three off-farm jobs are directly dependent upon each on-farm job.

Currently, the H–2A program is the only legal temporary foreign agricultural worker program in the United States. This program is not practicable for the agriculture and horticulture industry because it is loaded with burdensome regulations, excessive paperwork, a bureaucratic certification process, untimely and inconsistent decision-making by the U.S. Department of Labor, and costly housing requirements. The H–2A program has also been very small in relation to the total number of workers needed. It is estimated that out of the 2.5 million farm workers in the United States, only 23,496 H–2A job certifications have been issued by the Department of Labor this year. In my State of Oregon, only 12 shepherds and 62 shepherds are currently using the H–2A program.

It is time we address the shortfalls of current policy, and I believe that our bill is a meaningful step in that direction.

Mr. President, the bill we are introducing today would not replace or interfere with the current H–2A program, but would supplement the H–2A program with a two-year pilot program that examines an alternative approach to recruiting agricultural workers. The pilot program will be limited to 25,000 participants per fiscal year and would protect the domestic workers’ rights and living standards.

Mr. President, let me briefly summarize the provisions of our bill.

The bill would establish a procedure by which an agricultural employer anticipating a shortage of temporary or seasonal agricultural workers may file a labor condition statement, or attestation, with the state employment security agency. The attestation would provide specified terms and conditions of employment in the occupation in which a shortage is anticipated. Employers would also be required to file a job order with the local job service and give preference to all qualified U.S. domestic workers.

The Department of Labor would enforce compliance with the labor condition requirements of the program and could impose civil and criminal penalties, and debarment from the program for violators.

The alien guest workers are issued an identification card, which is counterfeit- and tamper-resistant, with biometric identifiers to assure program integrity.

A portion of the alien guest workers’ earnings would be paid into an interest-bearing trust fund that would be rebated to the workers upon evidence of timely return to their home country. This would ensure that the aliens return to their countries of origin after the temporary job is completed. The alien guest workers could also be debarred from future participation in the program for violating the conditions of their admission.

Our bill is endorsed by over 50 agricultural-related associations including the National Council of Agricultural Employers, American Farm Bureau, and the American Association of Nurserymen.

I urge my fellow colleagues to join Senators Craig, Gorton, Roberts, and me as we introduce this important legislation today.

Mr. President, I ask unanimous consent that this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, 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 “Temporary Agricultural Worker Act of 1997”.

SEC. 2. NEW NONIMMIGRANT CATEGORY FOR PILOT PROGRAM TEMPORARY AND SEASONAL AGRICULTURAL WORKERS.


(1) by striking “or (b)” and inserting “(b)”;

and

(2) by adding at the end the following:

“or (c) having a residence in a foreign country which he has no intention of abandoning . . .”.

(b) NO FAMILY MEMBERS PERMITTED.—Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended—

(1) by striking “(i)” and inserting “(i)”;

and

(2) by adding a new paragraph (other than in clause (ii)(c))”.

SEC. 3. PILOT PROGRAM FOR ALTERNATIVE AGRICULTURAL TEMPORARY WORKER PROCESS USING ATTERTATION.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 218 the following:

“ALTERNATIVE AGRICULTURAL TEMPORARY WORKER PROGRAM

SEC. 218A. (a) CONDITION FOR EMPLOYMENT OF PILOT PROGRAM ALIENS.—(1) ESTABLISHMENT OF PILOT PROGRAM; RESTRICTION OF ADMISIONS TO PILOT PROGRAM PERIOD.

(A) IN GENERAL.—The Attorney General shall establish a pilot program for the admission of aliens classified as a nonimmigrant under section 101(a)(15)(H)(ii)(c) to perform temporary or seasonal agricultural services pursuant to a labor condition attestation filed by an employer or an association for the occupation in which the alien will be employed.

No alien may be admitted or provided status as a pilot program alien under this section after the last day of the pilot program period specified in subparagraph (B).

(B) PILOT PROGRAM PERIOD.—The pilot program period under this subparagraph is the 24-month period beginning 6 months after the date of the enactment of the Temporary Agricultural Worker Act of 1997.

(2) ADMISSION OF ALIENS.—No alien may be admitted to the United States or provided status as a pilot program alien (as defined in subsection (n)(4)) unless—

(A) the alien is under 18 years of age and is not the spouse or minor child of a United States citizen or lawfully admitted immigrant;

(B) the employment of the alien is covered by a currently valid labor condition attestation which—

(i) is filed by the employer, or by an association on behalf of the employer, for the occupation in which the alien will be employed;

(ii) has been accepted by the State employment security agency having jurisdiction over the area of intended employment; and

(iii) states each of the items described in paragraph (2) and includes information identifying the employer or association and agricultural job opportunities involved;

(C) the employer has not, during the pilot program period, been found by the Attorney General to have employed any aliens in violation of section 274A(a) or this section.

(3) CONTENTS OF LABOR CONDITION ATTERTATION.—Each labor condition attestation filed by or on behalf of an employer shall state the following:

(A) WAGE RATE.—The employer will pay a uniform wage that is not less than the prevailing wage for similarly employed workers in the area of employment, and not less than the applicable Federal, State or local statutory minimum wage.

(B) WORKING CONDITIONS.—The employment of pilot program aliens will not adversely affect the working conditions of similarly employed workers in the area of employment.

(C) LIMITATION ON EMPLOYMENT.—A pilot program alien will not be employed in any job opportunity which is not temporary or seasonal, and will not be employed by the employer in any job opportunity for more than 10 months in any 12-consecutive-month period.

(D) NO LABOR DISPUTE.—No pilot program alien will be employed in any job opportunity which is vacant because its former occupant is involved in a strike, lockout or other labor dispute in the course of a labor dispute in the occupation at the place of employment.
ALIEN IN A FISCAL YEAR EXCEED 25,000.

EMPLOYMENT WHERE, PILOT PROGRAM ALIENS WILL

FILE THE ATTESTATION, HAS PROVIDED NOTICE OF

HEIR AUTHORIZED EMPLOYMENT, SUBJECT TO

JURISDICTION OVER THE AREA OF INTENDED EMPLOYMENT OF THE WORKERS COVERED BY THE ATTESTATION. IF AN EMPLOYER, OR THE MEMBERS OF AN ASSOCIATION OF EMPLOYERS TO WHICH AN EMPLOYER IS A MEMBERSHIP, EMPLOYED IN AN AREA OR AREAS COVERED BY MORE THAN ONE SUCH AGENCY, THE ATTESTATION SHALL BE FILED WITH EACH SUCH AGENCY HAVING JURISDICTION OVER AN AREA WHERE THE WORKERS WILL BE EMPLOYED.

(5) DEADLINE FOR FILING.—A LABOR CONDIT-

TION ATTESTATION MAY BE FILED AT ANY TIME UP
to 180 DAYS PRIOR TO THE DATE ON WHICH THE EMPLOYEE'S ATTESTATION IS VALID FROM THE DATE ON WHICH A PILOT PROGRAM ALIEN WAS EMPLOYED. IF AN EMPLOYER SUBMITS A LABOR CONDITION ATTESTATION AFTER THE DEADLINE FOR FILING, THE ATTESTATION MAY NOT BE CREDITED TOWARDS THE NUMBER OF ATTESTATIONS REQUIRED IN SUBPARAGRAPH (A) FOR THE PURPOSE OF DEEMING THE EMPLOYER IN COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE ATTESTATION.

(6) FILING FOR MULTIPLE OCCUPATIONS.—A LABOR CONDITION ATTESTATION MAY BE FILED FOR ONE OR MORE OCCUPATIONS AND COVER ONE OR MORE PERIODS OF EMPLOYMENT.

(7) MAINTAINING REQUIRED DOCUMENTATION.—

(A) BY EMPLOYERS.—Each employer covered by an accepted labor condition attestation must maintain a file of the documentation required for the occupation included in an accepted attestation covering the employer. The documentation shall be maintained throughout the period any persons are employed in an occupation covered by such an attestation. An employer who withdraws an accepted labor condition attestation shall cease maintaining the documentation until the withdrawal of the attestation.

(B) BY ASSOCIATIONS.—In complying with subparagraph (A), documentation maintained by an association in an accepted labor condition attestation on behalf of an employer shall be deemed to be maintained by the employer.

(8) WITHDRAWAL.—

(A) COMPLIANCE WITH ATTESTATION OBLIGATIONS.—An employer covered by an accepted labor condition attestation for an occupation shall comply with the terms and conditions of the attestation from the date the attestation is accepted and continuing throughout the period any persons are employed in an occupation covered by such an attestation. An employer who withdraws a labor condition attestation for an occupation in which the attestation was withdrawn, shall be required to notify the State employment security agency of the withdrawal of the attestation. An employer who withdraws an attestation, or on whose behalf an attestation is withdrawn by an association, shall be required to notify the State employment security agency of the withdrawal of the attestation. An employer who withdraws an attestation, or on whose behalf an attestation is withdrawn by an association, shall be required to notify the State employment security agency of the withdrawal of the attestation. An employer who withdraws an attestation, or on whose behalf an attestation is withdrawn by an association, shall be required to notify the State employment security agency of the withdrawal of the attestation. An employer who withdraws an attestation, or on whose behalf an attestation is withdrawn by an association, shall be required to notify the State employment security agency of the withdrawal of the attestation. An employer who withdraws an attestation, or on whose behalf an attestation is withdrawn by an association, shall be required to notify the State employment security agency of the withdrawal of the attestation. An employer who withdraws an attestation, or on whose behalf an attestation is withdrawn by an association, shall be required to notify the State employment security agency of the withdrawal of the attestation.

(B) TERMINATION OF OBLIGATIONS.—An em-

ployer and association acting as an agent for its members, shall be required to notify the State employment security agency of the withdrawal of the attestation. An employer who withdraws an attestation, or on whose behalf an attestation is withdrawn by an association, shall be required to notify the State employment security agency of the withdrawal of the attestation. An employer who withdraws an attestation, or on whose behalf an attestation is withdrawn by an association, shall be required to notify the State employment security agency of the withdrawal of the attestation. An employer who withdraws an attestation, or on whose behalf an attestation is withdrawn by an association, shall be required to notify the State employment security agency of the withdrawal of the attestation. An employer who withdraws an attestation, or on whose behalf an attestation is withdrawn by an association, shall be required to notify the State employment security agency of the withdrawal of the attestation. An employer who withdraws an attestation, or on whose behalf an attestation is withdrawn by an association, shall be required to notify the State employment security agency of the withdrawal of the attestation.

(9) MAINTAINING REQUIRED DOCUMENTATION.—

(A) REQUIRED DOCUMENTATION FOR EMPLOYERS.—The employer or association shall document compliance with this paragraph if the pilot program alien was employed by the employer.

(B) MAINTAINING REQUIRED DOCUMENTATION FOR ASSOCIATIONS.—The employer or association shall document compliance with this paragraph if the pilot program alien was employed by an association and have agreed in writing to comply with the requirements of this section.

(10) PERIOD OF VALIDITY.—A LABOR CONDIT-

TION ATTESTATION FOR AN OCCUPATION MAY BE FILED BY AN EMPLOYER UNDER ANY LAW OR REGULATION AS A RESULT OF A DECISION BY A STATE EMPLOYMENT SECURITY AGENCY THAT THE ACCEPTANCE OF THE LABOR CONDITION ATTESTATION WOULD CONSTITUTE A VIOLATION OF STATE LAW.

(11) REQUIREMENT TO PAY THE PREVAILING WAGE.—

(A) EFFECT OF THE ATTESTATION.—Emp-

loyers shall pay each worker in an occupation covered by an accepted labor condition attestation at least the prevailing wage in the occupation in which the worker is employed. The preceding sentence does not require employers to pay all workers in the occupation the same wage. The employer may establish the sole discretion of the employer to determine the wages of workers in the occupation receive at least the prevailing wage.

(B) PAYMENT OF STATE EMPLOYMENT SECUR-

ITY AGENCY DETERMINED WAGE SUFFICIENT.—

The employer may request and obtain a prevailing wage determination from the State employment security agency of the employer requests such a determination, and pays the wage determined, such payment shall be considered sufficient to meet the requirements of this paragraph if the pilot program alien was employed.

(12) OBLIGATIONS UNDER OTHER STATUTES.—

Any obligation incurred by the employer for the recruitment of United States workers through the procedures of subparagraph (B), an employer may rely on other information, such as an employer generated prevailing wage survey and determination, which meets criteria specified by the Secretary by regulation. In the event of a complaint that the employer has failed to pay the required wage, the Secretary shall investigate to determine if the information upon which the employer relied complied with the criteria for prevailing wage determinations.

(13) ALTERNATE METHODS OF PAYMENT PER-

MISSION FOR PILOT PROGRAM.—Any employer may, in the sole discretion of the employer, maintain pay differentials based on experience, tenure with the employer, skill, or any other work-related factor, if the differential is not based on a criterion for which discrimination is prohibited by the law and all workers in the covered occupation receive at least the prevailing wage.

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(17) ALTERNATE METHODS OF PAYMENT PER-

MISSION FOR PILOT PROGRAM.—Any employer may, in the sole discretion of the employer, maintain pay differentials based on experience, tenure with the employer, skill, or any other work-related factor, if the differential is not based on a criterion for which discrimination is prohibited by the law and all workers in the covered occupation receive at least the prevailing wage.
which will provide benefits at least equal to those provided under the State workers’ compensation law for comparable employment.

*E* Required documentation.—

"(i) Housing and transportation.—No specific documentation is required to be maintained to evidence compliance with the requirements of subparagraph (B) and (E). In the event of a complaint alleging a failure to comply with such a requirement, the burden of proof shall be on the employer to show proof that the employer did provide the benefit to the complainant, or that the employer was not required by the terms of this paragraph to offer such benefit to the complainant.

"(ii) Workers’ compensation.—The employer shall maintain copies of certificates of insurance or other evidence of compliance with subparagraph (D) throughout the period of validity of the labor condition attestation.

"(3) Requirement to employ aliens in temporary or seasonal agricultural job opportunities.—

"(A) Limitations.—

"(i) In general.—The employer may employ aliens in agricultural employment which is temporary or seasonal.

"(ii) Seasonal basis.—For purposes of this section, labor is performed on a seasonal basis where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or periods of the year, or is not regularly performed for a normal commuting distance.

"(iii) Temporary basis.—For purposes of this section, a worker is employed on a temporary basis where the employment is intended not to exceed 10 months.

"(B) Required documentation.—No specific documentation is required to demonstrate compliance with the requirement of subparagraph (A).

"(4) Requirement not to employ aliens in job opportunities vacant because of a labor dispute.—

"(A) In general.—No pilot program alien may be employed in any job opportunity covered by a job order in which an occupation is involved in a strike, lockout, or work stoppage in the course of a labor dispute in the course of engagement or employment.

"(B) Required documentation.—No specific documentation is required to demonstrate compliance with the requirement of subparagraph (A).

"(C) Required documentation.—The employer shall maintain a copy of the posted notice, together with evidence that the information was provided to the bargaining agent (if any), to the State office of the State employment security agency which will provide benefits at least equal to those provided under the State workers’ compensation law for comparable employment.

"(5) Notice of filing of labor condition attestation and supporting documentation.—

"(A) In general.—The employer shall—

"(i) provide notice of the filing of a labor condition attestation to the appropriate certified bargaining agent (if any) which represents workers of the employer in the occupation (or occupations) at the place of employment covered by the attestation; or

"(ii) in the case where no such bargaining agent exists, post notice of the filing of such an attestation in at least two conspicuous locations where applications for employment are accepted.

"(B) Period for posting.—The requirement for a posting under subparagraph (A)(i) begins on the day the attestation is filed, and continues through the period during which the employer’s job order is required to remain active pursuant to paragraph (6)(A).

"(6) Requirement to file a job order.—

"(A) Effect of the attestation.—The employer shall maintain a copy of the notice provided to the bargaining agent (if any), together with evidence that the notice was provided (such as a signed receipt of evidence of notice, or evidence that the notice was sent by certified or registered mail). In the case where no certified bargaining agent described in subparagraph (A)(i) exists, the employer shall retain a copy of the posted notice together with information as to the dates and locations where the notice was displayed.

"(B) Required documentation.—The employer, or an association acting as agent for its members, shall file the information necessary to complete a local job order for each job opportunity for which the employer or association provides a signing attestation with the appropriate local office of the State employment security agency having jurisdiction over the area of timely manner, as required by the State office of such an agency if workers will be employed in an area within the jurisdiction of more than one local office of such an agency. The job order shall remain active at least 35 calendar days or until 5 calendar days before the anticipated date of need for workers in the occupation covered by the job order, whichever occurs later. The job order shall be required to remain active until the conditions of employment required for participation in the pilot program.

"(7) Deadline for filing.—A job order shall be filed under subparagraph (A) no later than the date on which the employer files a petition with the Attorney General for admission or extension of stay for aliens to be employed in the occupation for which the order is filed.

"(C) Required documentation.—The information as to the dates and locations where applications for employment are accepted.

"(A) Filing 30 days or more before date of need.—If a job order is filed 30 days or more before the anticipated date of need for workers in an occupation covered by a labor condition attestation and for which the job order has been filed, the employer shall offer to employ able, willing, and qualified United States workers who apply to the employer and who will be available at the time and place needed for the job opportunities covered by the attestation until 5 calendar days before the anticipated date of need for workers in the occupation, or until the employer’s job opportunities in the occupation are filled with qualified United States workers, if that occurs more than 5 days before the anticipated date of need for workers in the occupation.

"(B) Filing fewer than 30 days before date of need.—If a job order is filed fewer than 30 days before the anticipated date of need for workers in an occupation covered by such an attestation and for which a job order has been filed, the employer shall offer to employ able, willing, and qualified United States workers who are or will be available at the time and place needed during the first 5 calendar days after the job order is filed or until the employer’s job opportunities in the occupation are filled with United States workers,
regardless of whether any of the job opportunities may already be occupied by pilot program aliens.

(C) FILING VACANCIES.—An employer may file a job order covering occupation covered by an accepted labor condition attestation which remains or becomes vacant after expiration of the required preference period specified in subparagraph (A) or (B) of section 274A (6) without regard to such preference.

(D) JOB-RELATED REQUIREMENTS.—No employer shall be required to initially employ a worker who fails to meet lawful job-related employment criteria, nor to continue the employment of a worker who fails to meet lawful job-related standards of conduct and performance to the minimum productivity standards after a 3-day break-in period.

(E) REQUIRED DOCUMENTATION.—No specific documentation is required to demonstrate compliance with the requirements of this paragraph. In the event of a complaint, the burden of proof shall be on the complainant to show that the complainant applied for the job and was available at the time and place needed. If the complainant makes such a showing, the burden of proof shall shift to show that the complainant was not qualified or that the preference period had expired.

(F) REQUIREMENTS OF NOTICE OF CERTAIN BREAKS IN EMPLOYMENT.—

(1) IN GENERAL.—The employer (or the association acting as agent for the employer) shall notify the Attorney General within 7 days if a pilot program alien prematurely abandons the alien's employment.

(2) OUT-OF-STATUS.—A pilot program alien who abandons the alien's employment shall be considered to have been excluded from immigrant status as an alien described in section 101(a)(15)(H)(ii)(c) and shall leave the United States or be subject to removal under section 237(a).

(G) ACCEPTANCE BY STATE EMPLOYMENT SECURITY AGENCY.—The State employment security agency shall review labor condition attestations submitted by employers or associations pursuant to this section only for completeness and obvious inaccuracies. Unless such an agency finds that the application has been obviously incomplete, the agency shall accept the attestation within 7 days of the date of filing of the attestation, and return a copy to the applicant marked "Accepted."

(H) PUBLIC REGISTRY.—The Secretary shall maintain a registry of all accepted labor condition attestations and make such registry available for public inspection.

(I) RESPONSIBILITIES OF THE STATE EMPLOYMENT SECURITY AGENCIES.—

(1) DISSEMINATION OF LABOR MARKET INFORMATION.—The Secretary shall disseminate State employment security agencies to disseminate non-employer-specific information about potential labor needs based on accepted attestations filed by employers. Such dissemination shall be separate from the clearances of job orders through the Interstate and Intrastate Clearance Systems, and shall create no obligations for employers except as provided in this section.

(2) REFERRAL OF WORKERS ON STATE EMPLOYMENT SECURITY AGENCY JOB ORDERS.—

(A) IN GENERAL.—Such agencies holding job orders filed by employers covered by approved labor condition attestations shall be authorized to refer any able, willing, and qualified applicant who will be available at the time and place needed and who is authorized to work in the United States, including pilot program aliens who are seeking additional work in the United States, including pilot program aliens who are seeking additional work in the United States, or be subject to removal under section 237(a).

(B) PETITIONING FOR ADMISSION.—An employer may petition the Secretary to admit the beneficiary of the services of a pilot program alien as an employer is determined to have committed a violation and not against the association or other members of the association.

(C) VIOLATION BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing a labor condition attestation on its own behalf as an employer is determined to have committed a violation under this subsection which results in disqualification from the program under paragraph (2)(D), no individual member of such association may be the beneficiary of the services of a pilot program alien in an occupation in which such alien was employed by the association during the period such disqualification is in effect.

(D) PROGRAM DISQUALIFICATION.—Upon a second final determination that an employer has failed to pay the wages required under the labor condition attestation, the Secretary may assess a civil money penalty not to exceed $1,000 for each violation.

(E) WRITTEN NOTICE OF FINDINGS AND OPPORTUNITY FOR APPEAL.—After an investigation has been conducted, the Secretary shall issue a written determination as to whether or not any violation described in subparagraph (A) has been committed. The Secretary's determination shall be served on the complainant and the employer, and shall be appealable to an administrative law judge, who may conduct a de novo hearing.

(F) REMEDIES.—

(A) BACK WAGES.—Upon a final determination that the employer has failed to pay wages as required under this section, the Secretary may assess payment of back wages due to any United States worker or pilot program alien employed by the employer in the specific employment in question. The Secretary may assess a penalty not to exceed $1,000 for each failure, and may recommend to the Attorney General the disqualification of the employer from the employment of pilot program aliens for a period of time determined by the Secretary not to exceed 1 year.

(B) FAILURE TO PAY WAGES.—Upon a final determination that the employer has failed to pay the wages required under this section, the Secretary may assess a civil money penalty up to $1,000 for each failure, and may recommend to the Attorney General the disqualification of the employer from the employment of pilot program aliens for a period of time determined by the Secretary not to exceed 1 year.

(C) OTHER VIOLATIONS.—If the Secretary, as a result of an investigation pursuant to a referral of a complaint that an employer covered by an accepted labor condition attestation has—

(i) filed an attestation which misrepresents a material fact as to the labor condition attestation;

(ii) failed to meet a condition specified in subsection (a),


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"(C) UNNAMED BENEFICIARIES SELECTED BY PETITIONER.—The petitioning employer or association or its representative shall approve the issuance of visas to beneficiaries who are unnamed on a petition for admission granted to the employer or association.

"(D) CRITERIA FOR ADMISSIBILITY.—

(i) IN GENERAL.—An alien shall be admissible if the alien is an alien that the Attorney General has determined is admissible under this Act if the alien resides in the United States or is a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

(ii) APPLICATION FOR EXTENSION OF STAY.—The alien shall be admitted for the period of stay for which the petition is approved.

(iii) Aliens admitted under subsection (a)(2) of section 212 of this Act if the alien is admitted for a period of more than 10 months, or

(iv) Aliens admitted under subsection (a)(2) of section 212 of this Act if the alien is admitted under a program under this Act.

"(E) IN SPECIFIED CASES.—The Attorney General may specify.

"(F) ISSUANCE OF IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—

(i) IN GENERAL.—An alien who is a lawful permanent resident or an alien who has been granted asylum under section 208 of this Act, or an alien who is an alien admitted as a nonimmigrant for a period of more than 10 months, or an alien admitted as a nonimmigrant for a period of more than 10 months, or

(ii) Aliens admitted under subsection (a)(2) of section 212 of this Act if the alien is admitted under a program under this Act.

"(G) WORK AUTHORIZATION UPON FILING AN APPLICATION FOR EXTENSION OF STAY.—An employer may begin employing an alien already in the United States in pilot program alien worker status as such a nonimmigrant for a period of 10 months, or

(iii) Aliens admitted under subsection (a)(2) of section 212 of this Act if the alien is admitted under a program under this Act.

"(H) LIMITATION ON EMPLOYMENT AUTHORIZATION.—An employer shall not be employed for a period of more than 10 months, or

(i) Aliens admitted under subsection (a)(2) of section 212 of this Act if the alien is admitted under a program under this Act.

"(I) IN CONNECTION WITH THE ATTORNEY GENERAL'S DETERMINATION OF THE Aliens of the United States, or of obligations guaranteed as to both principal and interest by the United States, or in obligations guaranteed by the United States or in obligations guaranteed by the United States or in obligations guaranteed by the United States.

"(J) SECURITIES.—The United States may determine the purchase of outstanding obligations at the market price.

"(K) THE TRUST FUND.—The fund shall be组成的 par of the public debt, except that where such average rate is not a multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States, or of obligations guaranteed as to both principal and interest by the United States, or of obligations guaranteed as to both principal and interest by the United States.

"(L) DISTRIBUTION OF FUNDS.—Amounts paid into the Trust Fund on behalf of a worker, and held pursuant to paragraph (2)(A)(i) and Interest earned thereon, shall be distributed by the Secretary of the Treasury to the employer or association.

"(M) INVESTMENT OF TRUST FUND.—

(i) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not in the custody of the Secretary of Labor.

(ii) PRIORITIES FOR INVESTMENT.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(iii) LIMITATION ON AMOUNTS.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(iv) LIMITATION ON INTEREST.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(v) LIMITATION ON AMOUNTS.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(vi) LIMITATION ON INTEREST.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(vii) LIMITATION ON AMOUNTS.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(viii) LIMITATION ON INTEREST.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(ix) LIMITATION ON AMOUNTS.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(x) LIMITATION ON INTEREST.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(xi) LIMITATION ON AMOUNTS.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(xii) LIMITATION ON INTEREST.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(xiii) LIMITATION ON AMOUNTS.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(xiv) LIMITATION ON INTEREST.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(xv) LIMITATION ON AMOUNTS.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(xvi) LIMITATION ON INTEREST.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(xvii) LIMITATION ON AMOUNTS.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(xviii) LIMITATION ON INTEREST.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(xix) LIMITATION ON AMOUNTS.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(xx) LIMITATION ON INTEREST.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(2) WITHHOLDING OF TAXES.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(3) CREDITS TO TRUST FUND.—The Secretary of the Treasury shall invest the obligations of the Trust Fund as directed by the Secretary of Labor.

(4) REPORT.—The Secretary of the Treasury shall report to the Congress each year on the financial condition of the Trust Fund.
and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed in the appropriate and a Senate document of the session of the Congress to which the report is made.

"(1) NO MICHELSON PROVISIONS.—
"(1) APPLICABILITY OF LABOR LAW.—Except as provided in paragraphs (2), (3), and (4), all Federal, State, and local labor laws (including labor laws applicable to United States workers) shall also apply to pilot program aliens.

"(2) LIMITATION OF WRITTEN DISCLOSURE REQUIREMENT FOR RECruitERS.—Any disclosure required of recruiters under section 201(a) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1821(a)) need not be given to pilot program aliens prior to the time their visa is issued permitting entry into the United States.

"(3) EXEMPTION FROM FICA AND FUTA TAXES.—The wages paid to pilot program aliens shall be excluded from wages subject to taxation under the Federal Unemployment Tax Act and under the Federal Insurance Contributions Act.

"(4) INELIGIBILITY FOR CERTAIN PUBLIC BENEFIT PROGRAMS.—
"(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B), any alien provided status as a pilot program alien shall not be eligible for any Federal, State, or local means-tested public benefit program.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to the following:

"(i) NORMAL MEDICAL SERVICES.—The provision of emergency medical services (as defined by the Secretary of Health and Human Services).

"(ii) PUBLIC HEALTH IMMUNIZATIONS.—Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment for communicable diseases.

"(iii) SHORT-TERM EMERGENCY DISASTER RELIEF.—The provision of non-cash, in-kind, short-term emergency disaster relief.

"(m) REGULATIONS.—

"(1) SELECTION OF AREAS.—The Secretary of Agriculture shall select the areas under section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act under color of State law; to prevent government officials or entities acting under color of State law from injuring or depriving any person of any rights, privileges, or immunities protected by the United States Constitution.

"(2) REGULATIONS OF THE ATTORNEY GENERAL.—The Attorney General shall promulgate such regulations as may be necessary to carry out the requirements of this section.

"(3) REGULATIONS OF THE SECRETARY.—The Secretary of Agriculture shall select the areas under section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act under color of State law; to prevent government officials or entities acting under color of State law from injuring or depriving any person of any rights, privileges, or immunities protected by the United States Constitution.

"(4) PILOT PROGRAM ALIEN.—The term 'pilot program alien' means any alien admitted to the United States or provided status as a nonimmigrant under section 101(a)(15)(H)(ii)(c).

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

"(6) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen, a United States national, or an alien who is legally permitted to work in the job opportunity within the United States other than an alien admitted pursuant to this section.

"(g) REPORT.—The Secretary shall, no later than 90 days after the date of enactment of the Temporary Agricultural Worker Act of 1997, submit to Congress a report regarding the establishment of the Pilot Worker Program.

"(h) WORKER PROTECTION ACT (29 U.S.C. 1821(a))—
"(i)agic.
under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

S. 1208

At the request of Mr. Lautenberg, his name was added as a cosponsor of S. 1208, a bill to protect women's reproductive health and constitutional right to choice, and for other purposes.

S. 1220

At the request of Mr. Dodd, the name of the Senator from Illinois [Ms. Moseley-Braun] was added as a cosponsor of S. 1220, a bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras.

S. 1222

At the request of Mr. Chafee, the name of the Senator from Georgia [Mr. Coverdell] was added as a cosponsor of S. 1222, a bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1251

At the request of Mr. Breaux, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor 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 Rhode Island [Mr. Chafee], the Senator from Maine [Ms. Collins], and the Senator from New Hampshire [Mr. Smith] were added as cosponsors of S. 1252, supra.

S. 1253

At the request of Mr. D'Amato, the names of the Senator from Rhode Island [Mr. Chafee], the Senator from Ohio [Mr. DeWine], and the Senator from New Hampshire [Mr. Smith] were added as cosponsors of S. 1253, 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. 1287

At the request of Mr. Jeffords, the name of the Senator from Michigan [Mr. Abraham] was added as a cosponsor of S. 1287, 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.

S. 1297

At the request of Mr. Coverdell, the name of the Senator from North Carolina [Mr. D'Amato] 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 New Mexico [Mr. Domenici] was added as a cosponsor of S. 1311, a bill to impose certain sanctions on foreign persons who transfer or divert the proceeds of their efforts to acquire, develop, or produce ballistic missiles.

S. 1318

At the request of Mr. Abraham, the name of the Senator from Alabama [Mr. Sessions] was added as a cosponsor of S. 1318, a bill to establish an adoption awareness program, and for other purposes.

S. 1320

At the request of Mr. Rockefeller, the names of the Senator from Illinois [Mr. Durbin], the Senator from North Dakota [Mr. Conrad], the Senator from South Dakota [Mr. Johnson], the Senator from Arizona [Mr. McCain], the Senator from Wisconsin [Mr. Enzinso], the Senator from Wisconsin [Mr. Kohl], the Senator from New Mexico [Mr. Bingaman], the Senator from New York [Mr. Moynihan], and the Senator from Massachusetts [Mr. Kennedy] 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 Massachusetts [Mr. Kennedy] and the Senator from Massachusetts [Mr. Kerry] 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. 1324

At the request of Mr. Bond, the name of the Senator from Hawaii [Mr. Akaka] was added as a cosponsor of S. 1324, 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. 1334

At the request of Ms. Snowe, the name of the Senator from Nevada [Mr. Reid] 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. 1390

At the request of Mr. Abraham, the name of the Senator from Alaska [Mr. Murkowski] was added as a cosponsor of S. 1390, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1395

At the request of Ms. Mikulski, the names of the Senator from Kentucky [Mr. Ford] and the Senator from Illinois [Ms. Moseley-Braun] were added as cosponsors of S. 1395, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of couples and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1397

At the request of Mr. Dodd, the name of the Senator from Wyoming [Mr. Enzi] was added as a cosponsor of S. 1397, a bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba.

S. 1398

At the request of Mr. Johnson, the name of the Senator from South Dakota [Mr. Dasehle] was added as a cosponsor of S. 1398, a bill to amend the Child Nutrition Act of 1966 to expand the School Breakfast Program in elementary schools.

S. 1418

At the request of Mr. Akaka, the name of the Senator from Florida [Mr. Graham] was added as a cosponsor of S. 1418, a bill to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes.

S. 1472

At the request of Ms. Moseley-Braun, the name of the Senator from New Jersey [Mr. Torricelli] was added as a cosponsor of S. 1472, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for public elementary and secondary school construction, and for other purposes.

S. 1472

At the request of Mr. Hutchinson, the names of the Senator from Georgia [Mr. Coverdell], the Senator from New Hampshire [Mr. Smith], and the Senator from Michigan [Mr. Abraham] were added as cosponsors of S. 1472, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit the sale and export of food, medicines, and medical equipment to Cuba.

S. 1472

At the request of Ms. Snowe, the name of the Senator from Nevada [Mr. Reid] was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for public elementary and secondary school construction, and for other purposes.

S. 1475
 concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

SENATE CONCURRENT RESOLUTION 52
At the request of Mr. GRASSLEY, his name was added as a cosponsor of Senate Concurrent Resolution 52, a concurrent resolution relating to maintaining the old label behind the "Made in USA" label, in order to protect consumers and jobs in the United States.

At the request of Mr. HOLLINGS, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Nebraska [Mr. KERREY], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Concurrent Resolution 52, supra.

SENATE CONCURRENT RESOLUTION 65
At the request of Mr. SOWEL, the name of Mr. TORRICELLI [see Mr. TORRICELLI] was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the estimated 600,000 people in the occupied area of Cyprus.

SENATE RESOLUTION 119
At the request of Mr. BAUCUS, his name was added as a cosponsor of Senate Resolution 119, a resolution to express the sense of the Senate that the Secretary of Defense should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers.

SENATE CONCURRENT RESOLUTION 69—CORRECTING THE ENROLLMENT OF THE BILL S. 830
Mr. JEFFORDS submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 69
Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, the Secretary of the Senate shall make the following corrections:

1. (A) Strike paragraph (2) (relating to conforming amendments).
2. (B) Strike ("(b) Section 505(j).—" and all that follows through "(3)A)(The Secretary shall") and insert the following:

(b) Section 505(j).—Section 505(j) (21 U.S.C. 355(j)) is amended by adding at the end the following paragraph:

(9)(A) The Secretary shall"

3. (A) In section 125(d)(2) of the bill, in the matter preceding subparagraph (A), insert after "antibiotic drug" the second place such term appears in the following paragraph: "(including any salt or ester of the antibiotic drug)"

4. (B) In section 127(a) of the bill: In section 303A of the Federal Food, Drug, and Cosmetic Act (as inserted by section 127(a)), in the first place such section appears in the following paragraph:

(A) The Secretary shall"

5. (C) In section 502(e) of the Federal Food, Drug, and Cosmetic Act (as proposed to be amended by such section 502(e)), insert in the middle of such section:

"(9)(A) The Secretary shall"

6. (D) In section 412(c) of the bill:

(A) In subparagraph (1) of section 502(e) of the Federal Food, Drug, and Cosmetic Act (as proposed to be amended by such section 412(c)), insert in the middle of such section:

"(9)(A) The Secretary shall"

7. (E) The Secretary shall"

8. (F) In section 125(d)(2) of the bill, in the matter preceding subparagraph (A), insert after "antibiotic drug" the second place such term appears in the following paragraph: "(including any salt or ester of the antibiotic drug)"

9. (G) In section 127(a) of the bill: In section 303A of the Federal Food, Drug, and Cosmetic Act (as inserted by section 127(a)), in the first place such section appears in the following paragraph:

(A) The Secretary shall"

10. (H) In section 502(e) of the Federal Food, Drug, and Cosmetic Act (as proposed to be amended by such section 502(e)), insert in the middle of such section:

"(9)(A) The Secretary shall"

11. (I) Strike section 501 of the bill and insert the following:

SEC. 501. EFFECTIVE DATE.
(1) In General.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(SENIATE CONCURRENT RESOLUTION 70—CORRECTING A TECHNICAL ERROR IN THE ENROLLMENT OF THE BILL S. 1026)
Mr. D’AMATO submitted the following concurrent resolution; which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1026) to reauthorize the Export-Import Bank of the United States, the Secretary of the Senate shall strike subsection (a) of section 2 and insert the following:

(a) In General.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by striking "until" and all that follows through ‘‘but’’ and inserting ‘‘until the close of business on September 30, 2001, but’’.

SENATE CONCURRENT RESOLUTION 156—RELATIVE TO SINE DIE ADJOURNMENT
Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 156
Resolved, That notwithstanding the sine die adjournment of the present session of the Congress, the President of the Senate, the Majority Leader of the Senate, and the Minority Leader of the Senate be, and they are hereby, authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, concurrent action of the two Houses, or by order of the Senate.

SENATE RESOLUTION 157—TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT
Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 157
Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the first session of the One Hundred Fifth Congress.

SENATE RESOLUTION 158—TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE
Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:
Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the first session of the One Hundred Fifth Congress.

SENATE RESOLUTION 159—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER
Mr. LOTT submitted the following resolution; which was considered and agreed to:

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the first session of the 105th Congress.

SENATE RESOLUTION 160—COMMENDING THE MAJORITY LEADER
Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the first session of the 105th Congress.

SENATE RESOLUTION 161—AMENDING SENATE RESOLUTION 48
Mr. LOTT submitted the following resolution; which was considered and agreed to:

Resolved, That Senate Resolution 48, 105th Congress, agreed to February 4, 1997, is amended—

(1) in section 1(e), by striking ''$5,000'' and inserting ''$10,000''; and
(2) in sections 1(e) and 1(g), by striking ''September 30, 1997'' and inserting ''September 30, 1996''.

SENATE RESOLUTION 162—RELATING TO THE SENATE LEGAL COUNSEL
Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

Whereas, in the case of United States v. Blackley, Criminal Case No. 97-0166, pending in the United States District Court for the District of Columbia, testimony has been requested from Brent Baglien, a former employee on the staff of the Committee on Agriculture, Nutrition, and Forestry; and
Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288(b)(a) and 288(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony 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 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 may take such action as will promote the ends of justice consistently with the privileges of the Senate; Now, therefore, be it

Resolved, That Brent Baglien, and any other present or former employee from whom testimony may be required, are authorized to testify in the case of United States v. Blackley, except concerning matters for which a privilege should be asserted. Sec. 2. That the Senate Legal Counsel is authorized to represent Brent Baglien and any present or former employee of the Senate in connection with testimony in United States v. Blackley.

SENATE RESOLUTION 163—DESIGNATING A NATIONAL WEEK OF RECOGNITION FOR DOROTHY DAY AND THOSE WHOSE SERVED
Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. WELLSTONE, Mr. LEVIN, Mr. DODD, Mr. TORRICELLI, Mr. REED, Mr. DUBBINS, Ms. MIKULSKI, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

Whereas November 8, 1997, marks the 100th anniversary of the birth of Dorothy Day on Pineapple Street in Brooklyn, New York; Whereas Dorothy Day was a woman who lived a life of voluntary poverty, guided by the principles of social justice and solidarity with the poor; Whereas in 1933 Dorothy Day and Peter Maurin founded the Catholic Worker Movement and the Catholic Worker newspaper ''to realize in the individual and society the express and implied teachings of Christ''; Whereas the Catholic Worker ''Houses of Hospitality'' founded by Dorothy Day have ministered to the physical and spiritual needs of the poor for over 60 years; Whereas there are now more than 125 Catholic Worker ''Houses of Hospitality'' in the United States and throughout the world; Whereas in 1972 Dorothy Day was awarded the Laetare Medal by the University of Notre Dame for ''comforting the afflicted and afflicting the comfortable virtually all of her life''; Whereas upon the death of Dorothy Day in 1980, noted Catholic historian David O'Brien called her ''a significant, interesting, and influential person in the history of American Catholicism''; Whereas His Eminence John Cardinal O'Connor has stated that he is considering recommending Dorothy Day to the Pope for Canonization; and Whereas Dorothy Day serves as inspiration for those who strive to live their faith: Now, therefore, be it

Resolved, That the Senate—
(1) expresses deep admiration and respect for the life and work of Dorothy Day;
(2) recognizes that the work of Dorothy Day improved the lives of countless people and that her example has inspired others to follow her in a life of solidarity with the poor;
(3) encourages all Americans to reflect on the story of Dorothy Day's example and continue her work of ministering to the needy; and
(4) designates the week of November 8, 1997, through November 14, 1997, as the "National Week of Recognition for Dorothy Day and Those Whom She Served".

SEC. 2. TRANSMITTAL.
The Secretary of the Senate shall transmit an enrolled copy of this resolution to—
(1) Maryhouse, 55 East Third Street, New York City, New York;
(2) St. Joseph House, 36 East First Street, New York City, New York; and
(3) His Eminence John Cardinal O'Connor of the Archdiocese of New York, New York City, New York.

AMENDMENTS SUBMITTED
THE OCEAN AND COASTAL RESEARCH REVITALIZATION ACT OF 1997

SOWE AMENDMENT NO. 1636
Mr. LOTT (for Ms. SNOWE) proposed an amendment to the bill (S. 927) to reauthorize the Sea Grant Program; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.
This act may be cited as the "National Sea Grant College Program Reauthorization Act of 1997".

SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT.
Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. FINDINGS.
(a) Section 202(a)(1) (33 U.S.C. 1121(a)(1)) is amended—
(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and
(2) by inserting after subparagraph (C) the following:

"(D) encourage the development of forecast and analysis systems for coastal hazards;"

(b) Section 202(a)(6) (33 U.S.C. 1121(a)(6)) is amended by striking the sentence and inserting the following: "The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions.";

SEC. 4. DEFINITIONS.
(a) Section 203 (33 U.S.C. 1122) is amended—
(1) in paragraph (3)—
(A) by striking "their university or" and inserting "his or her"; and
(B) by striking "college, programs, or regional consortium" and inserting "college or sea grant institute";
(2) by striking paragraph (4) and inserting the following:

"(4) The term "field related to ocean, coastal, and Great Lakes resources" means any
(a) PROGRAM MAINTENANCE.—The Secretary shall maintain within the Administration, a program to be known as the national sea grant college program. The national sea grant college program shall be administered by a national sea grant office within the Administration.

(b) PROGRAM ELEMENTS.—The national sea grant college program shall consist of the financial assistance and other activities authorized in this subchapter, and shall provide services in the following elements—

(1) sea grant programs which comprise a national sea grant college program network, including international projects conducted within the following categories—

(a) administration of the national sea grant college program and this Act by the national sea grant office, the Administration, and the panel;

(b) the fellowship program under section 208; and

(c) any national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed with the approval of the panel, the sea grant colleges, and the sea grant institute.

(2) responsibilities of the Secretary.

(a) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop a long-range strategic plan which provides an appropriately balanced response to local, regional, and national needs.

(b) Within 6 months of the date of enactment of the Ocean and Coastal Research Reauthorization Act of 1997, the Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes for proposals and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all proposals.

(3) The Secretary shall by regulation prescribe the qualifications required for designation of sea grant colleges and sea grant institutes for temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code.

(4) To carry out the provisions of this subchapter, the Secretary may—

(A) appoint, the duties, transfer, and the removal of such personnel as may be necessary, in accordance with civil service laws;

(B) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

(C) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other offices and programs in the Administration and without regard to section 501 of title 44, any information of research, education, and extension value in fields related to ocean, coastal, and Great Lakes resources;

(D) enter into contracts, cooperative agreements, and arrangements without regard to section 5 of title 41, United States Code; and

(E) accept funds from other Federal departments and agencies, including agencies within the Administration, to pay for and add to grants made and contracts entered into by the Secretary;

(f) promulgate such rules and regulations as may be necessary and appropriate.

(2) DIRECTOR OF THE NATIONAL SEA GRANT PROGRAM.—

(a) The Secretary shall appoint, as the Director of the National Sea Grant Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources. The Director shall be appointed and compensated, without regard to the provisions of title 5 governing appointments in the competitive service, and shall be eligible for reappointment under section 3376 of title 5, United States Code.

(b) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program, oversee, and have charge of the operation of the national sea grant office. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

(A) facilitate and coordinate the development of a long-range strategic plan under subsection (a); and

(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program or the use of such expertise and capabilities, on a cooperative or other basis, by other offices and activities within the Administration, and other Federal departments and agencies.

(3) The term ‘Secretary’ means the Secretary of Commerce, acting through the Under Secretary.

(4) The term ‘sea grant college’ means any public or private institution of higher education, institute, laboratory, or State or local agency.

(5) By striking ‘regional consortium, institution of higher education, institute, laboratory, or other place it appears and inserting ‘Sec-
"(3) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant institute if the institution, association, or alliance—

"(A) meets the qualifications in paragraph (1); and

"(B) maintains a program which includes, at a minimum, research and advisory services.

"(b) EXISTING DESIGNATIONS.—Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of this Act, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of this Act, if the Director determines that the institution, or association or alliance of institutions, meets the qualifications in subsection (a).

"(c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).

"(d) DUTIES.—Subject to any regulations prescribed or guidelines established by the Secretary, it shall be the responsibility of each sea grant college and sea grant institute:

"(1) to develop and implement, in consultation with the Secretary and the panel, a program that is consistent with the guidelines and priorities established under section 204(c); and

"(2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205.

SEC. 8. SEA GRANT REVIEW PANEL.

(a) Section 209(a) (33 U.S.C. 1128(a)) is amended—

(1) by striking "; commencement date"; and

(2) by striking the second sentence.

(b) Section 209(b) (33 U.S.C. 1128(b)) is amended—

(1) by striking "The Panel" and inserting "The panel";

(2) by striking "and section 3 of the Sea Grant College Program Improvement Act of 1976" in paragraph (2) and

(3) by striking "regional consortia" in paragraph (3) and inserting "institutes".

(c) Section 209(c) (33 U.S.C. 1128(c)) is amended—

(1) in paragraph (1) by striking "college, sea grant regional consortium, or sea grant program" and inserting "college or sea grant institute";

(2) by striking paragraph (5)(A) and inserting the following:

"(A) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5576 of title 5, United States Code, when actually engaged in the performance of duties for such panel;

and

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

"(1) Authorization.—

"(A) In General.—There is authorized to be appropriated to carry out this Act—

"(A) $55,500,000 for fiscal year 1998;

"(B) $66,500,000 for fiscal year 1999;

"(C) $57,500,000 for fiscal year 2000;

"(D) $58,800,000 for fiscal year 2001; and

"(E) $59,800,000 for fiscal year 2002.

"(2) ZEBRA MUSSEL AND OYSTER RESEARCH.—In addition to the amount authorized for each fiscal year under paragraph (1)—

"(A) up to $2,800,000 may be made available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel;

"(B) up to $3,000,000 may be made available for competitive grants for university research on oyster diseases and oyster-related human health risks; and

"(C) up to $5,000,000 may be made available for competitive grants for university research on Pfiesteria piscicida and other harmful algal blooms.

(b) LIMITATION ON CERTAIN FUNDING.—Section 212(b)(1) (33 U.S.C. 1131(b)(1)) is amended to read as follows:

"(b) —Program Elements.—

"(1) Limitation.—No more than 5 percent of the lesser of—

"(A) the amount authorized to be appropriated; or

"(B) the amount appropriated, for each fiscal year under subsection (a) may be used to fund the program element contained in section 204(b)(2).

"(c) NOTICE OF REPROGRAMMING.—If any funds authorized by this section are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall be concurrently provided to the Committees on Science and Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(d) NOTICE OF REORGANIZATION.—The Secretary shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation of the Senate, not later than 45 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.

SEC. 10. ADMINISTRATIVE LAW JUDGES.

Notwithstanding section 559 of title 5, United States Code, with respect to any marine resource conservation law or regulation administered by the Secretary of Commerce acting through the National Oceanic and Atmospheric Administration, all adjudicatory functions which are required by chapter 5 of title 5 to such Code to be performed by an Administrative Law Judge may be performed by the United States Coast Guard on a reimbursable basis. Should the United States Coast Guard require the detail of an Administrative Law Judge to perform any of these functions, it may request such temporary or occasional assistance from the Office of Personnel Management pursuant to section 3344 of title 5, United States Code.

THE HOMEOWNERS INSURANCE PROTECTION ACT

D'AMATO AMENDMENT NO. 1637

Mr. LOTT (for Mr. D'AMATO) proposed an amendment to the bill (H.R. 607) to amend the Truth in Lending Act to require notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECOND. Table of contents.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—SENIOR CITIZEN HOME EQUITY PROTECTION

Sec. 101. Short title.

Subtitle A—Senior Citizen Home Equity Protection

Sec. 111. Disclosure requirements; prohibition of finance of unnecessary or excessive costs.

Sec. 112. Implementation.

Subtitle B—Temporary Extension of Public Housing and Section 8 Rental Assistance Provisions

Sec. 121. Public housing ceiling rents and income adjustments and preferences for assisted housing.

Sec. 122. Public housing demolition and disposition.

Sec. 123. Public housing funding flexibility and mixed-finance developments.

Sec. 124. Minimum rents.

Sec. 125. Provisions relating to section 8 rental assistance program.

Subtitle C—Reauthorization of Federally Assisted Multifamily Rental Housing Provisions

Sec. 131. Multifamily housing finance pilot programs.

Sec. 132. Hud disposition of multifamily housing.

Sec. 133. Multifamily mortgage auctions.

Sec. 134. Clarification of owner's right to prepay.

Subtitle D—Reauthorization of Rural Housing Programs

Sec. 141. Housing in underserved areas program.

Sec. 142. Housing and related facilities for elderly persons and families.

Sec. 143. Loan guarantees for multifamily rental housing in rural areas.

Subtitle E—Reauthorization of National Flood Insurance Program

Sec. 151. Program expiration.

Sec. 152. Borrowing authority.

Sec. 153. Emergency implementation of program.

Sec. 154. Authorization of appropriations for studies.

Subtitle F—Native American Housing Assistance

Sec. 161. Subsidy labeling certification.

Sec. 162. Inclusion of homebuyer selection policies and criteria.

Sec. 163. Repayment of grant amounts for violation of affordable housing requirement.

Sec. 164. United States Housing Act of 1937.

Sec. 165. Miscellaneous.

TITLE II—HOMEOWNERS PROTECTION ACT

Sec. 201. Short title.


Sec. 203. Termination of private mortgage insurance.

Sec. 204. Disclosure requirements.

Sec. 205. Notification upon cancellation or termination.

Sec. 206. Disclosure requirements for lender paid mortgage insurance.

Sec. 207. Fees for disclosures.

Sec. 208. Civil liability.

Sec. 209. Effect on other laws and agreements.


Sec. 211. Construction.

Sec. 212. Effective date.

TITLE III—ABOLISHMENT OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

Sec. 301. Abolishment.
TITLE I—SENIOR CITIZEN HOME EQUITY PROTECTION

SEC. 101. SHORT TITLE.

This title may be cited as the “Senior Citizen Home Equity Protection Act”.

Subtitle A—Senior Citizen Home Equity Protection

SEC. 111. DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.

Section 203(a) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—
(1) in paragraph (2)—
(A) in subparagraph (B), by striking “and” and inserting “, and”;
(B) by redesignating subparagraph (C) as subparagraph (D); and
(C) by inserting after subparagraph (B) the following:
“(C) has received full disclosure of all costs to the mortgagee for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and”;
(2) in paragraph (9)(P), by striking “and”; and
(3) in paragraph (10), by striking the period at the end and inserting “; and”;
(4) by adding at the end the following:
“(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagee does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services.”

SEC. 112. IMPLEMENTATION.

(a) Notice.—The Secretary of Housing and Urban Development shall, by interim notice, implement amendments made by section 111 in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under subsection (b).

(b) Regulations.—The Secretary shall, not later than the expiration of the 60-day period beginning on the date of enactment of this Act, issue final regulations to implement the amendments made by section 111. Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(3)(B) of that section).

Subtitle B—Temporary Extension of Public Housing and Section 8 Rental Assistance Provisions

SEC. 121. PUBLIC HOUSING CEILING RENTS AND INCOME ADJUSTMENTS AND PREFARMENTS AND SECTION 8 ASSISTED HOUSING.


SEC. 122. PUBLIC HOUSING DEMOLITION AND DISPOSITION.

Section 102(d) of the Emergency Supplemental Appropriations Act for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy That Occurred at Oklahoma City, and for the Omnibus Consolidated Rescissions Act of 1995 (42 U.S.C. 1437c note) is amended by striking “September 30, 1997” and inserting “September 30, 1998.”

SEC. 123. PUBLIC HOUSING FUNDING FLEXIBILITY AND MIXED-FINANCE DEVELOPMENTS.

(a) EXTENSION OF AUTHORITY.—Section 201(a)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f-10) is amended to read as follows:
“(2) (A) The authority in the first sentence of subsection (a) shall be effective for any fiscal year only to the extent and in such amounts as are approved in appropriations Acts for the costs of loan guarantees (as defined in section 515(c)(1) of the Housing and Urban Development Act of 1987) and, with respect to any project that is eligible low-income housing, not more than an additional 15,000 units during fiscal year 1998.
“(B) The authority in the first sentence of subsection (a) shall be effective only with respect to assistance provided from funds made available for fiscal year 1998 or any preceding fiscal year.
“(c) APPLICABILITY.—This subsection shall apply only during the period beginning on October 1, 1997, and ending on the date specified in section 134 of this Act.”

Subtitle C—Reauthorization of Federally Assisted Multifamily Rental Housing Programs

SEC. 131. MULTIFAMILY HOUSING FINANCE PILOT PROGRAMS.

Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—
(1) in subsection (b)(5), by striking paragraph (1) and inserting the following:
“(1) only to the extent that such prepayment or termination is consistent with the terms and conditions of the mortgage or mortgage insurance contract for the project; and
“(2) only if owner of the project involved agrees not to increase the rent charges for any dwelling unit in the project during the 60-day period beginning upon such prepayment or termination.
“(D) APPLICABILITY.—This section shall apply only during the period beginning October 1, 1997, and ending on the date specified in section 134 of this Act.”

SEC. 132. HUD DURATION OF MULTIFAMILY HOUSING.

Section 204 of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended by striking “and” and inserting “, and”;
“and”;
(2) in the first sentence of subsection (c)(4) the following:
“(A) by striking “and” and inserting a comma; and
“(B) by inserting before the period at the end the following: “, and not more than an additional 15,000 units during fiscal year 1998.”

SEC. 133. MULTIFAMILY MORTGAGE GUARANTEES.

Section 221(g)(4)(C) of the National Housing Act (12 U.S.C. 1715(g)(4)(C)) is amended—
(1) in the first sentence of clause (viii), by striking “December 31, 2000” and inserting “December 31, 2002”;
(2) by adding at the end the following:
“(ix) the authority of the Secretary to conduct multifamily auctions under this subparagraph shall be effective for any fiscal year only to the extent and in such amounts as are approved in appropriations Acts for the costs of loan guarantees (as defined in section 515(c)(1) of the Housing and Urban Development Act of 1987), including the cost of modifying loans.”

SEC. 134. CLARIFICATION OF OWNER’S RIGHT TO PREPAY.

(a) PREPAYMENT RIGHT.—Notwithstanding section 211 of the Housing and Community Development Act of 1987 or section 221 of the Housing and Community Development Act of 1997 (as in effect pursuant to section 609(c) of the Cranston-Gonzalez National Affordable Housing Act), subject to subsection (b), with respect to any project that is eligible low-income housing (as that term is defined in section 229 of the Housing and Community Development Act of 1987), the owner of the project may prepay, and the mortgagee may accept prepayment of, the mortgage, and—
(1) the owner may request voluntary termination of a mortgage insurance contract with respect to such project and the contract may be terminated notwithstanding any requirements under sections 229 and 250 of the National Housing Act.
(b) CONDITIONS.—Any prepayment of a mortgage or termination of an insurance contract authorized under subsection (a) may be made—
(1) only to the extent that such prepayment or termination is consistent with the terms and conditions of the mortgage on or mortgage insurance contract for the project; and
(2) only if owner of the project involved agrees not to increase the rent charges for any dwelling unit in the project during the 60-day period beginning upon such prepayment or termination.
(c) APPLICABILITY.—This section shall apply only during the period beginning on October 1, 1997, and ending on the date specified in section 134 of this Act.

Subtitle D—Reauthorization of Rural Housing Programs

SEC. 141. HOUSING IN UNDERSERVED AREAS PROGRAM.


SEC. 142. HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES AND OTHER LOW-INCOME PERSONS AND FAMILIES.

(a) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking “September 30, 1999” and inserting “September 30, 1998.”


SEC. 143. LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p-2) is amended—
(1) in subsection (q), by striking paragraph (2) and inserting the following:
“(2) ANNUAL LIMITATION ON AMOUNT OF LOAN GUARANTEE.—In each fiscal year, the Secretary may enter into commitments to guarantee loans under this section only to the extent that the costs of the guarantees entered into in such fiscal year do not exceed such amount as may be provided in appropriation Acts for such fiscal year.
“(c) APPLICABILITY.—This section shall apply only during the period beginning on October 1, 1997, and ending on the date specified in section 134 of this Act.”

November 13, 1997
(3) in subsection (a), by striking “1996” and inserting “1999”.

**Subtitle E—Reauthorization of National Flood Insurance Program**

**SEC. 151. PROGRAM EXPIRATION.** Subsection (j) of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking “September 30, 1997” and inserting “September 30, 1999.”

**SEC. 152. BORROWING AUTHORITY.** Section 1393(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)) is amended by striking “September 30, 1997” and inserting “September 30, 1999.”

**SEC. 153. EMERGENCY IMPLEMENTATION OF PROGRAM.** Section 1393(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended to read as follows:

“(1) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); or

(2) this Act.”

**SEC. 154. AUTHORIZATION OF APPROPRIATIONS FOR STUDIES.** Subsection (c) of section 1376 of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)) is amended to read as follows:

“(c) For studies under this title, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999, which shall remain available until expended.”

**Subtitle F—Native American Housing Assistance**

**SEC. 161. SUBSIDY LAYERING CERTIFICATION.** Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4106) is amended—

(1) by striking “certification by the Secretary” and inserting “certification by a recipient to the Secretary”; and

(2) by striking “any housing project” and inserting “the housing project involved”.

**SEC. 162. INCLUSION OF HOMEBUYER SELECTION POLICIES AND CRITERIA.** Section 201 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137(b)) is amended—

(1) by striking “TENANT SELECTION.” and inserting “TENANT AND HOMEBUYER SELECTION.”;

(2) in the matter preceding paragraph (1), by inserting “and homeowner” after “tenant”;

and

(3) in paragraph (3)(A), by inserting “and homeowners” after “tenants”.

**SEC. 163. REIMBURSEMENT OF GRANT AMOUNTS FOR VIOLATION OF AFFORDABLE HOUSING REQUIREMENT.** Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended by striking “section 205(2)” and inserting “section 205(2)”.

**SEC. 164. UNITED STATES HOUSING ACT OF 1937.** (a) IN GENERAL.—Section 501(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (110 Stat. 4042) is amended—

(1) in striking paragraph (4); and

(2) by redesignating paragraphs (5) through (10) as paragraphs (4) through (9), respectively.

(3) UNITED STATES HOUSING ACT OF 1937.—Section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e) is amended by striking subsection (h).

**TITLE III—DOLPHINS**

(a) DEFINITION OF INDIAN AREAS.—Section 4(10) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(10)) is amended to read as follows:

“(10) INDIAN AREA.—The term ‘Indian area’ means the area within which an Indian tribe or a tribally designated housing entity, as authorized by Indian tribes, provides assistance under this Act for affordable housing.”


(c) CLARIFICATION OF CERTAIN EXEMPTIONS.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: “This subsection applies only to rental dwelling units (other than lease-purchase dwelling units) developed under—

(1) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); or

(2) this Act.”

(d) APPLICABILITY.—Section 101(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(d)(1)) is amended by inserting before the semicolon at the end the following: “: except that this paragraph only applies to rental dwelling units (other than lease-purchase dwelling units) developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) or under this Act.”

(e) SUBMISSION OF INDIAN HOUSING PLAN.—Section 102(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(a)) is amended—

(1) in paragraph (1), by inserting “(A)” after “(1)”; and

(2) in paragraph (1)(A), as so designated by paragraph (1) of this subsection, by adding “or” at the end.

(f) by striking “(2)” and inserting “(B);” and

(g) by striking “(9)” and inserting “(3).”

(3) The United States Housing Act of 1937 (42 U.S.C. 1437(c)(6)) is amended by inserting “not” before “prohibited”.

(4) by striking “(3)” and inserting “(2)”.
Act (42 U.S.C. 1437a–1) shall be applied and administered as if section 501(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (104 Stat. 402) had not been enacted.

(3) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall be construed to have taken effect on October 26, 1996.

(4) TRIBAL ELIGIBILITY UNDER THE DRUG ELIMINATION PROGRAM.—The Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) is amended—

(1) in section 5123, by inserting “tribally designated housing entities” after “tribes”;

(2) in section 5124(a)(7), by inserting “Indian tribe,” after “agency”;

(3) in section 5125(a), by inserting “Indian tribe,” after “tribes.”

(4) in section 5126, by adding at the end the following:

“(6) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given that term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4510).


TITLE II—HOMEOWNERS PROTECTION ACT

SEC. 201. SHORT TITLE.
This title may be cited as the “Homeowners Protection Act of 1997”.

SEC. 202. DEFINITIONS.
In this title, the following definitions shall apply:

(1) ADJUSTABLE RATE MORTGAGE.—The term “adjustable rate mortgage” means a residential mortgage that has an interest rate that is subject to change.

(2) CANCELLATION DATE.—The term “cancellation date” means—

(A) with respect to a fixed rate mortgage, at the option of the mortgagor, the date on which the principal balance of the mortgage—

(i) based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on the scheduled date to reach 80 percent of the original value of the property securing the loan; and

(ii) based solely on actual payments, reaches 80 percent of the original value of the property securing the loan; and

(B) with respect to an adjustable rate mortgage, at the option of the mortgagor, the date on which the principal balance of the mortgage—

(i) based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on the scheduled date to reach 80 percent of the original value of the property securing the loan; and

(ii) based solely on actual payments, reaches 80 percent of the original value of the property securing the loan.

(3) FIXED RATE MORTGAGE.—The term “fixed rate mortgage” means a residential mortgage that has an interest rate that is not subject to change.

(4) GOOD PAYMENT HISTORY.—The term “good payment history” means, with respect to a mortgagor, that the mortgagor has not—

(A) made a mortgage payment that was 60 days or longer past due during the 12-month period beginning 24 months before the date on which the mortgage reaches the cancellation date or

(B) made a mortgage payment that was 30 days or longer past due during the 12-month period preceding the date on which the mortgage reaches the cancellation date.

(5) INITIAL AMORTIZATION SCHEDULE.—The term “initial amortization schedule” means the schedule that reflects the time at which a residential mortgage transaction is consummated with respect to a fixed rate mortgage, showing—

(A) with respect to a fixed rate mortgage, the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the amortization period of the loan; and

(B) with respect to a fixed rate mortgage, the unpaid principal balance of the loan after each scheduled payment is made.

(6) MORTGAGE INSURANCE.—The term “mortgage insurance”, including any mortgage guaranty insurance, including any mortgage guaranty insurance, anti the nonpayment of, or default on, an individual mortgage or loan involved in a residential mortgage transaction.

(7) MORTGAGE INSURER.—The term “mortgage insurer” means a provider of private mortgage insurance, as described in this title, that is authorized to transact such business in the State in which the provider is transacting such business.

(8) ORIGINAL VALUE.—The term “original value”, with respect to a residential mortgage, means the lesser of the sales price of the property securing the mortgage, as reflected in the contract, or the appraised value at the time at which the subject residential mortgage transaction was consummated.

(9) MORTGAGOR.—The term “mortgagor” means the owner of the property securing the loan or his or her successors or assigns.

(10) PREPAYMENT.—The term “prepayment” means any payment made with respect to any mortgage transaction; or

(A) in the case of cancellation under subsection (a), more than 30 days after the later of—

(i) the date on which a request under subsection (a)(1) is received; or

(ii) the date on which the mortgagor satisfies any evidence and certification requirements under subsection (a)(3);

(B) in the case of termination under subsection (b), more than 30 days after the termination date or the date referred to in subsection (a)(2), as applicable.

(C) in the case of termination under subsection (c), more than 30 days after the final termination date established under that subsection.

(11) PRIVATE MORTGAGE INSURANCE.—The term “private mortgage insurance” means mortgage insurance other than mortgage insurance made available under the National Housing Act, title 38 of the United States Code, or title V of the Housing Act of 1949.

(12) RESIDENTIAL MORTGAGE.—The term “residential mortgage” means a mortgage, loan, or other evidence of a security interest created with respect to a single-family dwelling that is the primary residence of the mortgagor.

(13) RESIDENTIAL MORTGAGE TRANSACTION.—The term “residential mortgage transaction” means a transaction consummated with respect to a residential mortgage or his or her successors or assigns.

(14) SERVICER.—The term “servicer” has the meaning given that term in the Home Ownership Protection Act.

(15) SINGLE-FAMILY DWELLING.—The term “single-family dwelling” means a residential dwelling that is the primary residence of the mortgagor.

(16) TERMINATION DATE.—The term “termination date” means—

(A) with respect to a fixed rate mortgage, the date on which the principal balance of the mortgage, based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on the scheduled date to reach 78 percent of the original value of the property securing the loan; and

(B) with respect to an adjustable rate mortgage, the mortgage balance of the mortgage, based solely on amortization schedules for that mortgage, and irrespective of the outstanding balance for that mortgage on the scheduled date to reach 78 percent of the original value of the property securing the loan.

(17) UNFINISHED CONSTRUCTION.—The term “unfinished construction” means—

(A) an improvement at the time at which such improvement is ready for occupancy with the use of normal household furnishings;

(B) in the case of a single-family dwelling that is the primary residence of the mortgagor, an improvement at the time at which such improvement is ready for occupancy with the use of normal household furnishings and is functioning as the principal dwelling unit.

(18) VOLUNTARY TERMINATION.—The term “voluntary termination” means—

(A) for purposes of subparagraphs (A)(i) and (A)(ii) of subsection (a)—

(i) the date on which the mortgagor—

(1) with respect to a fixed rate mortgage, makes a payment that is in the form of a lump sum, in addition to the regular payments required by the mortgage, for a period beginning 24 months before the date on which the principal balance of the mortgage is scheduled to reach 80 percent of the original value of the property securing the loan; and

(2) has a good payment history with respect to the residential mortgage; and

(B) certification that the equity of the mortgagor in the residence securing the mortgage is unencumbered by a subordinate lien.

(b) AUTOMATIC TERMINATION.—A requirement for private mortgage insurance in connection with a residential mortgage transaction shall terminate with respect to payments for that mortgage insurance made by the mortgagor on the termination date if, on that date, the mortgagor is current on the payments required by the terms of the residential mortgage transaction; or

(a) the mortgagor—

(1) in the case of cancellation under subsection (a), more than 30 days after the later of—

(A) the date on which a request under subsection (a)(1) is received; or

(B) the date on which the mortgagor satisfies any evidence and certification requirements under subsection (a)(3); and

(c) in the case of termination under subsection (b), more than 30 days after the termination date or the date referred to in subsection (a)(2), as applicable.

(c) FINAL TERMINATION.—If a requirement for private mortgage insurance is not otherwise canceled or terminated in accordance with subsections (a) or (b), in no case may such a requirement be imposed beyond the first day of the month immediately following the date that is the midpoint of the amortization period of the loan if the mortgagor is current on the payments required by the terms of the mortgage.

(d) NO FURTHER PAYMENTS.—No payments on the portion of the loan released from the mortgage in connection with a private mortgage insurance requirement terminated or canceled under this section may be—

(1) in the case of cancellation under subsection (a), more than 30 days after the later of—

(A) the date on which a request under subsection (a)(1) is received; or

(B) the date on which the mortgagor satisfies any evidence and certification requirements under subsection (a)(3); and

(2) in the case of termination under subsection (b), more than 30 days after the termination date or the date referred to in subsection (a)(2), as applicable.

(3) in the case of termination under subsection (c), more than 30 days after the final termination date established under that subsection.

(e) RETURN OF UNEARNED PREMIUMS.—In general.—Not later than 45 days after the termination or cancellation of a private mortgage insurance requirement under this section, all unearned premiums for private mortgage insurance shall be returned to the mortgagor by the servicer.

(f) TRANSFER OF FUNDS TO SERVICER.—Not later than 30 days after notification by the servicer of termination or cancellation of private mortgage insurance under this title, a mortgage insurer that is in possession of any unearned premiums of that mortgage shall transfer
to the servicer of the subject mortgage an amount equal to the amount of the unearned premiums for repayment in accordance with paragraph (1).

(1) EXCEPTIONS FOR HIGH RISK LOANS.—

(a) IN GENERAL.—The termination and cancellation provisions in subsections (a) and (b) do not apply to any residential mortgage or mortgage transaction other than—

(i) a mortgage that is subject to a requirement for private mortgage insurance under section 203(f) of this Act, and mortgage insurance that is required in connection with a mortgage transaction described in section 203(a)(2) of the Federal Home Loan Mortgage Corporation Act, so as to require the imposition or continuation of a private mortgage insurance requirement beyond the terms specified in subsection (a) or (b) of this section; or

(b) as determined by the mortgagee in the case of any other mortgage, except that termination shall occur—

(i) with respect to a fixed rate mortgage, on the date on which the principal balance of the mortgage, based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 77 percent of the original value of the property securing the loan; and

(ii) with respect to an adjustable rate mortgage, on the date on which the principal balance of the mortgage, based solely on amortization schedules for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 77 percent of the original value of the property securing the loan;

(2) TERMINATION AT MIDPOINT.—A private mortgage insurance requirement in connection with a residential mortgage or mortgage transaction described in paragraph (1) shall terminate in accordance with subsection (c).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require a mortgage or mortgage transaction described in paragraph (1)(A) to be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

SEC. 204. DISCLOSURE REQUIREMENTS.

(a) DISCLOSURES FOR NEW MORTGAGORS AT TIME OF TRANSACTION.—

(1) DISCLOSURES FOR NON-EXEMPTED TRANSACTIONS.—In any case in which private mortgage insurance is required in connection with a residential mortgage or mortgage transaction (other than a mortgage or mortgage transaction described in section 203(f)(1)), at the time at which the transaction is consummated, the mortgagee shall provide written notice to the mortgagor that—

(A) the mortgagor may cancel the requirement for private mortgage insurance; and

(B) the mortgagor may cancel the requirement for private mortgage insurance.

(2) TERMINATION AT MIDPOINT.—A private mortgage insurance requirement in connection with a residential mortgage or mortgage transaction described in paragraph (1) shall terminate in accordance with subsection (c).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require a mortgage or mortgage transaction described in paragraph (1)(A) to be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

SEC. 205. NOTIFICATION UPON CANCELLATION OR TERMINATION.

(a) IN GENERAL.—Not later than 30 days after the date of cancellation or termination of a private mortgage insurance requirement in connection with a mortgage transaction, the servicer shall notify the mortgagor in writing—

(1) that the private mortgage insurance has terminated and that the mortgagor no longer has a private mortgage insurance requirement; and

(2) that no further premiums, payments, or other fees shall be due or payable by the mortgagor in connection with the private mortgage insurance.

(b) NOTICE OF GROUND.—

(1) IN GENERAL.—If a servicer determines that a mortgage did not meet the requirements for termination or cancellation of private mortgage insurance under subsection (a) or (b) of section 203, the servicer shall provide written notice to the mortgagor of the ground relied on to make the determination (including the results of any appraisal used to make the determination).

(2) TIMING.—Notice required by paragraph (1) shall be provided—

(A) with respect to cancellation of private mortgage insurance under section 203(a), not later than 30 days after the later of—

(i) the date on which a request is received under section 203(a)(1); or

(ii) the date on which the mortgagor satisfies any evidence and certification requirements under section 203(a)(3); and

(B) with respect to termination of private mortgage insurance under section 203(b), not later than 30 days after the scheduled termination date.

SEC. 206. DISCLOSURE REQUIREMENTS FOR LENDER PAID MORTGAGE INSURANCE.

(a) DEFINITIONS.—For purposes of this section—

(1) the term “borrower paid mortgage insurance” means private mortgage insurance that is required in connection with a residential mortgage transaction, payments for which are made by the borrower;

(2) the term “lender paid mortgage insurance” means private mortgage insurance that is required in connection with a residential mortgage transaction, payments for which are made by a person other than the borrower; and

(3) the term “loan commitment” means a prospective mortgagee’s written confirmation of its approval, including any applicable closing conditions, of the application of a prospective mortgagor for a residential mortgage loan.

(b) EXCLUSION.—Sections 203 through 205 do not apply in the case of lender paid mortgage insurance.

(c) DISCLOSURES TO MORTGAGOR.—In the case of lender paid mortgage insurance that is required in connection with a residential mortgage or a residential mortgage transaction—

(1) not later than the date on which a loan commitment is made for the residential mortgage transaction, the prospective mortgagee shall provide to the prospective mortgagor a written notice—

(A) that lender paid mortgage insurance differs from borrower paid mortgage insurance, in that lender paid mortgage insurance may or may not be canceled by the mortgagor, while borrower paid mortgage insurance could be cancelable by the mortgagor in accordance with section 203(a) of this Act, and could avoid any liability to pay the mortgagor or the mortgagor’s assigns in the event of default; and

(B) that lender paid mortgage insurance is fully and immediately provided pursuant to the loan contract; and

(2) within 30 days after the date of the loan commitment, that lender paid mortgage insurance is fully and immediately provided pursuant to the loan contract; and

(d) STANDARDIZED FORMS.—The mortgagor or servicer may use standardized forms for the purposes of this section.
(B) that lender paid mortgage insurance—
(i) usually results in a residential mort-
gage having a higher interest rate than it
would in the case of borrower paid mortgage
insurance;
(ii) terminates only when the residential
mortgage is refinanced, paid off, or other-
wise terminated;
(C) that lender paid mortgage insurance and
borrower paid mortgage insurance both
have benefits and disadvantages, including
a generic analysis of the differing costs and
benefits of each type of mortgage in the case
of a residential mortgage transaction, the failure of a
mortgagor to comply with the requirements of
this title due to the failure of a mortgage
insurer or a mortgagee to comply with the
requirements of this title, shall not be
considered a violation of this title by the
servicer.
(2) RULE OF CONSTRUCTION.—Nothing in
paragraph (1) shall be construed to impose
any requirement on or liability on a
mortgage insurer, a mortgagee, or a holder
of a residential mortgage.
SEC. 209. EFFECT ON OTHER LAWS AND AGREEM-
ENTS
(a) EFFECT ON STATE LAW.—
(1) IN GENERAL.—With respect to any
residential mortgage or residential mortgage
transaction, the failure of a mortgage
servicer, mortgage insurer, mortgagee, or
mortgagor to comply with the requirements of
this title, shall not be considered a violation
of any State or local law, rule, or regu-
lation relating to requirements for insur-
ing the mortgagor to reflect the date on which the
violation commences;
(2) allow, not to exceed $1000 as to each member
of the class or to whom the violation
relates for—
(A) actual, or a class action in which the liable
party is subject to
(B) a court of competent jurisdiction;
(C) that lender paid mortgage insurance in
connection with a residential
mortgage transaction, the failure of a
mortgagor to comply with the require-
mements imposed under this
title, shall not be considered
a violation of this title by the
servicer.
(2) allow, except that the total recovery under
this section shall not exceed the lesser of
$500,000 or 1 percent of the
gross revenues of the liable party,
as applicable, to correct the account of the
mortgagor to whom the violation relates for—
(i) the date on which the violation
commences;
(ii) the date of enactment of this Act;
(iii) the date of the latest
termination of such private mortgage insur-
ance in connection with residential
mortgage transactions, cancellation or
automatic termination of such private mortgage insur-
ance, any disclosure of information
addressed by this title, and any other matter
specifically addressed by this
subsection in any class action or se-
cret action arising out of the same
series of class actions arising out of the same
violation by the same liable party shall not
exceed the lesser of $500,000 or 1 percent
of the net worth of the liable party, as
determined by the court;
(ii) the court, or
(iii) the date of the latest
termination of such private mortgage
insurance in connection with the
residential mortgage.
(d) STANDARD FORMS.—The servicer of a
residential mortgage or a residential mortgage
transaction may develop and use a
standardized form or forms for the provision of
notices to the mortgagor, as required under
subsection (c).
SEC. 207. FEES FOR DISCLOSURES.
No fee or other cost may be imposed on
any mortgagor with respect to the provision of
any notice or information to the mort-
gagor pursuant to this title.
SEC. 208. CIVIL LIABILITY.
(a) IN GENERAL.—Any servicer, mortgagee,
or mortgage insurer that violates a provision of
this title shall be liable to each mortgagor
to whom the violation relates for—
(i) the date on which the violation
commences;
(ii) the date of enactment of this Act;
(iii) the date of the latest
termination of such private mortgage insur-
ance in connection with the
residential mortgage.
(b) STANDARD FORMS.—The servicer of a
residential mortgage or a residential mortgage
transaction may develop and use a
standardized form or forms for the provision of
notices to the mortgagor, as required under
subsection (c).
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commences;
(ii) the date of enactment of this Act;
(iii) the date of the latest
termination of such private mortgage insur-
ance in connection with the
residential mortgage.
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commences;
(ii) the date of enactment of this Act;
(iii) the date of the latest
termination of such private mortgage insur-
ance in connection with the
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SEC. 208. CIVIL LIABILITY.
(a) IN GENERAL.—Any servicer, mortgagee,
or mortgage insurer that violates a provision of
this title shall be liable to each mortgagor
to whom the violation relates for—
(i) the date on which the violation
commences;
(ii) the date of enactment of this Act;
(iii) the date of the latest
termination of such private mortgage insur-
ance in connection with the
residential mortgage.
Amend the title so as to read: “An Act to amend the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage, to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.”

SEC. 2. CONGRESSIONAL FINDINGS; PURPOSE AND OBJECTIVES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Covering more than two-thirds of the Earth's surface, the oceans and Great Lakes play a critical role in the global water cycle and in regulating climate, sustain a large part of Earth's biodiversity, provide an important source of food and a wealth of other natural products, act as a frontier for scientific exploration, are critical to national security, and provide a vital means of transportation. The coasts, transition between land and open ocean, are regions of remarkably high biological productivity, contribute more than 30 percent of the Gross Domestic Product, and are of considerable importance for recreation, waste disposal, and mineral exploration.

(2) Ocean and coastal resources are susceptible to change as a direct and indirect result of a variety of activities that can significantly impact the ability of the oceans and Great Lakes to provide the benefits upon which the Nation depends. Changes in oceanic conditions can impact global climate patterns, marine productivity and biodiversity, environmental quality, national security, economic competitiveness, availability of energy, vulnerability to natural hazards, and transportation safety and efficiency.

(3) Ocean and coastal resources are not infinite, and human pressure on them is increasing. One half of the Nation's population lives within 50 miles of the coast, and ocean and coastal resources once considered inexhaustible are now threatened with depletion, and if population trends continue as expected, pressure on and conflicting demands for ocean and coastal resources will increase further as will vulnerability to coastal hazards.

(4) Marine transportation is key to United States participation in the global economy and to the wide range of activities carried out in ocean and coastal regions. Inland waterway and ports are the link between marine activities in coastal regions and the supporting transportation infrastructure ashore. International trade is expected to triple by 2020. The increase has the potential to outgrow:

(A) the capabilities of the marine transportation system to ensure safety; and

(B) the existing capacity of ports and waterways.

(5) Marine technologies hold tremendous promise for expanding the range and increasing the utility of products from the oceans and Great Lakes, improving the stewardship of ocean and coastal resources, and contributing to business and manufacturing innovation and the creation of new jobs.

(c) PURPOSE. —Research has identified the link between oceanic and atmospheric processes and improved understanding of world climate patterns and forecasts. Important new advances, including availability of military technology, have made feasible the exploration of large areas of the ocean which were inaccessible several years ago. In design capacity as “The Year of the Ocean”, the United Nations highlights the value of increasing our knowledge of the oceans.

(7) It has been 30 years since the Commission for the Exploration of the Sea (known as the Stratton Commission) conducted a comprehensive examination of...
ocean and coastal activities that led to enactment of major legislation and the establishment of key oceanic and atmospheric institutions.

(6) A review of existing activities is essential to respond to the changes that have occurred over the past three decades and to develop an effective new policy for the twenty-first century to conserve and use, in a sustainable manner, ocean and coastal resources, protect the marine environment, explore ocean frontiers, protect human safety, and enhance marine technologies and economic opportunities.

(7) Changes in United States laws and policies since the Stratton Commission, such as the enactment of the Coastal Zone Management Act, have increased the role of the States in the management of ocean and coastal activities.

(8) While significant Federal and State ocean and coastal programs are underway, these Federal programs would benefit from a coherent innovative approach for sustainable ocean and coastal policies that reflects the need for cost-effective allocation of fiscal resources, improved interagency coordination, and strengthened partnerships among the private, public, and international entities engaged in ocean and coastal activities.

(b) PURPOSE AND OBJECTIVES.—The purpose of this Act is to develop and maintain, consistent with the obligations of the United States under international law, a coordinated, integrated, and long-range national policy with respect to ocean and coastal activities that will assist the Nation in meeting the following objectives:

(1) The protection of life and property against natural and manmade hazards.
(2) Responsible stewardship, including use, of fishery resources and other ocean and coastal resources.
(3) The protection of the marine environment and prevention of marine pollution.
(4) A re-emergence of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of marine resources.
(5) The expansion of human knowledge of the marine environment including the role of the ocean on changes and global environmental change and the advancement of education and training in fields related to ocean and coastal activities.

(6) Continual investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities.

(7) Close cooperation among all government agencies and departments to ensure—

(A) coherent regulation of ocean and coastal activities.
(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities; and

(C) efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities.

(8) The enhancement of partnerships with State and local governments with respect to oceans and coastal activities, including the management of ocean and coastal resources and identification of key international obligations.

(9) The preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) The term “Commission” means the Commission on Ocean Policy.

(2) The term “Council” means the National Ocean Council.

(3) The term “marine environment” includes—

(A) the oceans, including coastal and offshore waters and the adjacent shore lands;

(B) the Great Lakes; and

(C) the ocean and coastal resources thereof.

(4) The term “ocean and coastal activities” includes activities related to oceanography, fisheries, and ocean and coastal resources, including those related to exploration and development of marine minerals, energy, and mineral resource extraction, marine transportation, recreation and tourism, waste management, pollution mitigation and prevention, and natural hazard reduction.

(5) The term “ocean and coastal resource” means, with respect to the oceans, coasts, and Great Lakes, any living or non-living natural resource (including all forms of animal and plant life found in the marine environment, habitat, biodiversity, water quality, minerals, oil, and gas) and any significant historic, cultural or aesthetic resource.

(6) The term “oceanography” means scientific exploration, including marine scientific research, engineering, mapping, surveying, monitoring, assessment, and information management, of the oceans, coasts, and Great Lakes.

(a) E XECUTIVE RESPONSIBILITIES.—The President, with the assistance of the Council and the advice of the Commission, shall—

(1) develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities consistent with obligations of the United States under international law; and

(2) with regard to Federal agencies and departments—

(A) review significant ocean and coastal activities, including plans, priorities, accomplishments, and infrastructure requirements;

(B) plan and implement an integrated and cost-effective program of ocean and coastal activities, including but not limited to, oceanography, stewardship of ocean and coastal resources, protection of the marine environment, maritime transportation safety and efficiency, marine recreation and tourism, and marine aspects of weather, climate, and natural hazards;

(C) designate responsibility for funding and conducting ocean activities; and

(D) ensure cooperation and resolve differences arising from laws and regulations applicable to ocean and coastal activities which result in conflicts among participants in such activities.

(b) COOPERATION AND CONSULTATION.—In carrying out responsibilities under this Act, the President may use such staff, interagency, and advisory arrangements as the President finds necessary and appropriate and shall consult with non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 4. NATIONAL OCEAN AND COASTAL POLICY.

(a) EXECUTIVE RESPONSIBILITIES.—The President, with the assistance of the Council and the advice of the Commission, shall—

(1) develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities consistent with obligations of the United States under international law; and

(2) with regard to Federal agencies and departments—

(A) review significant ocean and coastal activities, including plans, priorities, accomplishments, and infrastructure requirements;

(B) plan and implement an integrated and cost-effective program of ocean and coastal activities, including but not limited to, oceanography, stewardship of ocean and coastal resources, protection of the marine environment, maritime transportation safety and efficiency, marine recreation and tourism, and marine aspects of weather, climate, and natural hazards;

(C) designate responsibility for funding and conducting ocean activities; and

(D) ensure cooperation and resolve differences arising from laws and regulations applicable to ocean and coastal activities which result in conflicts among participants in such activities.

(b) COOPERATION AND CONSULTATION.—In carrying out responsibilities under this Act, the President may use such staff, interagency, and advisory arrangements as the President finds necessary and appropriate and shall consult with non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. NATIONAL OCEAN COUNCIL.

(a) ESTABLISHMENT.—The President shall establish a National Ocean Council and appoint a Chairman from among its members. The Council shall consist of—

(1) the Secretary of Commerce;

(2) the Secretary of Defense;

(3) the Secretary of State;

(4) the Secretary of Transportation;

(5) the Secretary of the Interior;

(6) the Attorney General;

(7) the Administrator of the Environmental Protection Agency;

(8) the Director of the National Science Foundation;

(9) the Director of the Office of Science and Technology Policy;

(10) the Chairman of the Council on Environmental Quality;

(11) the Chairman of the National Economic Council;

(12) the Director of the Office of Management and Budget; and

(13) such other Federal officers and officials as the President considers appropriate.

(b) ADMINISTRATION.—

(1) The President or the Chairman of the Council may from time to time designate one or more members of the Council to preside over meetings of the Council during the absence or unavailability of such Chairman.

(2) Each member of the Council may designate an officer of his or her agency, or department appointed with the advice and consent of the Senate to serve on the Council as an alternate in the event of the unavailable absence of such member.

(3) An executive secretary shall be appointed by the Chairman of the Council, with the approval of the Council. The executive secretary shall be a permanent employee of one of the agencies or departments represented on the Council and shall remain in the employ of such agency or department.

(4) For the purposes of carrying out the functions of the Council, each Federal agency or department represented on the Council shall furnish necessary assistance to the Council. Such assistance may include—

(A) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign; and

(B) undertaking, upon request of the Chairman of the Council, such special studies for the Council as are necessary to carry out its functions.

(5) The Chairman of the Council shall have the authority to make personnel decisions regarding any employees detailed to the Council.

(c) FUNCTIONS.—The Council shall—

(1) assist the Commission in completing its report under section 9; and

(2) serve as the forum for developing an implementation plan for a national ocean Coastal Policy, and program, taking into consideration the Commission report;

(3) improve coordination and cooperation, and eliminate duplication, among Federal agencies and departments with respect to ocean and coastal activities; and

(4) assist the President in the preparation of the first report required by section 7(a).

(d) SUNSET.—The Council shall cease to exist one year after the Commission has submitted its final report under section 8(b).

(e) SAVINGS PROVISION.—

(1) Council activities are not intended to supplant or interfere with other Executive Branch mechanisms and responsibilities.

(2) Nothing in this Act has any effect on the authority or responsibility of any Federal officer or agency under any other Federal law.

SEC. 6. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—
(1) IN GENERAL.—The President shall, within 90 days after the enactment of this Act, establish a Commission on Ocean Policy. The Commission shall be composed of 16 members including 8 federal entities, state and local governments, industry, academic and technical institutions, and public interest organizations involved in ocean and coastal activities. Members shall be appointed for the life of the Commission as follows:

(A) 4 shall be appointed by the President of the United States;
(B) 4 shall be appointed by the President chosen from a list of 8 proposed members submitted by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation;
(C) 4 shall be appointed by the President chosen from a list of 8 proposed members submitted by the Speaker of the House of Representatives in consultation with the Chairman of the House Committee on Resources;
(D) 2 shall be appointed by the President chosen from a list of 4 proposed members submitted by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation;
(E) 2 shall be appointed by the President chosen from a list of 4 proposed members submitted by the Minority Leader of the House in consultation with the Ranking Members of the House Committee on Resources.

(2) FIRST MEETING.—The Commission shall hold its first meeting within 30 days after it is established.

(3) CHAIRMAN.—The President shall select a Chairman from among such 16 members. Before selecting a Chairman, the President shall request to consult with the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, and the Majority Leader of the House of Representatives.

(4) ADVISORY MEMBERS.—In addition, the Commission shall have 4 Members of Congress, who shall serve as advisory members. One of the advisory members shall be appointed by the Speaker of the House of Representatives. One of the advisory members shall be appointed by the Majority Leader of the Senate. One of the advisory members shall be appointed by the Minority Leader of the Senate. The advisory members shall not participate, except in an advisory capacity, in the formulation of the findings and recommendations of the Commission.

(b) FINDINGS AND RECOMMENDATIONS.—The Commission shall report to the President and the Congress on a comprehensive national ocean and coastal policy to carry out the purpose and objectives of this Act. In developing the findings and recommendations of the report, the Commission shall—

(1) review and suggest any necessary modifications to United States laws, regulations, and practices necessary to define and implement such policy, consistent with the obligations of the United States under international law;
(2) assess the condition and adequacy of investment in existing and planned facilities and equipment associated with ocean and coastal activities including human resources, technology, research vessels, satellites, and other appropriate technologies and platforms;
(3) review existing and planned ocean and coastal agencies and departments, assess the contribution of such activities to development of an integrated long-range program for oceanography, ocean and coastal resource management, and protection of the marine environment, and identify any such activities in need of reform to improve performance and effectiveness;
(4) examine and suggest mechanisms to address the interrelationships among ocean and coastal activities, the legal and regulatory frameworks, and other research and their inter-connected and cumulative effects on the marine environment, ocean and coastal resources, and marine productivity and biodiversity;
(5) review the known and anticipated demands for ocean and coastal resources, including an examination of opportunities and limitations with the use of ocean and coastal resources within the exclusive economic zone, projected impacts in coastal areas, and the adequacy of existing efforts to manage such use and minimize user conflicts;
(6) evaluate relationships among Federal, State, and local governments and the private sector for planning and carrying out ocean and coastal activities and address the most appropriate division of responsibility for such activities;
(7) identify opportunities for the development of or investment in new products, technologies, or markets that could contribute to the objectives of this Act;
(8) consider the relationships of the ocean and coastal policy of the United States to the United Nations Convention on the Law of the Sea and other international agreements, accords, or treaties, and the United States to effect collaborations between the United States and other nations, including the development of cooperative international programs for oceanography, protection of the marine environment, and ocean and coastal resource management; and
(9) engage in any other preparatory work deemed necessary to carry out the duties of the Commission pursuant to this Act.

(c) DUTIES OF CHAIRMAN.—In carrying out the provisions of this subsection, the Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and
(2) the use and expenditures of funds available to the Commission.

(d) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government or the District of Columbia shall be compensated at a rate equal to the daily equivalent of the annual rate payable for 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. All members of the Commission who are officers or employees of the United States shall serve without compensation, or be reimbursed therefor, for their services as officers or employees of the United States.

(e) STAFF.—

(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director who is knowledgeable in administrative management and ocean and coastal policy and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.
(2) The Chairman shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter I of chapter 53 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 at step 7, of the General Schedule under section 5321 of such title.

(3) Upon request of the Chairman of the Commission, after consulting with the head of the Federal agency concerned, the head of any Federal Agency shall detail appropriate personnel to the Commission to assist the Commission in carrying out its functions under this Act. Federal Government employees detailed to the Commission shall serve without reimbursement from the Commission, and such detaillee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) The Commission may accept and use the services of volunteers serving without compensation, and to reimburse volunteers for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, a volunteer under this section may not be considered to be an employee of the United States for any purpose.

(5) To the extent that funds are available, and subject to such rules as may be prescribed by the Commission, the executive director of the Commission may procure the temporary and intermittent services of experts and consultants in accordance with section 5909 of title 5, United States Code, but at rates not to exceed the daily rate payable for GS–15, step 7, of the General Schedule under section 5332 of title 5, United States Code.

(f) ADMINISTRATION.—

(1) All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552(b)(4) of title 5, United States Code. Interested persons shall be permitted to appear at and present oral or written statement on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing to the meeting.

(2) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(3) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all materials filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were received by the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(4) The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

(g) COOPERATION WITH OTHER FEDERAL ENTITIES.—

(1) The Commission is authorized to secure directly from any Federal agency or department any information necessary to carry out its functions under this Act. Each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission, upon the request of the Chairman of the Commission.
The Marine Resources and Engineering De-
velopment Act of 1966 (33 U.S.C. 1101 et seq.)
receives testimony on S. 1253, the Public
Land Management Improvement Act of
1997.

The hearing will take place Monday,
December 15, 1997 at 1:00 p.m. in room
SD–366 of the Dirksen Senate Office
Building in Washington, D.C.

The purpose of this hearing is to re-
testimony on S. 1263, the Public
Land Management Improvement Act of
1997.

Those who wish to submit written
statements should write to the Com-
mittee on Energy and Natural Re-
sources, U.S. Senate, Washington, D.C.
20510. For further information, please
call Judy Brown or Mark Rey at (202)
224–6170.

ADDITIONAL STATEMENTS

VETERANS DAY 1997

Mr. KERRY. Mr. President, today I
wish to pay deep respect and tribute to
the men and women of the United States
who have made significant sac-
rifices in the defense of the freedoms
and democratic principles upon which
our country was founded and to which
we pledge allegiance today. For every
American, Veterans Day holds a
special meaning because it is a time to
remember those veterans who have
died, thank those who are living, and
reflect on the honorable contributions
that each has made to our country.
People of all ages and backgrounds
marched in parades across the United
States on November 11 honoring vet-
ers whom often they have never met,
nor seen, nor heard about—and who too
often have received little or no rec-
ognition for their unwavering devotion
to our country.

As a veteran of the Vietnam war, I
share a memory with many others who
have served in the U.S. Armed Forces
and ascribe a special meaning to this
day. We share a deeper understanding
of those who served beside us. History
will remember the cause, but we will
remember the people.

I am proud to have served my coun-
try and feel blessed that I was lucky
enough to return to my family and
friends. To those brave men and women
who gave their lives for our country or
who have survived but paid in human
suffering, we collectively owe a great
debt of appropriate recognition and
respect. We must never forget their
service, or their sacrifice, nor must we
forget their significance.

HELP FOR LOCALITIES

Mr. ABRAHAM. Mr. President, one of
the final items to be approved by the
Senate for inclusion in the fiscal year
1998 Senate Interior appropriations bill
was my amendment to raise the level
of funding for the Payments in Lieu of
Taxes program, PILT. I want to thank
the Interior appropriations chairman, Senator Gorton, for his assis-
tance and consideration of this im-
portant amendment. I also wish to
thank my cosponsors, Senators LEVIN,
HATCH, CAMPBELL, SMITH, and
Dominici. In particular, I am most ap-
preciative of Senator LEVIN, his hard
work and cooperation in securing the
support of the subcommittee’s ranking
member was crucial.

Every year, Mr. President, the Fed-
eral Government increases the acreage
it owns, particularly in the form of na-
tional parks. This provides increased
opportunities for Americans to enjoy
these national areas. At the same time,
his also increases costs for law
enforcement, search and rescue and fire
departments for literally thousands of
small towns throughout our Nation.

Federal land purchases often perma-
nently remove a critical source of in-
come from local communities. PILT
payments, or “Payments in Lieu of
Taxes,” are made to counties and local
communities which contain certain
federally owned lands that cannot be
leased or sold. This is achieved through
laws passed under the authority of the
local governments. PILT monies are of-
ten the only means that counties have
to pay for police protection and gar-
bage collection and storage as well as
costs for fire fighting services.

Unfortunately, Mr. President, and
de spite the very real benefits local com-
mmunities provide, every year more Fed-
eral lands are taken off of county tax
rolls, while PILT payments remain
stagnant and well below the level au-
thorized by Congress.

That is why my colleagues and I took
action to reverse this trend, and why I
am so pleased that the Senate has
agreed to raise PILT payments to $124
million. I believe this increase has sig-
nificance beyond the amount approved
because it demonstrates that the Con-
gress is beginning to understand the di-
lemma faced by a significant number of
our localities, struggling as they are
with increasing costs and a shrinking
tax base.

During the conference of the House
and Senate, Members agreed to a com-
promise funding level of $20 million. I
suspect that the increased Senate
amount was partially responsible for the
conferences agreeing to an amount $7
million above the House level. These
extra funds will provide crucial help to
local communities strapped for funds as
they seek to tend to their own citi-
zens’ needs. It has been a long time
coming and I applaud the Senate for
agreeing to support this critical pro-
gram.

CONFIRMATION OF RODNEY W.
SIPPEL TO BE A UNITED STATES
JUDGMENTAL TRUSTEE FOR THE
WESTERN DISTRICT OF MISSOURI

Mr. LEAHY. Mr. President, I am de-
lighted that the Senate unanimously
confirmed Rodney W. Sippel to serve as

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. CRAIG. Mr. President, I would
like to announce for the public that a
hearing has been scheduled before the
Subcommittee on Forests and Public
Land Management of the Senate Com-

a U.S. District Court Judge for the Eastern and Western Districts of Missouri.

Rodney Sippel is a uniquely well-qualified nominee, with a wealth of experience in the practice of law and in public service. He has years of litigation on the law firm of Husch & Eppenberger in St. Louis, MO. He is also a dedicated public servant, having served in the office of our former colleague, Senator Thomas Eagleton, and as an administrative assistant to the House Democratic leader, Richard Gephardt.

The American Bar Association found Mr. Sippel to be qualified for this appointment and his nomination enjoys the support of both Senators from Missouri.

The President nominated Rodney Sippel on May 15, 1997. After several months of inaction, the Judiciary Committee finally held a hearing on his nomination on October 29 and the committee favorably and unanimously reported his nomination to the full Senate on November 6.

I congratulate Rodney Sippel and his family on his confirmation. I look forward to his service as a U.S. district court judge.

I would like to note that the nomination process experienced by Rodney Sippel is a common one in this 105th Congress. It is an experience of unnecessary delay. After his nomination languished for months in the Judiciary Committee, the majority finally focused on Rodney Sippel and he was unanimously confirmed. I am not sure why it took so long for the majority to confirm this well-qualified nominee, but I am glad that they finally realized that he will be an outstanding Federal judge.

CONFIRMATION OF BRUCE C. KAUFFMAN TO BE A U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- Mr. LEAHY. Mr. President, I am delighted that the Senate confirmed Bruce C. Kauffman to be a U.S. district judge for the eastern district of Pennsylvania. Mr. Kauffman is a well-qualified nominee.

The nominee has decades of legal experience in the private practice of law at the firm of Dilworth, Paxson, Kalish & Kauffman in Philadelphia. He has also served the public interest as a justice of the Supreme Court of Pennsylvania, the Commonwealth's highest appellate court, and as a member of numerous task forces and commissions benefitting the city of Philadelphia. The American Bar Association has found him to be well-qualified for this appointment.

We first received Mr. Kauffman's nomination on July 31, 1997. He had a confirmation hearing on September 5. He was unanimously reported to the committee on November 6. With the strong support of Senator Specter, this nomination has moved expeditiously through the committee and the Senate. I congratulate Mr. Kauffman and his family and look forward to his service on the district court.

TRIBUTE TO HERBERT COHEN

- Mr. JEFFORDS. Mr. President, I rise today to pay tribute to a good friend and great Vermonter, Herbert Cohen. Herbert died unexpectedly on July 27, 1997 at the age of 67.

A respected entrepreneur in Rutland, Herbert owned and operated Vermont Contract Furnishings along with his wife Sandy. His business focused on interior designs for the condominium and vacation home markets. Accordingly, he was selected to provide these services for the 1980 Winter Olympic Games in Lake Placid.

Herbert was a member of the board for Rutland's Regional Medical Center and was selected to act as president for the local Chamber of Commerce. In recognition of his outstanding achievements and dedication to the people of Vermont, Herbert was named "Citizen of the Year" in 1987. Herbert played an integral role in Rutland's revitalization. Through his efforts in restoring one of the areas most prominent storefronts, Herbert has left a lasting impression upon residents and visitors alike that will be slow to fade.

Mr. President, I would like to extend my condolences to his family and friends.

CONFIRMATION OF MARTIN J. JENKINS TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

- Mr. LEAHY. Mr. President, I am delighted that the Senate confirmed Judge Martin J. Jenkins to be a U.S. District Judge for the Northern District of California.

The American Bar Association unanimously found Judge Jenkins to be well-qualified, its highest rating, for this appointment. He has extensive trial experience as a deputy district attorney for Alameda County, trial attorney with the Department of Justice’s Civil Rights Division, and civil litigator with Pacific Bell. He also has extensive judicial experience as a municipal court judge and in his current position as Alameda County Superior Court judge. His nomination enjoys the strong support of Senator Feinstein and Senator Boxer.

The Judiciary Committee unanimously reported his nomination to the Senate on November 6, 1997. With the confirmation of Charles Breyer, the Northern District of California now has 2 vacancies out of 14 judgeships and desperately needs Judge Jenkins to help manage its growing backlog of cases.

I am delighted for Judge Jenkins and his distinguished family that he was confirmed. He will make a fine judge.

ELEVEN CONNECTICUT ORGANIZATIONS, COMPANIES, AND MUNICIPALITIES NAMED TO WOMEN'S BUREAU HONOR ROLL

- Mr. DODD. Mr. President, in my rising today to congratulate 11 organizations, companies, and municipalities in my home State of Connecticut for being named to the honor roll of the Women’s Bureau of the U.S. Department of Labor. This honor roll recognizes entities across the country that have made a commitment to working women and families and promotes the family-friendly workplace. Most Americans go to work each day worried about their health care, affordable and reliable child care, living wages, and job protection in times of family crisis. These organizations are trying to help alleviate some of these worries and should be applauded for their efforts.


These entities are helping working women to achieve better pay and benefits, to strike a better balance of work and family responsibilities, and to gain a more respect and opportunity on the job. For example, flexible work schedules and interactive retirement planning software allow more women to pick up a sick child from school or help plan for their and their families’ financial future. Other programs instituted by these family-friendly Connecticut organizations include discounted on-site day care, at-home offices, extensive prenatal care, and seminars to assist families with college planning.

The American work force is changing. When The Department of Labor’s Women’s Bureau was created in 1920, the labor force was only 8.25 million working women—less than 20 percent of our Nation’s work force. Today, nearly 60 million women work for pay—almost 50 percent of our Nation’s work force. Not only are more women working, but more women must work to make ends meet for their families. America’s work force and families are facing new challenges and it is organizations like these 11 that deserve to be honored for making innovative and constructive efforts to make their workplaces more family-friendly.

As we applaud these honor roll members we must also remember that there are challenges that still need to be addressed in our country by large and large. American working women still face difficulty finding affordable child care, paid sick leave, and unpaid family leave during an extended family crisis. And let us not forget that women continue to face discrimination in hiring and promotion, as well as underpayment in comparisons to men with the same or similar credentials.
Though we have made some progress, such as passing the Family and Medical Leave Act, it is obvious we still have challenges to overcome. So, let's applaud the companies, organizations, and municipalities on the Labor Department’s roll for working women and men. And let's continue to strive toward solutions to make every workplace a family-friendly workplace.

AFRICAN GROWTH AND OPPORTUNITY ACT

- Mr. ABRAHAM. Mr. President, I rise today to cosponsor the African Growth and Opportunity Act, introduced by my colleague, Senator LUGAR. I do this because I believe greater trade and economic development is in the interest of sub-Saharan Africa, and in the interest of the United States.

For too long, Mr. President, our policy toward the nations of sub-Saharan Africa has been based largely on a series of bilateral donor-recipient relationships. While this policy has produced some notable successes in terms of fostering a debilitating dependence on foreign assistance. As a consequence, this policy has in fact stood in the way of economic growth, self-reliance and political stability for the vast majority of people in these nations.

The African Growth and Opportunity Act will establish a new relationship between the United States and the nations of sub-Saharan Africa. It will promote economic growth through private sector activity and trade incentives, fostering a mutually beneficial relationship and encouraging economic and political reforms in the interests of the peoples of sub-Saharan Africa.

The bill directs the President to develop a plan to establish a United States-Sub-Saharan Africa Free-Trade Area to stimulate trade. It also eliminates quotas on textiles and apparel from Kenya and Mauritius, contingent on these countries adopting a visa system to guard against transshipment.

In addition, this legislation would establish an economic forum to facilitate trade discussions and work with the private sector to develop an investment agenda. USAID moneys would not be spent faster than the cost of living—faster than the cost of living—faster than the cost of living—faster than the cost of living. If we continue to raise spending faster than our economic growth, Washington social spending—Washington social spending—Washington social spending—Washington social spending—Washington social spending. This is an increase of almost three times the average Alabama’s yearly cost-of-living increase. That’s it, 2.8 percent. However, this bill increases Washington social spending by over 2 percent. That’s in increase of almost three times the average Alabama’s yearly cost-of-living increase. That to me is unacceptable.

I have spent many long hours looking through the merits of many of the programs. We have many good programs, with a proven track record, that need to be funded and supported. But Mr. President, the Labor, HHS appropriations bill we voted on also contained many social programs that are unproven or just too costly. The taxpayers of America deserve to know that their hard earned tax dollars are spent wisely. If we continue to raise spending faster than our economic growth—then we are in danger of returning to the old tax and spend mentality that has nearly bankrupted this country. With great reluctance, I must vote "no".

There were several other provisions missing from this bill which also compelled me to vote against it. First, my tobacco amendment, added to the bill by the Senate on September 10, which would have limited any tobacco attorney’s fees and required that all such fees be made public for inspection prior to the passage of any global settlement, was stripped during negotiations.

TRIBUTE TO KATHY LACEY

- Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to Kathy Lacey, my deputy legislative director, who I regret will retire at the end of December after serving California for 27 years as a staff member in the U.S. Senate.

Kathy came to Washington, DC 27 years ago having studied at Vassar College and after graduate work at the University of Southern California. Her graduate work at USC was in Asian studies and Chinese language. She knew other friends who had used their studies by going to work for the Federal Government and she thought she would find similar opportunities. Instead, former Senator Alan Cranston hired Kathy and she went to work using her love and knowledge of California.

When Kathy describes her service in the U.S. Senate to younger staff just starting their careers, she says that her effort was always on behalf of the people of California. Her work ranged from trying to assist farmers with export of their crops, to helping cities get their funds to build sewage treatment plants, to fixing levees or to analyzing the science of radioactive waste, pests, and pesticides, or endangered species.

But what gives Kathy the most satisfaction is the work which she has done, both with me and with Alan Cranston, to protect California’s special places. Legislation she has worked on over her 27-year career has protected almost 12 million acres of wilderness in California. More than half of that acreage was part of the Desert Protection Act. I could not have successfully gotten that bill passed without Kathy’s knowledge and continuous work.

But Kathy was also involved in the creation of the Santa Monica Mountains National Recreation Area, establishment of Channel Island National Park, establishment of Sequoia National Park, protection of Mineral King through its addition to Sequoia National Park, establishment of the Mono Basin National Forest Scenic Area, preservation of the Tuolumne River, enactment of the Smith River bill—both protected watersheds and work to help them benefit everyone involved.

Kathy plans to leave the Congress and have new adventures with her husband, Cal, who has also recently retired. On behalf of all Californians, I thank Kathy for her professional spirit which was important to me from my first days in the U.S. Senate and I thank her for her dedicated example which has proved so significant to Californians.

LABOR, HEALTH AND HUMAN SERVICES APPROPRIATIONS BILL

- Mr. SESSIONS. Mr. President, I would like to take a few minutes today in order to lay out my reasons for voting against the Fiscal Year 1998 Labor, Health and Human Services, and Education appropriations bill.

The fiscal year 1998 Labor, HHS appropriations bill contained roughly $80 billion in spending for Washington social programs. This is an increase of roughly $6.2 billion from fiscal year 1997’s bill. Now Mr. President, the average Alabama, if they’re lucky, sees a cost-of-living increase in their paycheck each year of around 2.8 percent. That’s it, 2.8 percent. However, this bill increases Washington social spending by over 2 percent. That’s an increase of almost three times the average Alabama’s yearly cost-of-living increase.

That to me is unacceptable.

I have spent many long hours looking through the merits of many of these programs. We have many good programs, with a proven track record, that need to be funded and supported. But Mr. President, the Labor, HHS appropriations bill we voted on also contained many social programs that are unproven or just too costly. The taxpayers of America deserve to know that their hard earned tax dollars are spent wisely. If we continue to raise spending faster than our economic growth—then we are in danger of returning to the old tax and spend mentality that has nearly bankrupted this country. With great reluctance, I must vote “no”.

There were several other provisions missing from this bill which also compelled me to vote against it. First, my tobacco amendment, added to the bill by the Senate on September 10, which would have limited any tobacco attorney’s fees and required that all such fees be made public for inspection prior to the passage of any global settlement, was stripped during negotiations.
between the Senate and House of Representatives conference committee. These fees, in many cases, will be the largest fees in history and will be windfalls for these attorneys. These moneys would be better spent on health care for children.

Second, an education provision, which I strongly supported, authored by my good friend from Washington, Senator SLADE GORTON, was also stripped during the House-Senate conference negotiations. This amendment would have required the Secretary of Education to award certain funds appropriated for the Department of Education for kindergarten through grade 12 programs and activities directly to the local education agencies. This will allow them to use the funds for their greatest needs and reduce paperwork. I supported this amendment because I believe it is time to take control of our schools out of the hands of the well-intentioned individuals in Washington and instead put the control into the hands of the real experts—the teachers, principals, parents and the students of Alabama. Mr. President, this is another government program, another Washington values ahead of Alabama’s values. The fundamental question is this: Will our children benefit more if Washington is in charge of their education or if their elected representatives are? Alabama values would support the local control of our schools while Washington values support the bureaucratic heavy handed federal control of our education system.

Mr. President, in closing, let me say plainly I support many of the programs and services found in this bill. It was my sincere hope to have been counted among its supporters on the Senate floor. However in this era when families are struggling to get by, we simply must guard against the consequences of continuing the growth of Washington spending. That is why I have decided to vote "no.

FAST-TRACK AUTHORITY

Ms. SNOWE. Mr. President, I rise today to speak on a matter of utmost importance to our Nation—granting the President fast-track authority for global trade agreements for the next 5 years.

I have long opposed extending fast-track authority to the executive branch on the grounds that it removes all, or almost all, the power of the Senate to influence the course of foreign, and I mean foreign, policies. I still believe that there are serious consequences to granting the President fast-track authority. However, I have been persuaded that the President needs fast-track authority to deliver on his promise of fair trade, and that we have serious difficulties in enforcing the agreements we’ve already made.

That is not a particularly encouraging track record—certainly not one that should hand over the trade agreement keys to the White House. To the contrary, it raises grave concerns as to where the administration wants to take the country in the new world of globalization.

That is why I believe the President is obliged to do more than just say that he needs fast-track authority. The gap between what he said would happen under NAFTA and what has actually happened makes it even more essential that he explain clearly how he would address the problems that already exist, and what his vision is for the future should he be granted such sweeping authority. Because frankly, the administration has not spelled out why it needs it, nor what it will mean for the Nation.

Unfortunately, I can venture a fairly good guess as to what it will mean, based on history. The chart behind me represents the U.S. international merchandise trade in 1974, the United States ran a trade surplus. Then, after 1975, the bottom started falling out.

This sea of red ink behind me not only represents millions of dollars in deficit—over $190 billion last year ($191.2 billion)—but lost jobs and shattered lives. For each billion dollars in trade deficit, another 20,000 people are displaced from their jobs. According to the Foreign Trade Division of the Census Bureau, that number is approaching 3.8 million. Every $50,000 in trade deficit is one lost job.

We hear time and time again that enormous opportunities will be created for the American people through trade agreements the President can negotiate if he has fast-track authority. But if the agreements already negotiated are any indication, it’s time to put the brakes on, not hit the accelerator. Because working Americans can’t afford any more “opportunities” like this.

Right now, each week, the United States borrows from abroad or sells assets worth $3 billion to pay for our trade losses. Across the country, workers are taking cuts in pay—or worse, taking home pink slips. And we are left to wonder how trade agreements that had promised so much have delivered so little. Just look at the lessons of NAFTA.

NAFTA, we were told, would improve our trade deficit with Canada and Mexico. So what’s the reality? Before NAFTA in 1993, we had a $1.7 billion surplus with Mexico. As of last year, it’s now a $16.2 billion deficit. Before NAFTA we had a $10 billion trade deficit with Canada. After only 3 years of NAFTA, we had a $23 billion deficit.

Through the 1990’s, under NAFTA, our combined merchandise trade deficits with Canada and Mexico have grown 433 percent, as indicated by this chart showing the tremendous downward turn taken after NAFTA.

For example, in my home state of Maine, between 1980 and the inception of NAFTA the U.S. goods and services trade deficit eliminated a total of 2.4 million job opportunities, 2.2 million in the manufacturing sector alone. That means 83 percent of the total job decline was in the manufacturing sector. For example, in my home state of Maine, between 1980 and the inception of NAFTA the Maine footwear industry—the largest in the Nation—lost over 9,000 jobs to countries like Mexico because our Government let its hands in spite of recommended action by the International Trade Commission. And in the past three years alone, there have been significant losses in the textile and shoe industries—over 8,000 people have lost their jobs. I have already witnessed too many hard-working people lose their livelihood for me to risk more American jobs.

I am unwilling to trade well-paying jobs with benefits for lower paying jobs that’s what happened under our ill-conceived trade agreements. As the trade deficit and globalization of U.S. industries have grown, more quality jobs have been lost to imports than have been gained in the lower paying sectors that are experiencing rapid export growth. Increased import shares have displaced almost twice as many high-paying, high-skilled jobs than increased exports have created.

Of course, NAFTA has created some good jobs. But the fact that increased imports have caused a large trade deficit tell us that more high-paying jobs were lost than gained in the push for more trade.

Those deficits—and the path the United States is going down—are well illustrated by this chart which shows three roads that have diverged under the previous reign of fast-track authority. First instituted in 1974. Up to that point, Japanese, German, and United States merchandise trade was humming along essentially in balance.
Beginning almost at the start of 1975, however, we clearly see the United States plunging into deficit, while Germany and Japan both enjoy a trade surplus. To paraphrase Robert Frost, the road less traveled certainly has made a difference. This cannot be blamed not for the haves, but for the have nots. In other words, under NAFTA as well as other previous trade agreements, there have been many more losers than winners.

So we must ask the President: How do you explain job losses? How do you explain the trade deficit explosion? And what is it going to mean for the future of the country? The affect of NAFTA on these issues was seriously miscalculated—what assurances do we have that the administration’s record will be better in the next 5 years, after multiple agreements?

We also need assurances that agreements negotiated will be agreements fulfilled. Unfortunately, after we have negotiated past trade agreements, I do not believe that the United States has aggressively pursued enforcement of the elimination of trade barriers with other countries, whether they are tariff or nontariff barriers. Why then would we grant this authority on a broad basis to agreements that may be negotiated by the administration?

The American Chamber of Commerce in Japan summed it up best in a study earlier this year concluding that “it has often been more important for the two governments to reach agreements and declare victory than to undertake the difficult task of monitoring the agreements to ensure their implementation produces results.”

The bottom line is, long after the signing ceremonies and handshakes are forgotten, these trade agreements continue to affect lives on a daily basis. We must remember that our responsibilities don’t end with the ratification of our trade agreements—they are just beginning.

Unfortunately, I can only assume from my personal experience that this is a lesson not yet learned by the administration. What other conclusion is there when the NAFTA clean-up plan for the United States-Mexico border has generated only 1 percent of the promised funding? What other conclusion is there when other countries continue to violate our laws by dumping goods in the United States below cost and bringing in massive subsidies?

The Atlantic salmon farmers of Maine are a case in point. While we debate giving the President greater authority to close more trade deals, they have a case pending with the Department of Commerce because subsidized, low-priced Atlantic salmon from Chile—which provides at least 25 different subsidies to its producers, I might add—are being dumped in the United States. And while this situation remains unresolved, we have lost more than 75 percent of our wild salmon culture industry in Maine, while Chile’s imports into the United States have risen 75 percent and United States salmon prices have dropped by 30 percent.

So forgive me if I am at a complete loss as to how bringing Chile into NAFTA will create more and better jobs, and a higher standard of living for the hard workers of the State of Maine.

And I could not talk about empty trade promises without mentioning Maine’s potato industry. For years I have been raising the issue of an unfair trade barrier with Canada on bulk shipments of fresh potatoes. In Canada, there is a trade barrier that is in violation of the National Treatment Principle of article III, paragraph 4 of the GATT, to be specific. This provision requires that GATT/WTO member countries treat imported products the same as goods of local origin with respect to all laws, regulations, and requirements that affect the sale, purchase, transportation, distribution, and use of the goods.

In December of 1994, USTR’s then Trade Representative Micky Kantor negotiated a trid party case with the GATT–WTO to overturn Canada’s policy of bulk easements. So what has happened so far? Nothing. Almost 2 years later, in September of 1996, I wrote to President Clinton to express my belief that we had waited long enough, to urge him to live up to the USTR commitment, and to proceed with a trade case on bulk easements. One week later, USTR’s Charlene Barshefsky called me to let me know that they were bilateral consultations on Canadian trade practices would begin.

These talks lead nowhere—in fact, the USTR then actually backtracked on filing a trade case. Two months later, the ITC was asked to investigate. They did, and in July of this year, issued a report, which stated, and I quote: “Canadian regulations restrict imports of bulk shipments of fresh potatoes for processing or repackaging.” The report also stated, “the United States produce is treated differently.”

So where are we today? Well, this past week, the U.S. Trade Representative once again promised that bilateral talks on bulk easements will begin no later than March 1998. It looks to me, as Yogi Berra once said, like deja vu all over again. Is this how the administration plans to handle enforcement for future trade agreements? Last week, the President asked the American people to give him the benefit of the doubt on fast track. I believe we need the benefit of enforcement of existing agreements first.

Where are our strict and mandatory enforcement provisions when our trading partners bring injury to our domestic workers? We need to provide the enforcement needed for full reciprocity in market access and reduction of export subsidies—enforcement and oversight which, up until now, has been lacking.

Yet, we are told that specific concerns should be weighed against the broader economic and social aspects of NAFTA expansion. We are told that, overall, no major negative impact is expected if we expand the trade agreement with Chile—except of course for industries like fish, forestry, and fruit, all of which are important to the economic stability of my home State of Maine.

That is why I am not prepared to give up the right to seek assurances that these industries won’t be decimated by a flawed trade agreement. The stakes are far too high for Congress to abrogate its responsibilities to the bureaucrats and special interests, as we have seen, doesn’t work unless we have agreements that also provide for fair trade, and Congress must have the right to exercise its responsibility to ensure fair trade in each and every agreement that comes down the road. The Senate must be more than just a debating society for global trade issues that affect each and every one of us.

Our country negotiated trade agreements nearly 20 years before fast-track authority was first granted in 1974, when trade was carved out for an exception unlike any other kind of treaty. We continue to negotiate treaties and agreements on everything from chemical weapons to extradition to tuna-dolphin without fast-track authority. And I have heard no rational explanation of why trade should be treated differently.

I certainly do not believe Congress should approve fast-track authority on the basis of fear that the United States will not have a seat at the trade bargaining table. There is no question we are living in an era dominated by global economics and trade, but at the same time we are an economic super power with an 8.3 trillion dollar economy and 200 million willing buyers—an attractive market to say the least.

I believe it would continue to be in the best interests of nations across the globe to negotiate with the United States—and those of us in Congress are committed to crafting mutually beneficial trade agreements. I think all of us in Congress understand full well the reality of trade and the new millennium. We must also understand, however, that our trade record under fast track mandates that Congress have a strong voice in the process.

Mr. President, we are elected to deliberate and vote on the major issues of our day. Well, what could be more important than trade agreements that will directly affect hard working Americans and their families?

It is imperative that we not relinquish our right to have a voice in these agreements. I don’t want to see a repeat of what happened during the summer of 1993 during negotiations on NAFTA side agreements. The United States negotiators, clearly under tremendous pressure to reach agreement on the outstanding issues and conclude the pact in time for a January vote, let Canada and Mexico off the hook on a number of different issues. We need better oversight, more discussion and debate, not less, because we stand at a very important juncture.
A poignant story out of New England illustrates where we are at the end of the 20th century, and points up the failures of past agreements.

Two years ago, Malden Mills, a textile mill in Massachusetts, burned to the ground, taking thousands ofjobs and putting 300 more jobs in jeopardy at the Bridgton Knitting Mills in Maine. In the wake of the fire, the mill's owner, Aaron Feuerstein, had several attractive choices, including rebuilding in another state or country with anywhere from Texas to Thailand. Or he simply could have retired after four decades of running Malden Mills, founded by his grandfather more than 90 years ago.

Instead, last month, Mr. Feuerstein opened a new, state-of-the-art textile mill, and brought 2,630 very grateful Americans back to work. And the rebuilding of the plant has become a symbol of loyalty to employees and to an entire community. Mr. Feuerstein's actions are admirable and all of America rightfully extended their appreciation to a man who chose the difficult path over the easy, and perhaps more profitable.

But let's step back for a moment and ask ourselves why this story became a national sensation. The sad fact is, it stood out so glaringly because it is the exception to the rule. The idea that American textile jobs would be kept in the United States when they could easily be shipped overseas is news because it hardly ever happens that way anymore.

Mr. President, I don't want to continue down this path, but I fear we will if we don't retain our congressional right to speak out against trade agreements that aren't in our best interest.

We have an obligation to all those who have already lost good jobs to bad trade agreements, and to all those who are in danger of becoming displaced in the future, to do it right. And the President has an obligation to fully explain how the wrongs of the past will be fixed, and why the future will be different. This he simply has not done.

We stand poised to begin a new era of prosperity in the global marketplace, but I do not believe that fast track is the way to get us there, I do not believe the President has made his case for this broad authority, and I urge my colleagues to defeat this fast-track legislation.

ITALIAN HOSPITAL SOCIETY

Mr. D'AMATO. Mr. President, it is with great pleasure that I note that the Italian Hospital Society is celebrating its 60th anniversary with a dinner and awards presentation on Sunday, November 16th. It is a most notable organization guided by compassion and philanthropy to assist the hospital and health services of Italian communities in New York.

This year's ceremonies will salute four eminent Italian-Americans who have brought the hopes of the Italian Hospital Society closer to reality. I am especially gratified that the committee honors a doctor, a businessman, a union leader, and the principle inspiration of my life, my mamma.

I can speak with particular knowledge and delight about Mamma, known to the public as Antoinette Cioffi D'Amato. She was born and grew up in Brooklyn, the daughter of Italian-American parents. When I was as her child, I was able to see the qualities, character and enthusiasm for life and for family which the society salutes in her public life. It was she who inspired confidence, exercised discipline and demanded the pursuit of education. It was she who was the foundation for responsibility to the community and for civic involvement.

In her marriage of 61 years to my father, an immigrant, and son of Italian-American parents, she was a prototypical "mamma"—cooking, cleaning, exhorting, reprimanding and loving her three children, Alfonse, Armand, and Joanne. During World War II, when my father served in the Army, she worked in a defense plant. As part of the emigration from Brooklyn to Long Island, the D'Amato family moved to Island Park where she and Dad continue to reside. Both still work in the insurance brokerage which has been the family business for over 60 years.

It was my political campaign for the U.S. Senate in 1980 that brought Mamma and her many talents to a wider audience. The advertisements she made for my campaign made me a winner. Ever since she has been unstinting as an active and enthusiastic citizen of New York. She has had a special interest in providing special services for older citizens through her membership on the board of the New York Foundation for Senior Citizens Inc. She is a television celebrity and the author of her own cookbook—"Cooking and Canning with Mamma D'Amato."

I commend the Italian Hospital Society for the honor they give my mother for her public participation; but, for all the lessons and love of the private Antoinette Cioffi D'AMATO, only a hug and a kiss are the proper awards.

ERNESTO JOFRE

Ernesto Jofre, a native of Chile, came to the United States as a political refugee in 1976. He had spent the 3 previous years in prison at the Pinochet dictatorship. He joined Local 169 of the Amalgamated Clothing & Textile Workers' Union [ACTWU] as an organizer. Subsequently, he served Local 169 as an organizer, business agent, and{-}a giant manager, and then became manager and secretary-treasurer in 1993. He then became manager and secretary-treasurer of the Amalgamated Northeast Regional Joint Board of the Union of Needletrades, Industrial & Textile Employees [UNITE!] in 1994.

He is a vice president of the New Jersey Industrial Union Council, Member of the boards of directors of the Amalgamated Bank, the Jewish Labor Committee, and Americans for Democratic Action. He is plan administrator of the health and welfare funds and pension funds of Local 169, UNITE!

MARIO SPAGNUOLO, M.D.

Dr. Mario Spagnuolo was born in Naples in 1930; he graduated cum laude from the School of Medicine of the University of Naples. He trained in New York City at St. Claire's Hospital, the Irvington House Institute for Rheumatic Diseases and Bellevue Hospital. He was the director of the Irvington House Institute and associate professor of medicine at New York University Medical School.

He has written about 60 research papers in rheumatic diseases and several articles for textbooks. An editorial in the New England Journal of Medicine accompanying one of his papers, in January 1968, defined the paper as an extraordinary clinical investigation. The editorial reprint of one of his articles in 1996, 25 years after its publication in 1966, as a "Classic in Medicine."

He has practiced internal medicine in Yonkers for the last 25 years. He has been president of the Westchester Geriatric Services Network. He practices at St. John's Riverside Hospital in Yonkers, where he was director of medicine and is now chief of the medical staff and a member of the board of trustees.

He is married to Kathryn Birchall Spagnuolo. They have four children—Mario, Sandra, Peter, and Eugene, a daughter-in-law—Linda, and three grandchildren—JoAnne, Matthew, and Stephanie.

VINCENT ZUCCARELLI

Vincent Zuccarelli was born in Mongrassano, a small town in Calabria, Italy. He started his education in the seminary and continued through the "Liceo Classico." He was a private tutor of classical languages, Latin and Greek, for the students of the Middle and High Gymnasium School and was head of the electoral office in his jurisdiction for 5 years.

Vincent came to the United States in 1958. In 1959, with his brothers, he engaged in and formed the food business in Mount Vernon, NY and Florida known as the Zuccarelli Brothers. He has been married for 43 years to his wife Nella and has three sons: Nino, Filippo, and Joseph. Vincent and Nella also have six grandchildren: Vincent, Nelli, Marie, Juliana, Joey, and Danielle. He and his wife reside in Bronxville, NY.

He joined the Calabria Society in 1963, and has become an active and proud member. He is the first dinner-dance chairman of the Casa Dei Bambini Italiani Di New York. Mr. Zuccarelli is a member of the Council of the National Italian-American Foundation of Washington, DC, promoting the values and traditions, and presently he is the NIAF Westchester County Coordinator.
CONFIRMATION OF JUDGE WILLIAM P. GREENE, JR., AS ASSOCIATE JUDGE, U.S. COURT OF VETERANS APPEALS

Mr. ROCKEFELLER. Mr. President, I want to express my enormous delight that Judge William P. Greene, Jr., was recently confirmed for the position of associate judge for the U.S. Court of Veterans Appeals. Judge Greene brings to this job a lifetime of experience in the area of veterans affairs and the law, and I believe President Clinton made an excellent choice in nominating him for this position.

Bill is extremely qualified to serve on the court. After graduating from Howard University School of Law in 1968, he joined the U.S. Army, where he proudly served for 25 years. Bill was an officer in the U.S. Army Judge Advocate General Corps, and earned the Legion of Merit, Meritorious Service Medal, and Army Commendation Medal more than once.

Since 1993, Bill has served as an immigration judge for the Department of Justice in Baltimore. His leadership skills and ability to make clear, decisive, and just decisions have been well tried—and well proven.

In addition to his many other fine attributes, Bill has another that makes me especially proud of him—he is a native West Virginian. Bill was born in Bluefield, WV, and lived there until he was 12. He then moved up in a military family and although they moved around to many different places, Bill always considered West Virginia home, and re-}

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 turned to West Virginia to attend West Virginia State College.

Bill’s father was a veteran of World War II, Korea, and Vietnam, and was awarded the Silver Star for valor. So it is no surprise to me that Bill possesses an enormous sense of patriotism and pride in his country. His learning experience of growing up in a military family, combined with the experience of his own military career, will be enormously helpful to him in the job that lies ahead.

Every year, the Bluefield Morning Telegraph asks me who the most influential person in the United States is and I always name President Bill Clinton. The president was at West Virginia State College the year Bill graduated from there. But I was not surprised when they asked me who the most influential person in the world is. I told them it is Bill Clinton. I’ve been so impressed with him for years that I always vote for him for best overcoming adversity. And I’ve always believed Bill has done that.

I have known Judge Greene for several years and I have been impressed with his ability to make clear, decisive decisions that are just and fair. He brings to his new position a lifetime of experience in the area of veterans affairs and the law. He has served as an officer in the U.S. Army Judge Advocate General Corps, and earned the Legion of Merit, Meritorious Service Medal, and Army Commendation Medal more than once.

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what kind of outcry there would have been if these acts of violence were inflicted on any other group but the most dispossessed.

I’d like to read a few letters by some Vermonters who lost their homes this summer when a fire swept through Burlington. They wrote these last April during the HUD crisis when many of our services would have been wiped out by unexpected cuts in funding.

"DEAR — I’d never been homeless before this winter. I was out of work suddenly, lost my apartment, and found myself on the streets. I was forced to move into a shelter. . . . I was at the Wastation. . . . where I met some people who took care of each other, no matter what our differences in lifestyles, skills, or how we went about it. A college degree, many skills and I want to work and to give to the community. What I’m saying is that almost anyone could become homeless and experience some unforeseen misfortune. Whether they can work or not they still need food and clothing, safe shelter, and people who care about them. . . . I started to work again last week and my home will be open for anyone who needs a place to stay. I won’t forget.”

"I lost the comfort of my affordable apartment in Burlington. . . . I was strolling along with a recovering alcoholic who was walking just beside a big deal lawyer from Green Mountain Housing Authority. . . . I was chatting with a liberal progressive or maybe and anarchist who was walking just right beside a sternly orthodox religious zealot. . . . I gathered up all my courage and put my stories on paper.

"None of the work we did, none of the achievements, would be possible without all of you. We owe you without homes who had the courage to put your stories on paper. . . . I was at the Waystation. . . . where I met some people who took care of each other, no matter our differences in lifestyles, skills, or how we went about it. . . . I want especially to thank Gretchen Morse who was my shrewd political advisor and moral support during the worst days I’ve ever had in my life. . . . I am deeply grateful to Lucy Samara who traveled to Montpellier, alerted the entire religious community about the crisis, and then worked the phones every night like a seasoned politician. She was extraordinary. It terrifies me to think what could have happened without her leadership and initiative.

"I’d like to thank Barbara Snelling for her eloquent support at the statehouse. And thank you to Doug Racine and the entire Chittenden delegation with special thanks to Jack Harkins. . . . . . . I am also very grateful to Con Hogan for his advocacy within the Dean Administration. And most of all, I want to thank Senator Leahy for standing with us, even when it was not fashionable to do so. All of us, business owners, the religious leaders, our friends up at UVM who called or wrote on our behalf. Finally, I want to thank those of you without homes who had the courage to put your stories on paper. . . . someone from Senator Leahy’s staff told me they made a show of thing what a diverse range of people called to voice their concerns about COTS. . . . She said it was the most unlikely array of people she could possibly imagine showing up to talk about COTS. . . . I am grateful she wanted to see unlikely combinations of people. This year we had Troy Anastasio from the band Phish walking beside a big deal lawyer from Green Mountain Power and they were walking just a few feet ahead of 4 Sisters of Mercy, one of whom was chatting with a liberal progressive or maybe and anarchist who was walking just in front of a conservative businessman who was strolling along with a recovering alcoholic who stayed at COTS Waystation 5 years ago and now works for community health. . . .

"DEAR — I believe that when you give your time and support to COTS, you are doing far more than writing a check or working on whatever task is at hand. I believe that what you are really doing is taking a stand, a stand against indifference. When you support COTS you are holding firm with us in the uphill battle to ensure that every human being has value; and that no one should be discarded or left behind (or set on fire) just because they are poor. When you give your time to COTS, when you know that there is shelter and support for those who have nothing, you reaffirm humanity. That’s a tremendous gift to give. And I thank you.

DR. DAVID SATCHER

Mr. GLENN. Mr. President, I deeply regret that we have been unable to vote on the nomination of Dr. David Satcher as the Surgeon General and the Assistant Secretary of the U.S. Public Health Service. As a graduate of Ohio’s medical school system, Dr. Satcher is truly a commendable choice for our next Surgeon General. The expediency of his nomination process gives an overwhelming indication of the impressive and extensive reach of his medical career. His career in medicine and public health has placed considerable emphasis on the medically impoverished. He has demonstrated an unrelenting compassion for those less fortunate, and to quote Dr. Frist, “allowed science to drive his decision making” throughout his brilliant career.

Born in rural Alabama his interest in medicine grew after a near-fatal bout with whooping cough at the age of 2. Even though his parents had only the basic education of elementary school, they instilled in him the passion and drive to pursue his dreams. He received his B.S. from Morehouse College and became the first African-American to earn both an MD and a Ph.D. from Case Western Reserve University, while being elected to the Alpha Omega Alpha Honor Medical Society.

After excelling in medical school, Dr. Satcher began his career as the Martin Luther King Jr. Medical Center in Los Angeles. There he developed and chaired King-Drew’s Department of Family Medicine and served as the interim dean of the Charles R. Drew Postgraduate Medical School. As interim dean, he directed the King-Drew Sickle Cell Center for 6 years and negotiated the agreement with the UCLA School of Medicine and the Board of Regents.

Before being appointed to his current position of Director of the Centers for Disease Control and Prevention (CDC), Dr. Satcher returned to Atlanta to chair the Community Medicine Department at Morehouse School of Medicine, where he received the Watts Grassroots Award for Community Health in 1979. He then served as the president of Meharry Medical College in Nashville for the following decade. While at Meharry, he was the recipient of the National Conference of Christians and Jews Human Relations Award and was elected to the Institute of Medicine of the National Academy of Sciences, and was appointed to the Council on Graduate Medical Education.
In November 1993, Dr. Satcher was appointed as the Director of the Centers for Disease Control and Prevention (CDC). With policies he initiated, he has been credited with increasing child immunization rates from 52 percent to a record 76 percent in 1996, and improving the country’s response to emerging infectious diseases. During his tenure, the CDC has placed considerable emphasis on prevention programs as its breast and cervical cancer programs have now been expanded to all 50 States. In his current position, Dr. Satcher has garnered even more awards, including Ebony magazine’s American Black Achievement Award in Business and the Professions, the Breslow Award for Excellence in Public Health, and recently the Dan Nathan B. Davis Award for outstanding public service to advance the public health and the John Stearns Award for Life-time Achievement in Medicine from the New York Academy of Medicine.

I believe HHS Secretary Dr. Donna Shalala described Dr. Satcher in the best manner, when she said that he brings “world-class stature, management skill, integrity, and preventive health care experience” to any office or title he may hold. President Clinton has stated that Dr. Satcher should concentrate heavily on reducing smoking, particularly among children. As an advocate for preventive health in family medicine, Dr. Satcher has worked to heighten awareness about all American’s role in continuing to stop smoking.

Mr. President, I believe that Dr. Satcher will bring the same professionalism, dedication, skill, and most of all character to this new position that he has shown throughout his professional career. I strongly urge my colleagues to support his nomination to the post of Surgeon General of the United States.

SURFACE TRANSPORTATION EXTENSION ACT

Mr. SESSIONS. Mr. President, I would like to express my gratitude to the Senate Environment and Public Works Committee, Senator Warner in particular, for putting this package together with our leaders of the Environment and Public Works Committee, Senator Chafee, Senator Baucus, and Senator Moynihan, ranking member. Senator Baucus along with the chairman of the Transportation Subcommittee, Senator Warner in crafting this comprehensive 6-year transportation bill. The bill unanimously passed the Senate Environment and Public Works Committee makes progress towards building a more equitable formula for distributing Federal transportation funds to the States. It is unfortunate Congress did not have the opportunity to debate this bill during this session of Congress although I look forward to building upon progress made by the committee when the Senate reconvenes in January.

This report is indicative of the enormity of the problem facing the computer systems of the Federal Government. I introduced S. 22 on the first day of this session to establish a bipartisan national commission to handle this problem—as a civil defense task that it could. President Clinton in a letter to the Head of the Office of Management and Budget simply cannot address the enormity of the task at hand.

Every few days I have attempted to keep my colleagues informed of the latest facets of the problem. On this last day of the first session let me add but one more twist to the immense but manageable problem. If only we would act. In the latest U.S. News and World Report, John Marks reports on the troublesome coincidence of converting to the new European currency at the close of the turn of the century. He writes:

Even before it is introduced on January 1, 1999, the long awaited euro threatens to cost American business $30 billion or more to buy new software and recode old programs, as well as programs with interests on the other side of the Atlantic attempt to adapt to the new currency. But the two problems would seem to be unrelated. The coincidence in timing—the millennium bug and the currency change arrive within a year of each other—has transformed them into a larger single crisis for many companies.

Thus, international companies are forced to deal with two conversions in the next 2 years; and not surprisingly, experts predict there will be a drought in the supply of consultants who know how to do both.

Again, U.S. News:

Last year, after dire warnings of a technological disaster at the dawn of the new century, companies rushed to hire programmers to save the day. In doing so, they created a labor shortage at a critical moment. Work on both the millennium and the euro transition requires knowledge of outdated COBOL computer systems. So all of a sudden, most of the programmers who might be deployed to manage the transition to the euro already have day jobs.

As I have mentioned before on this floor, we must also consider the conversion to the Euro and the labor shortage created over the next few years when we consider the size of the problem at hand.

The year 2000 problem is now fairly well known; the need for action plainly clear. With the legislative year coming to a close, I am hopeful my colleagues will realize this fact in the restful period between now and January 27 and be eager to take action on my bill—S. 22 with 18 co-sponsors—in the year to come.

I ask that the article “Latest Software Nightmare” from the November 17, 1997, issue of U.S. News and World Report and “Social Security Gets Year 2000 Warning” from the November 5 Washington Post be printed in the Record.

The article follows:
For the past year or so, American businesses have been forced to grapple with the "millennium bug," a computer programming glitch that threatens to wipe out bank accounts, financial statements, and databases when the year 1999 becomes the year 2000. Now, companies must brace themselves for another daunting—very expensive—software-related problem, one involving the new European currency known as the euro.

Even before it is introduced on Jan. 1, 1999, the long-awaited euro threatens to cost American business billions or more to buy new software and recode old programs, as companies with interests on the other side of the Atlantic attempt to adapt to the new currency. No later than Dec. 31, 1998, people doing business in Europe will have to rewrite their computer software to handle three different base currencies at once. The value of the euro will be determined daily by its relationship to both the dollar and other European currencies. In other words, every bill, every financial statement, and every stock price in the nine countries set to join what is known as the European Monetary Union will have to be "triangulated." So far, says Sarwar Kashmer of the consulting firm Ernst & Young, even though companies are specializing in European securities markets, "we have been focusing very hard on the year-2000 problem, because it is more pressing than the issue that it is really--what will happen in 2001?" But the so-called millennium-bug problem was unwittingly created by another daunting—very expensive—software-related problem, this one involving the new European currency known as the euro.

The General Accounting Office today will warn that the Social Security Administration (SSA) faces a possible computer crash in the year 2000 because the agency has not started analyzing or fixing several crucial systems affected by the year 2000 software glitch.

Among the systems not yet analyzed are most of the 54 computer systems that operate state disability determination services, according to the GAO, the watchdog arm of Congress.

Those systems, which are operated by individual states but funded by the federal government, process applicants for Supplemental Security Income and Social Security Disability Insurance, programs that currently assist 12.5 million people.

"Disruptions to this service due to incomplete Year 2000 conversions will prevent or delay SSA's assistance to millions of individuals across the country," Joel Willemssen, the GAO's director of information resources management, wrote in a report to be released today by Sen. Charles E. Grassley (R-Iowa) and Rep. Jim Bunning (R-Ky.). The report also said the Social Security Administration has received a number of contingency plans in case its computers are not fixed in time.

The report, however, did not call into the assessment of the date glitch, but now acknowledges that the systems are "mission critical" because of their importance in determining whether a person is medically eligible to receive disability payments, the GAO report said.

Analyzing and fixing the problem likely will be a massive undertaking. In just one office, the GAO said it found 500,000 lines of code in 400 programs that operate the disability system.

Without a full understanding of the scope of the problem on the state disability systems, "SSA increases the risk that benefits and services will be disrupted," the GAO wrote. Kathleen M. Adams, SSA's chief information officer, said the agency has recently received reports from all 50 states detailing their plans to fix the disability systems.

Because SSA must rely on the hundreds of federal and state agencies to update the thousands of businesses with which it exchanges files to make their systems compliant, SSA faces a definite risk that inaccurate data will be introduced into its databases," the GAO wrote.

OMNIBUS PATENT ACT OF 1997

Mr. BOND. Mr President, Congress has the "power to promote the progress of Science and useful Arts, by securing for limited times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." If that phrase sounds familiar to my colleagues, it is because I lifted it straight from the Constitution. Article 1, section 8, known to many as the inventors clause.

This section of the Constitution is the result of the foresight that our Founding Fathers had to cut a deal with the creative minds of a fledgling country. The deal was rather simple, in exchange for sharing their ingenuity and their creations with the citizens of this new country, the Congress would grant these inventors temporary monopolies on their products and permit them to enjoy the proceeds of their invention for a period of time, with the weight of the law of the land to ensure those rights were protected.

This was a carefully thought out concept, by rather brilliant individuals with unquestioned foresight. In my opinion, this compromise has been a smashing success. In the past 220 years,
the United States has become an economic, industrial, and intellectual superpower. The creative product of the U.S. is unmatched the world over and I believe that the United States patent system has played a central role in this success.

Why am I sharing these thoughts with my colleagues, because it is just like the Federal Government to take a good idea and turn it on its head. There is legislation pending on the Senate Calendar, with the strong backing of the Clinton administration, that would gut the protection and the incentives offered inventors by our patent and trademark system. The inventors who have an idea that they want to develop will find the environment of intellectual property piracy and idea predators—commonplace in other parts of the world. Our inventors will be jerked from a protective environment known for nurturing creativity and advancing practical knowledge, and be cast into a far harsher arena where it will be eminently more difficult for inventors to secure their rights and enjoy the rewards of their creativity and entrepreneurship—and possibly be driven from their work all together.

I am hear to speak out on behalf of the inventors and the small guys of this country. People with an idea who would suspect that scattered throughout the bill there may be some good ideas that may improve the efficiency of the Patent and Trademark Office, but taken as a whole the changes proposed would stifle rather than promote the sciences and the useful arts. I believe the legislation is ill-conceived and I will fight it should it see Senate debate.

The past couple of weeks, the Senate has been debating the state of manufacturing in the United States. Many of my colleagues have registered their concern that much of our manufacturing has gone overseas. I take umbrage that the Senate has been debating how to improve our manufacturing sector and then something happens that gives the Government the ability to create that environment. The creative product of the United States. They create secure and well-paying jobs for Americans. And they give you and me and our children new technology and news ideas for all our use. This force is essential to our strength and continued growth and the patent laws are essential to allowing these start-ups to begin and then thrive.

This is where the patent comes into the equation. A great idea can come to anyone, regardless of his or her capital or financial resources. This is the point at which the magnificence of our system becomes clear to me. Should a person be the first with an idea and successful, that idea has to be granted a patent. The patent secures a monopoly and if it is a good idea it can be shopped around the venture capital markets. Should the financial assistance be secured, the inventor can build a prototype, start a business, hire people, and perhaps even build a successful company and make money.

I believe that strong patent protection is central to that equation. First, those with capital are not inclined to fork over some money because it is the nice thing to do, they want assurances of return. The legally protected monopoly provides that assurance. The fact that our patent laws offer the strongest possible protection also contributes to that assurance. The inventor’s idea is held in secret at the patent office until it is granted, which by the way prevents theft. The law also grants a legal right upon which an inventor can bring a civil action for damages should that idea be infringed upon. Strong patent protection lends value and certainty to this temporary monopoly.

Without the patent protection, ideas that are not backed by financial resources may never see the light of day, or even be sold by a large company for pennies on the dollar. If one does not hold a realistic belief that they can make a go of it with their own idea, I believe that stifles important incentives present in America to pursue an idea or invent. But even more so, I do not believe this is the American way. This is a great country because anyone with an idea and the fortitude to pursue that idea can make a go of it. This country is full of companies that began under just such circumstances.

This country needs its entrepreneurs, they are essential if we are to continue to enjoy economic growth. Think about the role of entrepreneurs and startup companies in our economy. They come up with new ideas, they promote competition, they shake up old establishments, they force competitors to be smarter, they inject vigor and dynamism into our capitalist system. They create manufacturing jobs right here in the United States. They create secure and well-paying jobs for Americans. And they give you and me and our children new technology and news ideas for all our use. This force is essential to our strength and continued growth and the patent laws are essential to allowing these start-ups to begin and then thrive.

Many of those that are pushing for this bill are large companies with vast financial resources. Before they put forward their arguments in favor of the legislation, I must challenge them to ask themselves some important questions. Did not their companies begin with a single person with an idea? Did they not seize the opportunities offered in this country to grow and flourish? Did not the patent offer protection lends value and certainty to this temporary monopoly.

I support the inventors who are fighting these changes. I believe they are correct and courageous in their stance. Unfortunately, they have been ridiculed and vilified in the press by the Commissioner of the PTO, the individual running the agency responsible for licensing billions of dollars in intellectual property rights here in the United States. In fact, I read that he said that the opponents to this bill, that would include myself, reside on the lunatic fringe. He also compared our sanity to that of Timothy McVeigh—on behalf of the hardworking inventors of this country, I find such comments outrageous and demeaning. But this legislation would tip the balance of protection offered by patent laws away from these inventors and thinkers and open them to the hostile environment of intellectual property piracy and idea predators—commonplace in other parts of the world. Our inventors will be jerked from a protective environment known for nurturing creativity and advancing practical knowledge, and be cast into a far harsher arena where it will be eminently more difficult for inventors to secure their rights and enjoy the rewards of their creativity and entrepreneurship—and possibly be driven from their work all together.

This country needs its entrepreneurs, they are essential if we are to continue to enjoy economic growth. Think about the role of entrepreneurs and startup companies in our economy. They come up with new ideas, they promote competition, they shake up old establishments, they force competitors to be smarter, they inject vigor and dynamism into our capitalist system. They create manufacturing jobs right here in the United States. They create secure and well-paying jobs for Americans. And they give you and me and our children new technology and news ideas for all our use. This force is essential to our strength and continued growth and the patent laws are essential to allowing these start-ups to begin and then thrive.

Many of the most notable group of objectors is a group of over 20 Nobel Laureates in science and economics who have signed an open letter to the U.S. Senate opposing this bill. These scientists and economists agree that this legislation could result in “lasting harm to the United States and to the world.” They also concur with the concerns I am advancing today that this bill will be very harmful to small inventors and “discourage the flow of new inventions that have contributed so much to America’s superior performance in the advancement of science and technology.” Finally, these great scientists and economists have expressed concern that this bill will create a disincentive in the limited life of a patent to share their creations with the public, an occurrence which will sap the spirit of the inventors claim.

I think that opposition should be enough to convince just about anyone. But respected others, including the New York Times, have spoken out. The Times editorial page has concluded that this bill will “dampen the innovative spirit that helps sustain the American economy.” The Times also correctly notes that the American patent system generates more and better patents than any other country’s, but that this bill terribly threatens the incentives present in our system that stimulates that creativity.

I have also been contacted by Ross Perot, who has expressed in no uncertain terms his opposition to this legislation. As Mr. Perot reminded me, patents are a constitutionally guaranteed right which have been essential to countless Americans in their
fulfillment of the American dream. But rather than celebrate this success story unique to America, we are proposing selling our inventors down the river. Mr. Perot has called upon the Members of Congress to ask themselves a simple question: when considering this bill, is it right or is it wrong? We both agree it is wrong. And we are ready for a fight. Mr. Perot, whose dedication to America and success as a businessman cannot be questioned, has said, "If lazarus Hall, if that fellow wants a fight, we won't disappoint him."

There are other well-respected groups, small business groups and groups of concerned citizens that believe this legislation is bad policy and are lining up for a fight.

I will take the collective contribution of those that oppose this bill and stack them up against Mr. Lehman's argument. Mr. Lehman's arguments and this country should derive confidence because they have the Constitution and many great minds of science on their side and rhetoric on the other.

For the bill, I would like to point out some issues.

First, the proponents of the bill want to create an infringement defense, known as a prior user right. The prior user right is a bad idea for many reasons. It sets down a road that changes our "first to invent" system and overlays 200 years of U.S. patent policy. The defense would not only permit inventors to keep their ideas secret, but it encourages them to keep them secret. Our first to invent system protects small inventors. If they document their invention, they will not have to engage in a race to the patent office. They will have time to tinker and perfect their inventions without being forced to file early and then file for all perfections, a costly process for a small inventor.

The defense will hurt small inventors in the capital markets because it will undermine the certainty of the patent. As I said this certainty is important to attracting capital and the capital is important for underfunded inventors to take their products to market. Should one have an invention that requires expensive testing, the idea can not be perfected without finances. Capital is essential for inventors to role out their own ideas. This section poses many problems about which I could speak for quite some time, but I will refrain. The reason fully in the record.

Many proponents want to force all inventors to publish their ideas after 18 months, regardless of whether the patent review process is completed. Some changes have been made to scale this back, but it would still perfectly without finances. Capital is essential for inventors to role out their own ideas. This section poses many problems about which I could speak for quite some time, but I will refrain. The reason fully in the record.

A quick word about an argument forwarded by the bill's proponents. They will come to your office saying that this bill is necessary because there is a patent-lurking pariah lurking in this intellectual property. He uses what is called a submarine patent to manipulate the patent review process to reap unjustified rewards from honest, hard-working men and women. His greed and treachery could potentially destroy thousands of businesses and deal a crushing blow to our economy.

To that I respond—hogwash. Let's engage in an honest debate. When we in Congress agreed to the implementing language in the GATT agreement, we agreed to change the patent terms from a guaranteed 17 years to 20 years from the date of filing. Supposedly, that was done to get at submarine patents. It does take away most if not all of the incentive for an inventor to game the system and drive a stake into the heart of wrongdoers.

In the process we made a tremendous sacrifice that will cost many of our inventors patent protection. Today, for each day beyond 3 years that a patent lingers in the patent office, our inventors will lose a day of patent protection. Should someone invent a better potato peeler or candy wrapper, it probably won't be in the office today. But the change could have a significant affect on those attempting to get a patent on breakthrough technology. Such technology can often stay under review in the office for years and subsequently our inventors have lost years of protection compared with what they enjoyed prior to the rewritten patent. Inventions have made a great sacrifice to root out the wrongdoers in the system. But the proponents of this bill want more.

They do have more. The PTO has a computer system designed to track patent applications that appear to be one attempting to game the system. The Commissioner also has the power to order that the application of one attempting to game the system is published, further curtailing the possibility of the submarine patents. Finally the Commissioner himself has said that only 1 percent of 1 percent of patent applications could be considered submarine patents.

The Commissioner has plenty of tools at his disposal to curb this problem if it fact exists. If the problem is out of control, then I believe the problem lies with the Commissioner and those with complaints would be better served leveling their concerns at the other end of Pennsylvania Avenue.

I will not believe it is an accident. We in America have chosen our own path. The goal of our patent system is to protect and reward entrepreneurs and innovative businesses, to encourage invention and advancement of practical knowledge. The goal of many of our corporate competitors is to share technology immediately, not to protect it. That results in preserving the corporate hierarchy without giving innovators the opportunity to compete.

In other countries thoughts and ideas do not receive the same level of protection that they do here. The system works, let us not destroy it. If we want to improve the Patent Office, let's get on with it. But let us not organize a systematic assault on the very system that has enabled so much to this country becoming the greatest Nation on Earth.

I ask that two letters and an op-ed be printed in the RECORD.

September 11, 1997.

An Open Letter To the U.S. Senate:

We urge the Senate to oppose the passage of the pending U.S. Senate Bill S. 507. We hope that the Senate, having spent a lot of time working on a revision of our time tested patent system, should hold extensive hearings on whether there are serious flaws in the present system that need to be addressed and if so, how best to deal with them. This is especially important considering that a delicate structure such as the patent system, with all its ramifications, should not be subject to frequent modifications. We believe that S. 507 could result in lasting harm to the United States and the world.

First, it will prove very damaging to American small inventors and thereby discourage the flow of new inventions that have contributed so much to America's superior performance in the advancement of Science and technology. It will do so by curtailing the protection they obtain through patents relative to the large multi-national corporations.

Second, the principle of prior user rights saps the very spirit of that wonderful institution that is represented by the American culture system established by the Constitution in 1787, which is based on the principle that the inventor is given complete protection for a limited time, after which the patent, fully disclosed in the application and published at the time of issue, becomes in the public domain, and can be used by anyone, under competitive conditions for the benefit of all final users. It will do so by giving further protection to trade secrets which can be kept secret forever, while reducing the incentive to rely on limited life patents.

Nobel Laureates in support of the letter to congress, re: Senate Bill 507

Using their brains, wits, and creativity as a substitute for money, they successfully created a new product and now hold over 25 patents.

I had the privilege of showing 4,000 Future Farmers of America a videotape of their great work. They were electrified, because Ralph’s and Mark’s success made these young people realize that it is still possible to dream great dreams in America and make those dreams come true.

Can’t we agree that inventors should not have their Constitutional rights violated and they should be paid for their creative ideas and inventions?

Patent rights and the creativity and ingenuity of United States inventors have been instrumental in making the United States our world leadership. Was this happening? Because our large corporations, foreign governments, and foreign companies who contributed millions of dollars to the 1996 political campaigns want to steal our inventors’ new patents. If you question this statement, get a list of the companies who are trying to lobby this change through Congress.

Patents are property rights under U.S. Law. It is immoral and inexcusable for large corporations like General Motors to spend a fortune trying to lobby this bill secretly through Congress, so that the creative ideas of United States inventors can literally be stolen.

Why don’t these people admit that what they are trying to get done is no better than robbing a bank. In fact, it is even worse to steal an individual’s inventions so that companies can increase corporate profits.

If this is such a good idea, why has this whole process been kept behind closed doors in Congress, with people supporting this bill doing everything they can to avoid public debates on the floor of the House and Senate?

The answer is it cannot stand the harsh light of public scrutiny.

I want to thank you and every member of the House and Senate who have stood up to the tremendous pressure you are subjected to. I know that many of you have been threatened about what the special interests will do to you. You are living Commodore Maury’s words—“When principle is involved, be deaf to expediency.”

Just let these people know that all the special interests in the world is not worth one penny unless it will buy the votes of the American people. I, and millions of other Americans who share your concerns over Constitutional rights and protecting our inventors’ great new ideas, will be working night and day to see that people who have the character and integrity to stand up to this tremendous pressure are overwhelmingly re-elected.

I challenge the people supporting this bill to come to the American people, and have an open debate on this issue, but I won’t hold my breath waiting for them to do it. That is not the way they operate, and they will all be embarrassed if they attempt to do it.

I will pay for the television time to allow a national debate on this issue. The only problem we will have is that the people who are for this Bill will not show up, because it cannot withstand the light of public scrutiny, and they will pressure the television networks not to.

If this bill passes, A Constitutional lawsuit will be filed immediately. Foreign nations and corporations will know that the 21st Amendment new product of the United States of America, and will permit companies whose trade secrets are stolen.

Worse, the bills would encourage corporations to hide their secrets in return for the exclusive right to market their product for up to 20 years. Early disclosure helps the economy by putting new ideas immediately into the hands of people who, for a fee to the patent holder, find novel and commercially applicable uses for these ideas. Extended protection, meanwhile, provides a huge incentive for inventors to keep inventing. The American system generates more and better patent applications than any other country’s.

The Senate bill would weaken patent protection for small inventors by requiring inventors who file for both American and foreign patents to publish their secrets 18 months after filing rather than when the patent is issued. Small inventors say that premature publication gives away their secrets if their application fails. It would also allow large corporations with the financial muscle to fend off subsequent legal challenges to maneuver around the patent even if it is later issued.

Worse, the bills would encourage corporations to avoid the patent process altogether. Under current law, companies that rely on unpatented trade secrets know that someone else will patent their invention and charge them royalties. The Senate bill would permit companies whose trade secrets are later patented by someone else to continue to market their products without paying royalties. Encouraging corporations to hide secrets is the opposite of what an economy that relies on information needs.

Pesky patent holders do in fact get in the way of large corporations. But the economy thrives on independent initiative. Small inventors need iron clad patent protection so that they are not forced into a legal scam with financial giants. The House of Representatives and the Senate Judiciary Committee approved the patent bill without hearing the country’s leading economists and scientists make their case. Senate sponsors say they will try. Congress needs to hear the critics out before proceeding to any more votes.

Sincerely,
ROSS PEROT.

outstanding mathematics teacher. Marianne Roche Cavanaugh, who has been named the 1988 Connecticut Teacher of the Year. Mrs. Cavanaugh has demonstrated a lifetime of dedication to the students of Glastonbury’s Public Schools, and she has set as her goal a standard of excellence for both her students and other educators. I want to express my gratitude and admiration for the commitment that she has displayed over her 22 years in teaching.

Mrs. Cavanaugh has had a distinguished career marked with various awards and achievements. She single-handedly created the Gideon Wells Marathon—an academic and community involvement program for 7th and 8th graders. Since 1994, students have raised more than $20,000 by securing pledges for each math problem they solve in one hour during the Marathon. The accumulated funds have been donated to charities chosen by the students. In addition, Mrs. Cavanaugh has directed the overall professional development, and has co-developed a problem solving math curriculum, which emphasizes writing, calculator use, problem solving, and interdisciplinary activities. Imaginative and productive ideas such as these have earned Mrs. Cavanaugh the distinction of being a finalist for the prestigious Presidential Award for Excellence in Mathematics and Science Teaching in both 1986 and 1998, as well as being the winner of the Celebration of Excellence Award in 1998.

The purpose of the Connecticut Teacher of the Year Program is to identify, from among many outstanding teachers, one teacher to serve as a visible and vocal representative of what is best in the profession. Through her innovative ideas, dedication to the institutional development of mathematics, and love for her profession and her students, Mrs. Cavanaugh has clearly earned this prestigious honor.

While I commend Mrs. Cavanaugh for her display of excellence in teaching, I want also to mention that her work is representative of the work of many educators that too often remain unrecognized. A survey done by the National Center for Education Statistics in 1995 found that only 54 percent of all teachers feel respected by society in their profession. Teachers fill an enormously important role in shaping the developmental experiences of children during the crucial early ages of childhood and adolescence. They serve not only to educate, but to mentor, motivate, influence, and inspire our children. Thanks to Mrs. Cavanaugh and other quality teachers like her throughout the State and the Nation, we have a brighter future ahead of us.

THE 25TH ANNIVERSARY OF THE GREAT LAKES WATER QUALITY AGREEMENT

Mr. GLENN. Mr. President, this year marks the 25th anniversary of the Great Lakes Water Quality Agreement, which has united Canada and the United States in their dedication to protecting the biological, chemical, and physical integrity of the Great Lakes. The commitment of both countries to manage water quality on an ecosystem basis has been so successful that we can look back with pride on our accomplishments and strive to achieve the same high quality of management. I applaud the efforts of both countries in the last 25 years to achieve the goals set forth in the Great Lakes Water Quality Agreement that they continue to work cooperatively to maintain and improve Great Lakes water quality during the next 25 years. On April 15, 1972, the Great Lakes Water Quality Agreement was signed by President Richard Nixon and Prime Minister Pierre Trudeau as a binational pledge to reduce and prevent pollution in the Great Lakes. The impetus for this agreement was the deteriorated quality of the Great Lakes which caused excessive oxygen consumption, caused excessive growth of algae to grow and deplete the water of oxygen. Low oxygen levels in the lakes caused fish to die. Other contaminants discharged into the water entered the food chain and caused deformities in the fish and wildlife of the region.

The initial agreement concentrated on reducing phosphorus and pollutants entering our lakes through municipal and industrial discharges. As a result of the 1972 Great Lakes Water Quality Agreement, phosphorus levels significantly decreased in the Great Lakes. In Lake Erie and Ontario, phosphorus loadings have been reduced by almost 80 percent. The United States and Canada achieved this binational goal through improvements in sewage treatment facilities and regulation of the levels of phosphorus in detergents, and reducing agricultural runoff.

While significant improvements were being made in controlling phosphorus and other wastewater discharges, researchers showed that toxic substances were a major concern. Persistent toxic substances, such as DDT, DDE, mercury, and PCB’s, bioaccumulate in organisms and increase in concentration up the food chain. Some substances have been shown to cause birth defects in wildlife and adverse health effects in humans.

As a result, the Great Lakes Water Quality Agreement was revised in 1978 to meet the challenge of controlling toxins and included an ecosystem approach to managing the water quality of the Great Lakes basin. The two countries committed themselves to achieving zero discharge of toxic substances in toxic amounts and the virtual elimination of persistent toxic substances.

Due to the United States and Canadian commitment to reduce toxic substance releases, some major strides have been accomplished. The morant population in the Great Lakes area has significantly increased from 1950’s to 1970’s levels when the number of nesting pairs of morants dropped by 86 percent. Between 1971 and 1989, concentrations of DDE and PCB’s decreased in morant eggs by more than 80 percent.

An additional refinement of the Great Lakes Water Quality Agreement occurred with the 1987 protocol which reinforced the 1978 commitments of the two countries and highlighted the importance of human and aquatic ecosystem health. Provisions were added to clean up 42 local areas of concern in the Great Lakes and included the development and implementation of remedial action plans (RAP’s) and lakewide management plans.

A challenge to controlling pollutants entering the Great Lakes exists since toxics and other pollutants enter the system in numerous ways. Therefore, the 1987 protocol also focused on nonpoint source pollution, contaminated sediments, airborne toxic substances, and contaminated groundwater.

Since the 1987 protocol, accomplishments have been made in the areas of concern. In 1994, Collingwood Harbour, ON, attained its restoration goals. The community worked together to ensure that the contaminated sediments and deteriorated fish and wildlife habitats were dealt with in an innovative and cost-effective manner. On our side of the border, a fish consumption advisory was lifted for the first time in two decades at Waukegan Harbor, IL, in February of this year. The harbor is an area of concern which has been undergoing remediation efforts to clean up contaminated sediments of PCB’s and PCB contaminated sediments.

Though toxic substances continue to pollute the Great Lakes and threaten both the health of wildlife, there have also been accomplishments in controlling some toxics. For instance, concentrations of polychlorinated compounds, such as dioxins and furans which are used in the bleaching process of pulp and paper mills, have decreased in the Great Lakes by 90 percent since the late 1980’s.

While improvements in Great Lakes water quality are evident, they have not come quickly nor have they addressed all facets of the problem. Moreover, the most difficult challenge laid out by the Great Lakes Water Quality Agreement is still before us—the virtual elimination of persistent toxic substances. Much more work needs to be done in this arena. Fortunately, the Great Lakes Water Quality Agreement is precisely the vehicle which will enable us to rise to the challenge of virtually eliminating persistent toxic substances in the Great Lakes. Though crafted 25 years ago, the agreement and its amendments remain, in its current form, a vital road
map for the restoration and protection of the Great Lakes. I hope that my colleagues will join me in respecting this agreement so that future generations will be able to enjoy a thriving Great Lakes ecosystem.

SENATE QUARTERLY MAIL COSTS

- Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations and totals that were determined from the appropriation for official mail expenses and a summary tabulation of Senate mail costs for the fourth quarter of fiscal year 1997 to be printed in the Record. The fourth quarter of fiscal year 1997 covers the period of July 1, 1997 to September 30, 1997. The official mail allocations are available for frank mail costs as stipulated in Public Law 104–197, the Legislative Branch Appropriations Act for fiscal year 1997.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 09/30/97—Continued

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**TRIBUTE TO MICHELE JOHNSON**

- Mr. CONRAD. Mr. President, I rise for the purpose of commending the efforts of Michele Johnson, a legislative assistant on my staff who will be leaving the Senate at the end of this session. Michele's conscientiousness and exceptional work will be missed.

Michele Johnson, a native of rural Michigan, ND, and graduate of the University of North Dakota, has served on my staff for almost 3½ years. Michele has distinguished herself by her meticulous attention to detail and her ability to tackle a wide range of issues critical to our State. She has been of great help in our work to bring change to the Nation's agricultural credit system in order to help farmers who are struggling financially. She has also played an instrumental role in efforts we have undertaken to bring much-needed economic and rural development to every corner of North Dakota. Her accomplishments in these areas will have an important positive for years to come.

A lawyer by training, Michele has most recently tackled a very difficult assignment. In the wake of this year's California wildfires, I volunteered to go to Grand Forks to assist in the Red River Valley's disaster recovery efforts. Even before the floodwaters had receded, Michele had packed her bags and arrived in Grand Forks to be a part of the onsite assistance team.

While in Grand Forks Michele brought a local perspective to the Federal disaster response and her firsthand experience was enormously helpful in our efforts to lay the groundwork for North Dakota's long-term recovery. In her work, she earned high praise and recognition from community leaders up and down the Red River Valley.

We will miss Michele's contributions to the office, including her cheerful presence and enthusiasm. Thanks, Michele, for a job well done. We wish you well as you move on to your next assignment.

**MONTEFIORÉ MEDICAL CENTER**

- Mr. D'AMATO. Mr. President, I rise to discuss one important health care initiative in New York State. This worthy project is the Montefiore Medical Center and it is located in the Bronx section of New York City.

The Montefiore Medical Center system, established over 100 years ago, is an integrated health delivery system with two acute care hospitals providing access to over 1,000 beds, 30 community-based primary care centers, and a range of other outreach services operating in the Bronx and the surrounding communities. Through its extensive network, including comprehensive-care programs and the promise of the future for economically deprived areas, Montefiore provides care to medically underserved residents. The Montefiore system provides nearly 20 percent of all inpatient acute care, and nearly 40 percent of all tertiary care required by Bronx residents, including over $50 million in uncompensated charity care annually. In addition, in partnership with the Children’s Health Fund, Montefiore administers the Nation’s largest medical program for homeless children.

The Bronx is home to 100,000 children under age 21. In 1995, Montefiore conducted an extensive review of the health status of Bronx children and concluded that the overwhelming majority are at serious health risk, for reasons such as abuse, pediatric AIDS, lead poisoning, and asthma. In particular, asthma is the most serious health risk to Bronx children. Nearly one-third of births in the borough are to teenage mothers who receive no prenatal care. As a result, the child hospitalization rate is 50 percent above the national average.

Montefiore’s study also demonstrated that a fundamental restructuring of its pediatric health care delivery system should be necessary to meet the growing challenge of providing services to these extremely at-risk children. Managed care is rapidly transforming how health care services are delivered in underserved communities. To remain viable to the evolving health care marketplace, Montefiore’s child health treatment, prevention, and education services must be organized and efficiently coordinated.
Montefiore has long been recognized as one of the Nation’s premier pediatric research and training institutions, having trained a significant percentage of the country’s pediatricians. In recent years, Montefiore has lost substantial numbers of pediatric specialists to more traditional children’s hospitals which could have a dramatic impact on the numbers of physicians who practice in inner-city communities. To ease the competitive disadvantages and to retain its capability to retain critically needed pediatric resources for the Bronx, Montefiore must consolidate pediatric specialists and specialty care in one location, a children’s hospital.

To meet the enormous challenge of providing high-quality, comprehensive services for Bronx children, Montefiore will develop the Montefiore Medical Center Child Health Network (CHN), an integrated system of family-centered care for families of all socio-economic levels. The CHN is organized around the core principal of providing enhanced access to high quality primary care, will offer a full complement of child health services.

As the central institution of the CHN, the Montefiore Children’s Hospital will feature 106 beds in age-appropriate units, state-of-the-art pediatric emergency and intensive care units, a full spectrum of tertiary subspecialties, including environmental sciences and behavioral pediatrics, short-stay hospital, support facilities and services for children and their families, including playrooms, school facilities, and a family resource center, and lastly, innovative communications technologies including a telemedicine consultation service and on-line teaching and tele-conferencing capabilities.

Montefiore Medical Center has provided community services and community-based health care programs for over a century. It is uniquely qualified to implement an initiative as innovative and far reaching as the child health network. This initiative will strengthen and extend Montefiore’s commitment to the Bronx community as a whole, and the children of the Bronx in particular. Through the centralization of its diverse services in this borough of New York City, the new Children’s Hospital and its satellites will elevate the quality, scope, and accessibility of primary and specialty health care services available to children and their families.

Mr. President, the Senate Labor, Health and Human Services Subcommittee on Appropriations includes a reference to this initiative in its report. The language is as follows:

The health status of children living in the Bronx section of New York City is particularly worrisome with sociodemographic and health status indicators which underscore a need for improved health care services. The Committee is aware of plans to establish a state-of-the-art children’s hospital in the Bronx to address the critical needs of its pediatric population. To enhance current Federal child health care programs in the area, the Committee encourages the Department to assist in the planning of this new facility and its potential programs.

Mr. President, I look forward to working with the administration, the Congress, and the medical center on developing a Federal partnership for this initiative. This initiative could serve as a national model of how complete health systems can adapt and respond to the very unique and challenging health needs of children in medically underserved urban communities.

CONFIRMATION OF CHARLES R. BREYER TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

- Mr. LEAHY. Mr. President, I am delighted that the Senate has approved the nomination of Charles R. Breyer to be a U.S. District Judge for the Northern District of California.

The American Bar Association unanimously found Mr. Breyer to be well-qualified, its highest rating, for this appointment. His extensive trial experience with the district attorney’s office for the city and county of San Francisco, the Department of Justice Watergate Special Prosecution Force, and in private practice. His nomination enjoys the strong support of Senator Feinstein and Senator Boxer.

The Northern District of California has 3 vacancies out of 14 judgeships and desperately needs Charles Breyer to help manage its growing backlog of cases.

I am delighted for Mr. Breyer and his distinguished family that he was confirmed. He will make a fine judge.

CONFIRMATION OF FRANK C. DAMRELL, JR. TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA

- Mr. LEAHY. Mr. President, I am delighted that the Senate confirmed Frank C. Damrell, Jr. to be a U.S. district judge for the eastern district of California.

The American Bar Association found Mr. Damrell to be well-qualified, its highest rating, for this appointment. He has extensive trial experience as a former deputy attorney general for the State of California, a former deputy district attorney for Stanislaus County, and a trial attorney in the private practice of law for the past 27 years. His nomination enjoys the strong support of Senator Feinstein and Senator Boxer.

I am delighted for Mr. Damrell and his distinguished family that he was confirmed. He will make a fine judge.

CONFIRMATION OF RICHARD CAPUTO TO BE A U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

- Mr. LEAHY. Mr. President, I am delighted that the Senate confirmed Richard Caputo to be a U.S. District Judge for the Middle District of Pennsylvania. Mr. Caputo is a well-qualified nominee.

The nominee has decades of legal experience in the private practice of law at the firm of Shea, Shea & Caputo in Kingston, PA. Prior to joining this firm, he served the public interest as an assistant public defender in Luzerne County, PA. The American Bar Association has found him to be qualified for this appointment. It first received Mr. Caputo’s nomination on July 31, 1997. He had a confirmation hearing on September 5. He was unanimously reported by the committee on November 6. With the strong support of Senator Specter, this nomination has moved expeditiously through the Committee and the Senate.

I congratulate Mr. Caputo and his family and look forward to his service on the district court.

PADOUCAH GASEOUS DIFFUSION PLANT

- Mr. MCCONNELL. Mr. President, I stand today to recognize the achievements and progress of the Paducah Gaseous Diffusion Plant in Paducah, KY. On October 20, 1997, Industry Week Magazine named the Paducah Gaseous Diffusion Plant one of America’s top 10 plants. This would be a great honor for any manufacturer, but I feel that it is particularly remarkable for the Paducah Gaseous Diffusion Plant. When producing a potentially dangerous material like enriched uranium, extensive safety precautions have to be their first priority. The uranium they produce is shipped not only throughout the United States, but worldwide as well, to be used in the nuclear fuel cycle.

The 275 plants nominated for this honor were judged in 14 areas including productivity, quality of product, employee involvement, cost reduction, and customer focus. The Paducah Gaseous Diffusion Plant is impressive in all of these areas, and their performance has improved immensely over the past 5 years. In 1993, analysts predicted that the plant would have to close in the early 21st century, but continuous improvements have put an end to this speculation. There has been a 65-percent reduction in injuries over the past 5 years, a reduction in environmental concerns, and an impressive 100-percent on-time production delivery rate.

The 1,800 workers of the Paducah Gaseous Diffusion Plant, most of which are Kentuckians, are truly to be commended. These workers and their management team have visited other quality plants for innovative ideas about how to improve their own production. They have formed over 30 problem-solving teams, solicited and acted on 150 ideas from employees and enhanced their extensive and continual annual training. The positive labor-management relationship has successfully turned the
HENRI TERMEER WINS MASSACHUSETTS GOVERNOR'S NEW AMERICAN APPRECIATION AWARD

Mr. KENNEDY. Mr. President, it is a privilege for me to take this opportunity to commend Henri Termeer of Massachusetts on receiving the Governor’s New American Appreciation Award from Governor Weld earlier this year.

Henri Termeer is well known to many of us in Congress. He is the chief executive officer and president of Genzyme Corp., the largest biotechnology company in Massachusetts and the fourth largest in the world. When Henri joined Genzyme in 1983, the company had only 35 employees. Under his leadership, Genzyme has grown to over 3,500 employees, including 2,100 in Massachusetts.

Henri was born in the Netherlands and grew up expecting that he would eventually follow his father’s shoe business. As a young man, he worked in the shoe industry in England, intending to gain training and experience there before returning to work for his father. When he left England, however, he decided to come to America instead of returning to the Netherlands.

After earning a masters degree in business administration at the University of Virginia, Henri joined a pharmaceutical company and spent the next 10 years working in Germany and the United States in various management positions. He left that company in 1983 to become president of Genzyme Corp., and later became the company’s chief executive officer as well.

In working with Henri Termeer over the years, I have come to know him as an impressive businessman and as an outstanding leader for the biotechnology industry. He is highly respected in the industry for his knowledge, vision, and commitment, and he has been widely admired by his peers. As a member of Governor Weld’s Council on Economic Growth and Technology and chairman of the Subcommittee on Biotechnology and Pharmaceutical Development, Henri’s leadership was responsible for the adoption of a number of broad initiatives that have made Massachusetts an excellent business environment for the biotechnology industry. At the present time, biotechnology is a $1.7 billion industry in Massachusetts that employs over 17,000 people.

Henri was selected to receive the Governor’s New American Appreciation Award for his charitable and community efforts in Massachusetts, and for his leadership. Among his most important civic accomplishments are his efforts to expand learning opportunities for mentally challenged children, to improve science education for minority students, and to train workers displaced from other industries for new careers in biotechnology.

I congratulate Henri Termeer on this well-deserved award. His success in this country is a brilliant new chapter in America’s immigrant heritage and history. He is a modern symbol that the American Dream is alive and well in our own day and generation. The United States needs more New Americans like Henri Termeer.

REGARDING: FEDERAL SCIENCE AND TECHNOLOGY INVESTMENT

Mr. FRIST. Mr. President, as a Senator, I always afford the unique opportunity to see broad cross sections of our Nation. From that perspective, I have had a chance to reflect upon why our country continues to be the envy of the world. Some might say that we are blessed with abundant natural resources. That is true enough, but in the final analysis, it is the American people who have made, and will continue to make, this country great.

We are a nation drawn from diverse backgrounds and ideas. Still, there is a thread that unites us. Our forefathers, who came to this land to build a new life, created in turn a nation of builders. We build homes, we build businesses and factories, but most of all we build futures; we build hope. And, as a people, we rise to meet a challenge. At no time was that more apparent than during World War II. That crisis forced our Nation to make drastic sacrifices in order to survive. The legacy of those choices has driven our economy and our policies for over 50 years. One of those legacies, the Federal investment in science and technology, that concerns me today.

Science and technology have shaped our world. It is very easy to see the big things: putting a man on the moon, breakthroughs in genetic research, and the burgeoning world of the Internet. In today’s world technology surrounds us: the computer that makes our cars run, lets us talk on the telephone, runs the stoplights, runs the grocery store automation, and runs the Internet as we know it. Our world runs on technology and the American Federal investment in research and development has played a significant part in creating it. Much of our economy runs on technology as well. One-third to one-half of all U.S. economic growth is the result of technological progress. Technology contributes to the creation of new goods and services, new jobs and new capital. It is the principal driving force behind the long-term economic growth and increased standards of living of most of the world’s modern industrial societies.

The history of the federal sector has shown us that there is a Federal role in the creation and nurturing of science and technology. But the last three decades have shown us something else: fiscal reality. The simple truth is that we just don’t have money to do everything we’d like. It took some time for us to realize that and by the time we did, we found ourselves in a fiscal situation that is only now being addressed. As a result, discretionary funding is under immense fiscal pressure.

One only has to look back over the last 30 years to illustrate this trend. In 1965, mandatory spending—entitlements and interest—accounted for 30 percent of our budget, while 70 percent was discretionary. That meant that 70 percent of the budget could be used for roads, education, medical research, parks, and national defense. Today, just 39 years later, the ratio of discretionary to mandatory spending has reversed. Sixty-seven percent of our budget is spent on mandatory programs, leaving 33 percent of our budget for discretionary spending. Today, just 39 years later, the ratio of discretionary to mandatory spending has reversed. Sixty-seven percent of our budget is spent on mandatory programs, leaving 33 percent of our budget for discretionary spending. By 2012, mandatory spending, the combination of interest and entitlement programs, will consume all taxpayer revenues, leaving nothing for parks, education, roads, or the Federal investment in science and technology. Clearly we as a nation, cannot afford to let this happen.

We have both a long-term problem—addressing the ever increasing level of mandatory spending—and a near-term challenge—apportioning a dwindling amount of discretionary funding. This confluence of increased dependency on technology and decreased fiscal flexibility has created a problem of national significance. Not all deserving programs can be funded. Not all authorized programs can be fully implemented. The luxury of fully funding programs across the board has passed. While we set priorities, we need a set of first or guiding principles, we can consistently ask the right questions about each competing technology program. The answers will help us focus on a particular program’s effectiveness and appropriateness for research and development funding. This is the information needed to make the hard choices about which programs deserve support and which do not. Through the application of these First Principles, we can ensure that limited resources the Federal Government has for science and technology are invested wisely.
There are four First Principles:

First, good science. Our Federal research and development programs must be focused, peer and merit reviewed, and not duplicative; the program must solve the right problem, in the right way.

Second, fiscal accountability. We must exercise oversight to ensure that programs funded with scarce Federal dollars are managed well. We cannot tolerate the waste of money by inefficient or incorrect techniques, by government agencies, by contractors, or by Congress itself. A move to multi-year budgeting is a step in the right direction. It will work to provide more stable funding levels and give Congress the opportunity to exercise its much needed oversight responsibility.

Third, measurable results. We need to make sure that Government programs achieve their goals. We need to make sure that as we craft legislation that affects science and technology, it includes processes which allow us to gauge the program’s effectiveness. As we undertake this, we must be careful to select the correct criteria. We cannot get caught up in the trap of measuring the effectiveness of a research and development program by passing judgment on individual research projects.

Fourth, the Government should be viewed as the funder of last resort. Government programs should not displace, displace, or displace, and not, for instance, to a single company.

Accompanying the four First Principles, are four corollaries:

First, flow of technology. This year’s Science, Technology and Space Subcommittee hearing has provided ample proof that the process of creating technology involves many steps. The present Federal research and development structure reinforces the increasingly artificial distinctions across the spectrum of research and development activities. The result is a set of dislocations that arise which will not match up strongly with the needs of the market. To address this, we need to pay special attention to the areas where we can best make use of the technology that is emerging.

Second, fiscal accountability. We must continue to encourage this by providing opportunities for interdisciplinary projects and fostering collaboration across fields of research.

Third, commitment to a broad range of research initiatives. An increasingly common theme has emerged from the Science, Technology and Space Subcommittee hearings this year: Revolutionary innovation is taking place at the overlap of research disciplines. We must continue to encourage this by providing opportunities for interdisciplinary projects and fostering collaboration across fields of research.

Fourth, partnerships among industries, universities, and Federal laboratories. Each has special talents and abilities that complement the other. Our Federal dollar is wisely spent facilitating the creation of partnerships, creating a whole that is greater than the sum of its parts.

The principles and corollaries that I have outlined form a framework that can be used to guide the creation of new, federally funded research and development programs and to validate existing ones. An objective framework derived from First Principles is a powerful method to evaluate the debate on technology initiatives. It increases our ability to focus on the important issues, and decreases the likelihood that we will get sidetracked on politically charged technicalities. It also serves as a mechanism to ensure that Federal research and development programs are consistent and effective.

The four principles and four corollaries serve different purposes: The First Principles help us evaluate an implementation of a research and development program.

First, good science.

Second, fiscal accountability.

Third, measurable results.

Fourth, Government as funder of last resort.

The corollaries help us establish a consistent set of national goals—the vision of an overall research and development program.

First, creation of a flow of technology.

Second, excellence in the American research infrastructure.

Third, commitment to a broad range of research initiatives.

Fourth, partnerships among industries, universities, and federal laboratories.

Mr. President, Congress continues to face a monumental budgetary challenge. Despite our accomplishment this year of passing the first balanced budget since 1969, we have yet to face the most daunting challenge: bringing entitlements under control at a time of huge demographic shifts toward increasing numbers of recipients. Even as we work toward this difficult goal, we cannot lose sight of the near-term management challenge in making the most of our limited discretionary funds. The Federal investment in research and development has paid handsome dividends in raising our standard of living. It is an investment we cannot afford to pass up.

ARAB-AMERICAN AND CHALDEAN COUNCIL 1997 ANNUAL CIVIC AND HUMANITARIAN AWARDS BANQUET

Mr. ABRAHAM. Mr. President, I rise today to acknowledge an important event which is taking place in the State of Michigan. On this day, December 5, 1997, many have gathered to celebrate the Arab-American and Chaldean Council (ACC) Annual Civic and Humanitarian Awards Banquet. Each of the individuals in attendance deserve special recognition for their commitment and steadfast support of the Arab-American and Chaldean communities.

I am pleased to recognize the recipients of this evening’s awards: Mr. Brian Connolly and Ms. Beverly B. Smith, Civic and Humanitarian, Mr. John Almstadt, 1997 Leadership Award, Senator Dick Posthumus, 1997 State Leadership Award, and Ms. Elham Jabiru-Shayota, Mr. Andrew Ansara, and Mr. George Ansara Entrepreneurs of the Year. Each of these recipients should take great pride in receiving these distinguished awards.

While it is important to pay special tribute to the awardees, it is also essential to honor the citizens of the Arab-American and Chaldean communities. Each of you that has worked to strengthen cultural understanding have contributed greatly to the State of Michigan. For the past 18 years, the ACC has provided tireless support and steadfast dedication to Arab and Chaldean-speaking immigrants and refugees. During the past fiscal year, 1996–97, ACC was able to support over 18,000 clients and cases. This coming year will be an exciting one for ACC. Six of ACC’s outreach locations will be consolidated into one location at the Woodward Avenue and Seven Mile Road Area, allowing ACC to serve an even greater client base. Through job placement programs and mental health services, ACC has significantly enhanced the lives of many in our community. As you gather this evening to honor these awardees, I challenge each of you to continue to be active participants in your respective communities.

To the Arab-American and Chaldean-American communities and to the awardees, I send my sincere best wishes. May the spirit of this evening continue to inspire each of you.
THE CURRENT CRISIS INVOLVING IRAQ

Mr. McCAIN. Mr. President, last week I submitted a statement for the record discussing my views on the situation in Iraq and the need for the United States to remain resolute in its dealings with the regime of Saddam Hussein.

Today, I would like to submit a paper on the subject written by Tony Cordesman, who is currently a member of my staff. Tony's paper offers an excellent summation of Iraq's intentions and capabilities as well as providing expert analysis of the stakes for the United States and its interests in the Middle East as a result of this most recent crisis involving Iraq and the United Nations Special Commission.

In my opinion, what is most significant about Iraq's behavior is its disregard for the international community. Iraq has been given the opportunity to walk away from all of the sanctions placed upon it. It has chosen, however, to pursue the acquisition of weapons of mass destruction. The consequences of this acquisition are clear: Iraq would have the potential to develop and deploy weapons that could have catastrophic consequences for the region and the world.

The United States must remain resolute in its commitment to the security of its allies and interests in the region. We must work with our allies to ensure that Iraq is held accountable for its actions and that it is prevented from acquiring weapons of mass destruction.

I urge all of my colleagues in the Senate and the House to read this paper carefully. It offers insightful commentary on the potential ramifications of various policy alternatives that the United States and the United Nations may select in responding to Iraq's actions. Toward that end, I respectfully request that Dr. Cordesman's paper be included in the RECORD, as well as this statement.
warfare, or terrorist use. It would be simple to do so clandestinely and they would be simple to manufacture.

The key point is that only effective UNSCOM operations can deter Iraq from rapidly rebuilding its wartime capabilities, and sparking a new arms race that is certain to lead Iran to reply in kind and present new major new power projection forces in the region and our Southern Gulf allies.

U.S. MILITARY OPTIONS

The U.S. must be careful to preserve as much international consensus as can be supported. UNSCOM effort. It must be careful to avoid using threat or force in a way that could further split the U.N. Security Council, or win this round and lose the war. We must not let humanitarian concerns about punishing the Iraqi people in ways that do not really punish Saddam. We also need to be careful about the kind of threats and token strikes that have no real effect on what Saddam holds vital, and which end in convincing him that he can win a war of sanctions against the U.S., and allowing Saddam to show that he can defy the U.N. and U.S. with impunity.

We also need to understand that UNSCOM and sanctions are not a failure. Iraq im- ported more than $3 billion worth of arms a year at the time of the Gulf War. It needs a minimum of about $1.5 billion a year to replace losses over $80 billion worth of arms during the Iran-Iraq War. It was UNSCOM that discovered Iraq's clandestine break out capability for exoatmospheric reentry testing and some effective than the relatively crude designs Iraq

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testing of improved guidance systems, Computer simulation, wind tunnel models, and production engineering tests can all be carried out clandestinely under the present inspection regime so that Iraq could develop dummy or operational high explosive warheads with shapes and weight distribution of a kind that would allow it to test countermeasures for weapons of mass destruction. The testing of improved bombs using simulated agents would be almost impossible to detect as would testing of improved spray systems for biological warfare.

Iraq has had half a decade in which to improve its decoys, dispersal concepts, dedicated jamming techniques, optical systems, and strike plans. This kind of passive warfare planning is impossible to forbid and monitor, but ultimately is as important and lethal as any improvement in hardware.

There is no evidence that Iraq made an effort to develop specialized chemical and biological devices for covert operations, proxy warfare, or terrorist use. It would be simple to do so clandestinely and they would be simple to manufacture.

THE NEXT GENERATION INTERNET

Mr. INOUYE. Mr. President, the Internet is transforming every aspect of how a university performs research, teaches its students and reaches out to the public.

The University of Hawaii and Alaska, along with many other institutions, have joined the Internet2 initiative which shares this objective. The National Science Foundation (NSF) recognized the importance of the Internet multipliers even more by the vast distances that separates us from the other 48 states, as well as the unique internal geography of our states which separate our citizens from each other by water, mountains or long distances.

In October 1996, the Clinton Administration unveiled its Next Generation Internet (NGI) initiative, emphasizing that the Internet is the biggest change in human communication since the printing press. The initiative proposed a $100 million per year federal program to create the foundation for the networks of the 21st century. Approximately $95 million is being appropriated for the NGI.

One of the initial NGI project goals is to connect at least 100 universities and national labs at speeds 100 to 1,000 times faster than today's Internet. The University of Hawaii and University of Alaska, along with many other institutions, have joined the Internet2 initiative which shares this objective.

Unfortunately, high-speed connectivity comparable to what the NGI project is bringing to research universities throughout the country is not even available, much less affordable, for the universities of our most remote states of Alaska and Hawaii. These are the states where telecommunications is most needed to counteract the isolation that is imposed by our remoteness.

It must be noted first and foremost that our public universities in Alaska and Hawaii have already dug deep to pay their own fair share to obtain Internet connectivity. These two institutions have invested more than $15 million for Internet connections than any other university, yet they receive far less capacity for their dollars investment than did the University of Hawaii and University of Alaska.

Mr. STEVENS. Mr. President, I concur with Senator INOUYE that this is a critical problem for Alaska and Hawaii. I would suggest that it is in the interest of all States to ensure that no State is left behind as we enter the digital age.

Researchers in Alaska and Hawaii must have the same access to resources that our colleagues in other areas of the country have—without compatible access our universities will be left behind in the race to secure research funding and they will not be able to compete when it comes to attracting top researchers and professors.

There is another side to the problem. Just as our universities will be cut off from their colleagues—universities in the continental United States will be cut off from the expertise and resources that are housed in the universities of Alaska and Hawaii.

Senator INOUYE laid out our concerns with respect to participation in the next generation Internet project. I would like to take what he said one step further.

The technology—the high speed access to the Internet that is the goal of the next generation Internet project—is currently being slated to be developed on top of the existing Internet infrastructure.

The existing Internet infrastructure can be visualized as a series of pipes, of varying capacity. The main conduit of the pipe system connects the West Coast to the East Coast—essentially through the middle of the United States.

Those States that host the main conduit are fortunate—they have low costs because the high capacity is already in place. Those States that are not close to the main conduit face increasing costs the further away they are from the main conduits.
The NGI project has agreed to include some States—like Montana that face challenges connecting to the main conduits. However, our States—Alaska and Hawaii—have been essentially written off. This isn’t just a question of our universities being left behind. It is a question of our entire states being left behind as we enter the new millennium when high speed connectivity will be essential to every aspect of life. We are already witnessing mass scale technological convergence. From my computer here in the Senate I can make telephone calls, I can listen to the radio, I can watch television—all over the Internet. This is not possible from most of Alaska and Hawaii—the connections are simply too poor.

Currently data traffic is growing at a much faster pace than telephone traffic—if this continues, early in the next century, it’s going to be impossible for many of our State's to keep up. Where will that leave Alaska and Hawaii if we don’t have the infrastructure in place to send data?

Right now many villages in rural Alaska can only access the Internet by dialing a 1-800 number which connects them to an Internet service provider in Anchorage. They are connected to the Internet at speeds of around 1200 BAUD. Not only is this access slow—considering that most Americans now normally connect at at least 28,800 BAUD—but it is also costly.

I join Senator INOUYE in asking that those universities and agencies who receive part of the $95 million that we have provided for the next generation Internet project use the funds in a manner that will advance the interests of our country as a whole.

I also ask for the assistance of private industry in helping us to solve the technical and financial problems that our States face in obtaining connectivity levels that are comparable to the rest of the country. As one of the witnesses said earlier this week at the NGI hearing before the Science, Technology, and Transportation Committee, it will take an innovative solution to provide Alaska with good connectivity.

Conventional solutions, such as laying high capacity fiber to every village are simply not feasible economically at this time.

I am committed to finding a solution to these problems—I know that Senator INOUYE is too—I hope that our colleagues will join us and that this will be viewed as a national problem and not just as a competition for Federal research funds.

J. GARY MATTSON

Mr. GRASSLEY. Mr. President, I would like to acknowledge the accomplishments of J. Gary Mattson, of Waterloo, IA. Gary is an individual who has shown a great dedication to supporting people with disabilities, strengthening families, and serving his community.

Gary is a leader in the field of helping people with disabilities, especially during his 29 years of service with Exceptional Persons, Inc. Exceptional Persons is a private, nonprofit organization in Waterloo, IA that provides a wide range of services to those with disabilities including residential and family services, as well as child care. For the last 25 years, Gary has served as its executive director.

Gary brings a deep passion to his work, reflected by the fact that the people served by Exceptional Persons always come first. Gary has been a leader in Black Hawk County and its communities and people, especially those who have disabilities and their families, have benefited from his caring commitment. I salute the work Gary has done on behalf of disabled individuals and his community. I wish him the best and I encourage those who know Gary to use his years of dedication as a role model for public service.

TRIBUTE TO GARY SAUTER

Mr. KENNEDY. Mr. President, December 6 marks the 50th birthday of one of the Nation’s finest labor leaders. Gary Sauter has been a member of the United Food and Commercial Workers and its predecessor, Retail Clerks Union International Association, for over 30 years, and he has done an outstanding job.

Gary comes from a hard-working union family. His father and mother were both members of the Retail Clerks Union in Baltimore. In fact, they became engaged after a labor dispute.

Following in his footsteps, Gary joined the Retail Clerks in 1965, as a cashier for Safeway Stores while he was attending the Baltimore College of Commerce. The union quickly recognized his ability and, in 1969, Gary became a department store organizer. He worked effectively to organize workers in the department store in Baltimore, and went on to become regional coordinator for the Retail Clerks’ Southeastern Division.

Later, Gary became organizing director for Local 400 of the Retail Clerks in Landover, MD. In large part because of Gary’s efforts, the local grew to one of the largest and most effective local unions in the Washington, DC area.

In 1988, after the Retail Clerks merged with the Amalgamated Meat Cutters and Butchers and Commercial Workers’ Union, Gary joined the new international as special assistant to the president. He continued to be a leader and, in 1994, was elected international vice president of the union. Later that year he was chosen to serve as director of the union’s Legislative and Political Affairs Department, a position he holds today.

Throughout his distinguished career Gary has done a brilliant job for the workers he represents. He has never lost sight of the importance of their needs, and he has worked skillfully and tirelessly to improve the wages and working conditions of all Americans.

It is an honor to pay tribute to this impressive leader. I extend my best wishes to Gary, his wife Pat, and his children, Christopher and Amy, on this auspicious milestone. Well done, Gary, and keep up the great work.

WOODROW WOODY

Mr. ABRAHAM. Mr. President, I rise today to acknowledge an important event in the life of one of my dearest friends. On Saturday, November 15, 1997, Woodrow Woody will celebrate his 90th birthday. I am pleased and honored to send my heartfelt best wishes to him on this important day.

Woodrow Woody is someone that I truly admire. Not only is Woodrow a successful businessman in Detroit, MI, he is a man who is deeply committed to his wife, Anne and his community. Through his tireless dedication to his community and the many organizations to which he gives much of his time, he has and continues to touch the lives of many in the State of Michigan.

On this momentous day, I say thank you to Woodrow. He has inspired me and served as a second father to me throughout the years. His wisdom and integrity continue to motivate me and countless others. Again, I am honored to recognize Woodrow on the occasion of his 90th birthday in the U.S. Senate.

OECF SHIPBUILDING AGREEMENT

Mr. BREAUX. Mr. President, I strongly support passage of S. 1216, legislation to implement the OECF Shipbuilding Agreement. S. 1216 was favorably reported out of both the Senate Finance and Commerce Committees.

The issue of unfair foreign shipbuilding practices is very important to my State. Louisiana is one of the premier shipbuilding states in the country. Over 27,000 Louisiana jobs are impacted by constructing or repairing ships. We have almost every conceivable type and size shipyard, from a huge primarily defense oriented yard to smaller and medium sized strictly commercial yards. My interest in this issue spans the entire range of shipbuilding.

I believe it’s important to state again for the record the historical context that surrounds the OECF Shipbuilding Agreement and this legislation. If nothing else, we should learn from history. 1974–1987, saw worldwide overall demand for ocean going vessels decline 71%. United States merchant vessel construction went from an average of 72 ships/year in the 1960’s and 70’s to an average of 15 ships/year in the 1980’s. During this period, governments in all the shipbuilding nations, with the exception of the United States, dramatically stepped up aid to their shipyards with massive levels of subsidies in virtually every sector of shipbuilding.

In 1981, the U.S. government unilaterally terminated commercial construction subsidies to U.S. yards. At
the same time, U.S. defense shipbuilding increased in an effort to reach a 600 ship Navy. U.S. defense shipbuilding construction went from an average of 79 ships/year in the 1970’s to an average of 95 ships/year in the 1980’s. U.S. international commercial shipbuilding on the other hand, was virtually abandoned to subsidized foreign yards.

The end of the 1980’s and the end of the “Cold War” saw a Department of Defense reevaluation of the need for a 600 ship Navy. The U.S. shipbuilding industry was consequently forced to re-evaluate its need to secure commercial ship construction orders in order to stay in business. In June of 1989, the U.S. shipbuilding industry, represented at that time by the “Shipbuilders Council of America”, filed a section 301 claim against the major shipbuilding countries of the world for unfair subsidies and practices that were injuring the U.S. industry. Later that year, however, U.S. Trade Ambassador Carla Hills, convinced the industry that a better, more effective way to eliminate the unfair foreign subsidies and practices was through multilateral negotiations. The industry decided to give international negotiations a chance and therefore withdrew its Section 301 claim. The U.S. then encouraged the responsible trading partners to enter into negotiations and the five year OECD quest to negotiate the elimination of trade distorting shipbuilding practices had begun.

From late 1989 to late 1994, the OECD negotiations were on and off again. During 1993, when the talks held seemingly collapsed, I introduced a bill in the Senate (S. 990) and then Congressman Sam Gibbons introduced a bill in the House (H.R. 1402), that would have unilaterally triggered significant sanctions against ships constructed inforeign subsidized yards when those ships called in the United States. The prompting a flood of domestic opposition from those fearing the bills would start a trade war, the introduction of these bills did help re-ignite the stalled OECD talks.

From June 1989 until the present agreement was signed on December 21, 1994, the U.S. objective and the U.S. industry’s urgent request appeared to be simple: “Eliminate subsidies and we can compete.” When the Clinton administration came into office, to its credit, it proposed a “Shipyard Revitalization Plan.” A main feature of this plan was new Title XI financing for commercial export orders.

In a Senate Finance Committee, Trade Subcommittee hearing on November 18, 1993, a year before the agreement was signed, Assistant U.S.T.R. Don Phillips described the plan and its relationship to the OECD Agreement as follows:

Finally, this five-point program is a transitional, helping transition like the bipartisan assistance to other industries seeking to convert from defense to civilian markets. In ad-
dition, it seeks to support, not undercut, the negotiations that are currently underway in the OECD. In this regard, we have made clear our intention to modify this program, as appropriate, so that it would be consistent with, and in support of, the provision of a multilateral agreement—if and when such an agreement enters into force. (emphasis added).

In all the comments I have heard to date about this agreement, I have yet to hear of a scenario whereby U.S. industry is better off fighting unfair shipbuilding practices without the agreement than it is with the agreement. These opponents will become the rule rather than limited and temporary exceptions. The Congress is not prepared in this time of fiscal restraint to match their subsidies with ours.

Concerns about the agreement putting the Jones Act domestic build requirement at risk are contradicted by the fact that the largest “Jones Act” carriers in the country, who avidly support this agreement. They say this implementation of the Jones Act. If that protection were not enough, we added language providing for an expedited procedure for U.S. withdrawal from the agreement if the Jones Act were perceived to be undermined.

Opponents argue that new export orders associated with the current U.S. title XI export financing program will be lost under the agreement. These orders exist, however, because a title XI guarantee is due to the standstill clause in the OECD agreement. If we reject the agreement, we lose the standstill clause, and consequently we lose our current title XI advantage. Considering the European Union routinely provides billions of dollars of direct shipyard aid each year and abstain this agreement will soon re-direct and increase this aid, matching our U.S. financing program will require minimal EU effort and change.

If this debate is really about competing for international export orders, and unless we are prepared to enter into a subsidies race with our competitors, I don't see how we can reject this agreement. Not only is Congress continually faced with dire budgetary decisions, such as cutting Medicare and Medicaid, but the Department of Defense has indicated that it is reluctant and unwilling to fund commercial shipbuilding subsidies through its DOD accounts.

Second, when they said they needed 30 additional months of current Title XI financing terms to cover projects close to having their applications in, we did it and more.

Third, when they said they needed 30 additional months of current Title XI financing terms to cover projects close to having their applications in, we did it and more.

In fact, S. 1216, as amended by Senator LOTT and myself, meets every legitimate concern raised by opponents. I am including a detailed comparison of this bill with the issues raised in the Bateman amendment.

This agreement is not perfect because there is no such thing as a perfect agreement. To overlook its significant features, such as elimination of foreign subsidies while ensuring that the U.S. is the only country of all the signatories able to reserve its domestic market from foreign competition, provides an inaccurate view at best.

In conclusion, Mr. Chairman, there are no opponents to the U.S. shipbuilding industry. America needs both a competitive U.S. commercial shipbuilding industry as well as a strong defense shipbuilding industry. We cannot enact the OECD Shipbuilding Agreement legislation. I look forward to a vote on this agreement in the U.S. Senate before March 1, 1998.

The material follows:

How S. 1216 (as amended by Senate Finance and Commerce Committees) compares to H.R. 2754 (as amended by Congressman Bateman)

TITLE XI

S. 1216 includes Title XI transition language more favorable than the Bateman Amendment. Under S. 1216, the U.S. would be allowed to keep its current level (95% of the project cost) Title XI financing through January 1, 2001. The Bateman Amendment extended such terms through January 1, 1999.

The material follows:
financing. Therefore under S. 1216, such ships would have to be delivered no later than January 1, 2004. S. 1216, like the Bateman Amendment, allows for further extending the delivery date in the case of “unforeseen circumstances” (defined as the same as the Bateman Amendment).

S. 1216 includes a provision not in the Bateman Amendment that allows the U.S. to make the current favorable terms of the Title XI program available to U.S. shipyards when competing against bids of subsidized yards from countries not signatory to the OECD Agreement. This provision: (1) provides an incentive for such nations to join the OECD Shipbuilding Agreement and, (2) protects a portion of the U.S. shipbuilding industry from unfair competition from subsidized yards in nations that fail to join the Agreement.

**JONES ACT**

S. 1216 provides extraordinary protections for the Jones Act that fully meet the objectives of the Bateman Amendment. S. 1216 states unequivocally that U.S. coastwise laws are completely unaffected by this Agreement. This provision is virtually identical to the Bateman Amendment. §S. 1216 states that nothing in this Agreement shall “impair the operation or administration of our coastwise laws”. This provision provides a stronger statement of protection for the Jones Act than the Bateman Amendment.

S. 1216 includes a legislative procedure (Joint Resolution) for Congress to initiate U.S. withdrawal from the Agreement if, “repetitive measures” to U.S. Jones Act construction are taken. This process provides an equivalent alternative to the Bateman Amendment prohibition against countermeasures against the U.S. and which is consistent with the agreement.

Responsive countermeasures against the Jones Act are a highly theoretical event. Under the Jones Act, responsive countermeasures are authorized only when relevant Jones Act construction “significantly upsets the balance of rights and obligations of the agreement.” Even the most optimistic predictions indicate that relevant U.S. Jones Act construction will represent only a fraction of 1% of the global shipbuilding market. Further, withdrawal provision in S. 1216 provides a disincentive for a nation to pursue a countermeasure against the U.S. since withdrawal would result in U.S. withdrawal from the Agreement. U.S. withdrawal from the Agreement would not moot the countermeasure, it would terminate the Agreement altogether.

Finally, in the worst case scenario, even if a Jones Act countermeasure were to be authorized and for some reason the US did not withdraw from the agreement, there would still be no real consequence to the U.S. Jones Act shipbuilding industry. Under the agreement, the only countermeasure allowable without the consent of the US would be to offset an equivalent portion of the complaining party’s “Jones Act” market from USD bidding. Because the global market is so vast (over 2000 commercial ships start annually), providing so many alternative contracts to U.S. yards, the relatively tiny number of contracts that might be restricted by a countermeasure would be significantly offset by 2000 U.S. yards. Additionally, the bill would prevent any countermeasures from being taken against other WTO sectors.

**PROTECTION OF NATIONAL SECURITY INTERESTS**

S. 1216 provides virtually identical language to that in the Bateman Amendment for the purposes of protecting our essential security interests.

S. 1216 preserves the prerogatives of the Secretary of Defense to exempt from the Agreement—“military vessels”, “military reserve vessels” and anything else deemed to be in the “essential security interests” of the United States.

S. 1216 allows the Secretary of Defense to exempt a portion of a ship on which National Defense Features are installed, on a “need to know” basis.

The bill would not enable other OECD party nations to question U.S. authority to protect its essential security interests.

In a May 29, 1996, letter to the Chairman of the House Committee on National Security, the Department of Defense stated definitively: “The Agreement will not adversely affect our national security.”

**CONFERENCE REPORT ACCOMPANYING H.R. 2107, THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998**

- Mr. DOMENICI. Mr. President, I rise to address the conference report accompanying H.R. 2107, the fiscal year 1998 Interior and Related Agencies Appropriations bill.

The conference report was adopted by the Senate on October 28. At the time the bill was called up, the Budget Committee had not received CBO’s scoring of the final bill. This was due to the significant changes to the bill made by the conference the day before the CBO release of their information and now address the budgetary scoring of the bill.

Mr. President, the conference agreement provides $13.8 billion in new budget authority and $9.1 billion in new outlays to fund the programs of the Department of Interior, the Forest Service of the Department of Agriculture, the Energy Conservation and Fossil Energy Research and Development Programs of the Department of Energy, the National Park Service, and arts-related agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill provides a total of $13.9 billion in budget authority and $13.8 billion in outlays for these programs for fiscal year 1998.

Mr. President, final action on the conference agreement necessitated a reduction in funding authority for this bill. I regret that this reallocation was necessary because it was avoidable.

Section 205 of the fiscal year 1998 budget resolution provided for the allocation of $700 million in budget authority for Federal land acquisition and to finalize priority land exchanges upon the reporting of a bill that included such funding.

The distinguished chairman of the Senate Interior Subcommittee included these funds in title V of the bill as originally reported. As Chairman of the Budget Committee, I allocated these funds to the Appropriations Committee, which in turn provided them to the Interior Subcommittee. When the conference adopted the Senate language, I would not have been in the position of withdrawing this funding allocation. However, the conference modified the Senate language to provide only $699 million for land acquisition. These funds were combined with moneys provided by other titles of the bill for Federal land acquisition, shall provide at least $700 million for Federal land acquisition and to finalize priority land exchanges.

This language, which I urged be included throughout the 2-week period when final language was drafted, would have ensured that the section 205 allocation remained in place for this bill.

However, the Chairman decided not to incorporate the Senate language, and in fact, included language which attempts to trigger the additional $700 million by amending the budget resolution. The language in the conference report is directed scorekeeping, which causes a violation under section 306 of the Budget Act, beyond the use of these funds for additional purposes: Critical maintenance activities are added as an allowable activity under this title V funding; $10 million is provided for a payment to Humboldt County, CA, as part of the headquarters land acquisition; and $12 million is provided for the repair and maintenance of the Beartooth Highway as part of the Crown Butte/New World Mine Land acquisition.

I was a conference on the bill. The Senate Budget Committee provided clarifying language to the conference on the Interiors appropriations bill during their meeting on September 30. This language simply restated that moneys in title V, when combined with moneys provided by other titles of the bill for Federal land acquisition, shall provide at least $700 million for Federal land acquisition and to finalize priority land exchanges.
budget resolution levels and our efforts to enforce a balanced budget plan would become meaningless.

Instead of making the choices necessary to live within the budget resolution levels, committees could simply rely on a process Mr. President, I assert, or “Deem,” that they had complied with the budgetary limits, even though they hadn’t.

Such action would undermine the budget discipline of the Senate.

Since the directed scorekeeping language would not become effective until the bill is signed into law, and the conferees did not clarify that $700 million is included in the bill for land acquisition and priority land exchanges, I had no choice but to withdraw the additional allocation of funding provided in section 205 of the budget resolution for land acquisition and exchanges.

Mr. President, I ask that a table displaying the Budget Committee’s scoring of the conference agreement accompany the Interior and Related Agencies appropriations bill for fiscal year 1998 be placed in the RECORD at this point.

The Senate Appropriations Committee has filed a revised 302(b) allocation to reduce the Interior Subcommittee by the amounts withdrawn.

The final bill is therefore $698 million in budget authority and $235 million in outlays above the subcommittee’s revised 302(b) allocation as filed by the Appropriations Committee.

Mr. President, I rise to recognize and pay tribute to the life and accomplishments of my fellow Montanans, Dennis and Phyllis Washington.

Dennis was born July 27, 1934, in Missoula, Montana. As a young boy, he moved to Bremerton, Washington, where he shined shoes and sold newspapers to supplement the family income. At the tender age of 8, he was diagnosed with polio and given little chance of survival. Miraculously, he survived to recover and live with his grandmother. From this point on in his life, Dennis has fought and struggled against all odds to survive and succeed. Years later, this struggle and dedication has become a part of Washington’s life.

Phyllis has strived to make Montana a better place. They have been instrumental in ensuring that the university of Montana maintains its “tradition of excellence.” In her position as chairperson of the capital campaign, Phyllis led the 5-year effort to a record level of $71 million, over $7 million of which came from her own pocket.

That will mean a higher quality of education for our students helping more of our children to find good jobs in Montana.

From his humble beginnings in a house next to the railroad tracks to his present good fortune, the drive to help others has characterized Dennis Washington’s life. He is a model for America, personifying the American dream that someone with big dreams can make those dreams a reality with a little intelligence and a lot of hard work.

I have great respect and admiration for Dennis. He is a Montana original whose story provides inspiration to me and many other Montanans. He has overcome tremendous adversity to become one of the most successful businessmen in the University’s cap. Phyllis has characterized Dennis Washington’s life.

Phyllis and Phyllis Washington are true philanthropists that are deserving of our recognition.

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Tribute to Brigadier General Richard Augustus Edwards, Jr.

Mr. WARNER. Mr. President, this week our nation bowed in humble appreciation and respect to all who have worn the uniforms of the U.S. military in recognition of Veterans’ Day.

Today, we have gathered in Arlington Cemetery to give our final salute to one of those veterans—Brigadier General Richard Augustus Edwards, Jr.

He was born in Smithfield, Virginia, and graduated from the Virginia Military Institute in 1939. He joined the Army in 1940 and during World War II served in Burma, India and China with a mule-drawn artillery unit. He became an expert horseman, and competed for the Army in stadium jumping and polo.

After the war, he attended the Field Artillery School, the Command and General Staff College, and the National War College. He served in various assignments in Japan, Southeast Asia, Europe and the Middle East. His final combat command was the First Field Artillery in Vietnam in 1968 and he retired from active military service in 1972 after serving in the Pentagon as head of officer assignments in the Army Office of Personnel Operations.

His honors included the Distinguished Service Medal, three Legion of Merit awards and the Bronze Star. I want to offer my most profound respect and admiration for General Stonewall Jackson, C.S.A.: "You may be whatever you resolve to be.”

General Gus Edwards resolved to be his very best for his country, and his life showed that he achieved that goal.

How proud the General would have been of his son, Lieutenant Colonel Richard Augustus Edwards, III as he was at his very best and delivered these stirring, heartfelt remarks at his father’s funeral.

“I confess I was taken aback when Dad asked me to say a few words at his funeral. His funeral wasn’t something we talked about very much. He wasn’t particularly enthused by the topic. But I think his request had something to do with the fact that he was unable to attend his own father’s funeral. At the time my grandfather died, we were steaming across the Atlantic to an assignment in Europe. Dad felt he never really got to say goodbye, and I believe it was something that haunted him; something that he didn’t want me to experience. For my part, I was—and am—daunted by his request, especially in this company. What can I possibly say that will be adequate to encompass or define our fifty-two year relationship? How can a son try to impart, in any consequential way, the meaning of a father’s lifetime of lessons and love in just a few short minutes?

I’ve concluded that, for now, the best thing is to be brief. I will say that my father was a man of many parts; like all of us, simple and complex at once. I think he showed us his simple side most of the time. By simple, I mean unfettered, unaffected and straightforward.

He had a simple faith. He believed deeply and unequivocally in his God. He maintained a strong and simple belief in the rightness of truth and honor.

He placed a premium on fidelity, and insisted that loyalty is a two-way street.

He lived always by the VMI Honor Code, never to lie, cheat, or steal nor countenance those who do. He despised hypocrisy and had no patience with the cynicism of modern deconstructionists.

There were not many gray areas in his life.
He loved his country. He loved his home state of Virginia and he took reasonable pride in his roots, which reached back to Jamestown.

And most of all, he loved his family. Family was everything to him. He adored his parents, his brothers, their wives and children; my mother's sisters, their husbands and children, all were sources of endless interest, enjoyment and satisfaction to him. He shared forty-eight years with my mother, and they were totally devoted to each other.

And how he loved his girls: Augusta, who he was so proud to have bear his name; Christine, in whom he took such delight as his first grandchild; Annie, the only woman I know who he genuinely didn't mind losing arguments to, and Babs, who gave so much of herself to him, especially over the last few months. He was one lucky guy. And now he's come full circle. As a newly minted second lieutenant in 1940, he arrived at Fort Meyer, his first duty station. He lived just a few steps away from this chapel at Quarters 201-A, and he buried old soldiers. Now the time has come to return the honor.

God bless you, Old Soldier.

TRIBUTE TO WASHINGTON STATE CITIZEN DOUG SCOTT, 1997 RECIPIENT OF THE SIERRA CLUB JOHN MUIR AWARD

Mrs. MURRAY. Mr. President, I rise to pay tribute to a distinguished citizen of the great state of Washington. Mr. Doug Scott. Doug was recently recognized by the Sierra Club with its highest award, the John Muir Award. The Sierra Club presents this award to honor individuals with a "distinguished record of leadership—such as to continue John Muir's work of preservation and establishment of parks and wilderness.

Doug Scott has certainly perpetuated the vision and leadership of John Muir throughout his years of commitment to the environment. Beginning his career of dedication to the environment in 1967 by joining the Sierra Club, Doug moved from his first involvement in the public policy process to be one of the original founders of Earth Day. From 1973 to 1977 Doug was the Sierra Club's Northwest field representative. In 1980, Doug became the Sierra Club's Conservation Director. In 1988, the organization's Associate Executive Director. In 1990, Doug left the Sierra Club for the beautiful San Juan Islands in my state of Washington to direct the San Juan Community Theater in Friday Harbor. Doug is now the Executive Director of a local, grass-roots environmental organization, Friends of the San Juans.

It is in this most recent capacity that we are most appreciative of Doug's skills and abilities. Doug is an essential member of the Northwest Straits Citizen's Advisory Commission that I convened with Congressman METCALF. This local citizen's advisory commission is designed to assess the resource protections needs and values of the Northwest Straits marine environment and to explore the best ways to provide protections for this exquisitely natural area. Doug's participation in this process has been invaluable. His deep commitment to protection of the marine environment combined with his thoughtful, innovative, and pragmatic approach has provided real progress for the Commission as it works through its many complex and challenging issues with individuals with differing ideologies and perspectives in a cooperative and productive manner is a true asset to the Commission, and to the Northwest Straits as well.

Doug's remarks at the Annual Awards Dinner, he said:

"Much as this award is personally gratifying, I prefer to think of it as recognition for an era in the growth and growing effectiveness of the citizen environmental movement. Each achievement during that era was the work of many hands. This award is for all of the Sierra Club volunteers and others who have proven that in this democracy, working together, an engaged citizenry can make a tremendous difference. I discovered the power of citizen activism over 25 years ago in the Sierra Club and now I see its impact every day in my work in the San Juan Islands."

The Sierra Club has chosen well in awarding Doug Scott the John Muir Award. I applaud their decision and I applaud Doug. So I thank him for his commitment to the environment of the San Juan Islands, the Northwest Straits, Washington state, and the United States. Great work, Doug. Congratulations.

Mr. President, I ask that the nominating statement for Doug Scott by Bruce Hamilton, Conservation Director of the Sierra Club be printed in the RECORD.

The statement follows:

DOUG SCOTT RECEIVES THE SIERRA CLUB'S JOHN MUIR AWARD

NOMINATING STATEMENT BY BRUCE HAMILTON, CONSERVATION DIRECTOR, SIERRA CLUB

Doug has been a mentor and an inspiration to an entire generation of environmental leaders, myself included. I feel so lucky to have learned my skills at the side of this master.

Doug had a way of turning dreams and visions into reality. Ed Wayburn had the vision for an Alaskan Lands Act, but it was Doug Scott who pulled together and directed the National Wildlife Federation's largest land protection bill in history. Rupert Cutler may have conceived of the RARE II wilderness review, but it was Doug Scott who marshaled the resources and provided the leadership to steer dozens of RARE II wilderness bills through the Congress. When states like Utah couldn't even boast a single wilderness area in the entire state, Doug packaged a group of areas together into the Endangered American Wilderness Act and mobilized a national campaign to pass it. Doug also developed the strategy that enabled us to pass the Superfund (remember the Superactivist we mailed out of SP every Friday?), the Clean Air Act Amendments (remember the Vento-Green medals?), and other anti-pollution campaigns. He was the inspiration and strategist for the California Desert Protection Act even though it didn't pass until after he had left the Club.

Doug was also one of the most inspirational and motivational speaker within the Club, flying hundreds of thousands of miles every year to appear at Chapter annual meetings and retreats to preach about the power of the grassroots and the importance of energy, enthusiasm, and apathy and cynicism. He was also one of the funnest leaders the Club has known, the source and subject of jokes and follies songs. In 1980, Doug became the National Conservation Director of the Sierra Club presenting this award to honor the vision and leadership of John Muir. From the late 1970's to the early 1990's Doug Scott led the Club in the spirit of John Muir. He deserves the Club's highest conservation honor for his service, accomplishments, and inspiration.

PERFORMANCE GOALS FOR THE PRESCRIPTION DRUG USER FEE ACT OF 1997

Mr. JEFFORDS. Mr. President, on November 9 the Senate adopted Conference Report 105–398, that accompanied S. 830, the Food and Drug Administration Modernization Act of 1997. This legislation puts into place long-needed reforms in FDA's regulatory procedures and also reauthorizes the Prescription Drug User Fee Act of 1992 [PDUFA] for an additional 5 years.

The original PDUFA has brought faster reviews of drug applications. By all accounts the success is due to the underlying collaboration and partnership between FDA and the drug industry. The performance goals for the Prescription Drug User Fee Act of 1997 were set forth in a side-letter from the administration to the chairs and ranking members of the House Commerce and Senate Labor and Human Resources committees, that accompanied S. 830, the Food and Drug Administration Modernization Act of 1997. This letter specifies the performance goals for the prescription drug user fees over the next 5 years.

Today, I am submitting for the RECORD a letter addressed to me and signed by Secretary of Health and Human Services, Donna E. Shalala, dated November 12, 1997. This letter specifies the performance goals for the use of PDUFA fees for fiscal years 1998 through 2002. These goals, which were agreed to at the conclusion of negotiations between FDA officials and pharmaceutical and biotechnology industry representatives, are those referred to in section 101(4) of the Food and Drug Administration Modernization Act of 1997.
Dear Mr. Chairman: As you are aware, the Prescription Drug User Fee Act of 1992 (PDUFA) expired at the end of Fiscal Year 1997. Under PDUFA, the additional revenues generated from fees paid by the pharmaceutical and biological prescription drug industries have been used to expedite the prescription drug review and approval process, in accordance with performance goals that were developed by the Food and Drug Administration in consultation with the industries. To date, FDA has met or exceeded the review performance goals agreed to in 1992, and is reviewing over 90 percent of priority drug applications in 6 months and standard drug applications in 12 months.

FDA has worked with representatives of the pharmaceutical and biological prescription drug industries, and the staff of your Committee, to develop a reauthorization proposal for PDUFA that would build upon and enhance the success of the original program. Title I, Subtitle A of the Food and Drug Administration Modernization Act of 1997, S. 830, as passed by the House and Senate on November 19, 1997, reflects the fee mechanism developed in these discussions. The performance goals referenced in Section 101(4) are specified in the enclosure of this letter, entitled “PDUFA Reauthorization Performance Goals and Procedures.” I believe they represent a realistic projection of what FDA can accomplish with industry cooperation and the additional resources identified in the bill.

This letter and the enclosed documents pertain only to Title I, Subtitle A of S. 830, the Food and Drug Administration Modernization Act of 1997. OMB has advised that there is no objection to the presentation of these views from the standpoint of the Administration’s program. We appreciate the support of you and your staff, the assistance of other Members of the Committee and that of the Appropriations Committees, in the reauthorization of this vital program.

Sincerely,

DONNA E. SHALALA.

Enclosure.

PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES

The performance goals and procedures of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the reauthorization of the prescription drug user fee program in the “Food and Drug Administration Modernization Act of 1997,” are summarized as follows:

1. FIVE-YEAR REVIEW PERFORMANCE GOALS

Fiscal year 1998

1. Review and act on 90 percent of standard original NDAs and PLAs filed during fiscal year 1998 within 6 months of receipt.
2. Review and act on 90 percent of priority original NDA and BLA submissions filed during fiscal year 1998 within 12 months of receipt.
3. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 1998 within 6 months of receipt.
4. Review and act on 90 percent of manufacturing supplements filed during fiscal year 1998 within 6 months of receipt.
5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 1998 within 12 months of receipt.

Fiscal year 1999

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 1999 within 6 months of receipt, and review and act on 30 percent of Class 1 resubmitted original applications within 2 months of receipt.
2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 1999 within 6 months of receipt.
3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 1999 within 12 months of receipt and review and act on 30 percent within 10 months of receipt.
4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 1999 within 6 months of receipt.
5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 1999 within 6 months of receipt and review and act on 30 percent within 10 months of receipt.
6. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 1999 within 12 months of receipt and review and act on 30 percent within 10 months of receipt.
7. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

Fiscal year 2000

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 1999 within 6 months of receipt, and review and act on 30 percent within 10 months of receipt.
2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 1999 within 12 months of receipt and review and act on 30 percent within 10 months of receipt.
3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2000 within 12 months of receipt and review and act on 50 percent within 10 months of receipt.
4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2000 within 6 months of receipt.
5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 2000 within 6 months of receipt and review and act on 50 percent of manufacturing supplements requiring prior approval within 4 months of receipt.
6. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 1999 within 12 months of receipt and review and act on 30 percent within 10 months of receipt.
7. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year 1999 within 6 months of receipt.

Fiscal year 2001

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2000 within 6 months of receipt, and review and act on 50 percent within 10 months of receipt.
2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2000 within 6 months of receipt.
3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2000 within 12 months of receipt and review and act on 50 percent within 10 months of receipt.
4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2000 within 6 months of receipt.
5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 2000 within 6 months of receipt and review and act on 50 percent of manufacturing supplements requiring prior approval within 4 months of receipt.
6. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2000 within 12 months of receipt and review and act on 30 percent within 10 months of receipt.
7. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

These review goals are summarized in the following table:

<table>
<thead>
<tr>
<th>Original NDAs/BLAs and Efficacy Supplements</th>
<th>Fiscal Year</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard</td>
<td>Priority</td>
<td></td>
</tr>
<tr>
<td>Fiscal year 1998</td>
<td>90 pct. in 12 mos</td>
<td>90 pct. in 6 mos</td>
</tr>
<tr>
<td>Fiscal year 1999</td>
<td>90 pct. in 12 mos</td>
<td>90 pct. in 6 mos</td>
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<td>Fiscal year 2000</td>
<td>90 pct. in 12 mos</td>
<td>90 pct. in 6 mos</td>
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<tr>
<td>Fiscal year 2001</td>
<td>90 pct. in 10 mos</td>
<td>90 pct. in 6 mos</td>
</tr>
<tr>
<td>Fiscal year 2002</td>
<td>90 pct. in 10 mos</td>
<td>90 pct. in 6 mos</td>
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<tr>
<td>Fiscal year 2003</td>
<td>90 pct. in 10 mos</td>
<td>90 pct. in 6 mos</td>
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<tr>
<td>Fiscal year 2004</td>
<td>90 pct. in 10 mos</td>
<td>90 pct. in 6 mos</td>
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<tr>
<td>Fiscal year 2005</td>
<td>90 pct. in 10 mos</td>
<td>90 pct. in 6 mos</td>
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<tr>
<td>Fiscal year 2006</td>
<td>90 pct. in 10 mos</td>
<td>90 pct. in 6 mos</td>
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<tr>
<td>Fiscal year 2007</td>
<td>90 pct. in 10 mos</td>
<td>90 pct. in 6 mos</td>
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<tr>
<td>Fiscal year 2008</td>
<td>90 pct. in 10 mos</td>
<td>90 pct. in 6 mos</td>
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<tr>
<td>Fiscal year 2009</td>
<td>90 pct. in 10 mos</td>
<td>90 pct. in 6 mos</td>
</tr>
<tr>
<td>Fiscal year 2010</td>
<td>90 pct. in 10 mos</td>
<td>90 pct. in 6 mos</td>
</tr>
</tbody>
</table>

MANUFACTURING SUPPLEMENTS

<table>
<thead>
<tr>
<th>Substitution</th>
<th>Manufacturing supplements that—</th>
<th>Do require prior approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1</td>
<td>90 pct. in 6 mos</td>
<td>90 pct. in 6 mos</td>
</tr>
<tr>
<td>Class 2</td>
<td>90 pct. in 6 mos</td>
<td>90 pct. in 6 mos</td>
</tr>
</tbody>
</table>

RESUBMISSION OF ORIGINAL NDAs/BLAs/PLAs

<table>
<thead>
<tr>
<th>Substitution</th>
<th>Fiscal year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1</td>
<td>90 pct. in 6 mos</td>
</tr>
<tr>
<td>Class 2</td>
<td>90 pct. in 6 mos</td>
</tr>
</tbody>
</table>

Changes being effected or 30-day supplements.
II. NEW MOLECULAR ENTITY (NME) PERFORMANCE GOALS

The performance goals for standard and priority NDAs in each submission cohort will be the same as for all other new molecular entities in each submission cohort but shall be reported separately. For second-tier products, for purposes of this performance goal, all original BLAs/PLAs will be considered to be NMEs.

III. MEETING MANAGEMENT GOALS

A. Responses to Meeting Requests

1. Procedure: Within 14 calendar days of the Agency's receipt of a request from industry for a formal meeting (i.e., a scheduled face-to-face, teleconference, or video conference) CBER and CDER should notify the requester in writing (letter or fax) of the date, time, and place for the meeting, as well as expected Center participants.

2. Performance Goal: FDA will provide this notification within 14 days for 70% of requests (based on request receipt cohort year) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

B. Type A Meetings

1. Procedure: The meeting date should reflect the next available date on which all applicable Center personnel are available to attend, consistent with the component's other business; however, the meeting should be scheduled consistent with the type of meeting requested. If the requested date for any of these types of meetings is greater than 30, 60, or 90 calendar days (as applicable) from the date the request is received by the Agency, the meeting date should be within 14 calendar days of the date requested.

2. Performance Goal: Type A Meetings should occur within 30 calendar days of the Agency receipt of the meeting request.

C. Type B Meetings

1. Procedure: The Agency will prepare minutes of meetings held within 30 days of the Agency's receipt of the sponsor's response starting in FY 98 (cohort of date of receipt) and 90% in subsequent fiscal years.

2. Performance Goal: 75% of such responses are provided within 30 calendar days of the Agency's receipt of the sponsor's response starting in FY 98 (cohort of date of receipt) and 90% in subsequent fiscal years.

IV. CLINICAL HOLDS

A. Procedure

The Center should respond to a sponsor's complete response to a clinical hold within 30 days of the Agency's receipt of the submission of such sponsor response.

B. Performance Goal

75% of such responses are provided within 30 calendar days of the Center's receipt of the written appeal starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

V. MAJOR DISPUTE RESOLUTION

A. Procedure

For procedural or scientific matters involving the review of human drug applications and supplements (as defined in PDUFA) that cannot be resolved at the Divisional level (including a request for reconsideration by the Division after reviewing any materials that are planned to be forwarded with an appeal to the Division), appeals of decisions will occur within 30 calendar days of the Center's receipt of the written appeal.

B. Performance Goal

70% of such answers are provided within 30 calendar days of the Center's receipt of the written appeal starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

VI. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

A. Procedure

Upon specific request by a sponsor (including specific questions or issues the sponsor de-sires to be answered), the agency will evaluate certain protocols and issues to assess whether the design is adequate to meet scientific, statistical, and regulatory requirements identified by the sponsor.

1. The sponsor shall submit a limited number of specific questions about the protocol design and scientific or regulatory requirements for which the sponsor seeks agreement (e.g., is the dose range in the carcinogenicity study adequate, considering the intended clinical dosage; are the clinical endpoints adequate to support a specific efficacy claim).

2. Within 45 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the questions or issues presented and any actions the sponsor might take to resolve the concerns identified by the sponsor. If the agency does not agree that the protocol design, execution plans, data analyses are adequate to achieve the goals of the study or the reasons for the disagreements will be explained in the response.

3. Protocols that qualify for this program include: carcinogenicity protocols, stability protocols, and Phase 3 protocols for clinical trials that will form the primary basis of an efficacy claim. (For such Phase 3 protocols to qualify for this comprehensive protocol assessment, the sponsor must have an end of Phase 2/Pre-Phase 3 meeting with the regulatory division so that the agency is aware of the developmental context in which the protocol is being reviewed and the questions being asked.)

4. N.B. For products that will be using Subpart E or Subpart H development schemes, the Phase 3 protocols mentioned in this paragraph should be construed to mean those protocols for trials that will form the primary basis of an efficacy claim no matter what phase of drug development in which they happen to be conducted.

5. If a protocol is reviewed under the process outline above and agreement with the Agency is reached on design, execution, and analysis, and if the results of the clinical trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in part E or part H, the Agency will not later alter its perspective on the issues of design, execution, or analyses unless public health concerns unrecognized at the time of protocol assessment under this process are evident.

B. Performance goal

60% of special protocols assessments and agreement requests completed and returned to the sponsor within the time frames as defined herein (cohort year) starting in FY 1999; 70% in FY 2000; 80% in FY 2001; and 90% in FY 2002.

VII. ELECTRONIC APPLICATIONS AND SUBMISSIONS

The Agency shall develop and update its information management infrastructure to allow, by fiscal year 2002, the paperless receipt, processing, and review of INDs and human drug applications, as defined in PDUFA, and related submissions.
TRIBUTE TO WILLIAM D. MOORE

Mr. DODD. Mr. President, I want to take a moment to recognize the work of one of my constituents—William D. Moore of Old Saybrook, Connecticut. Bill left his post as Executive Director of the Southeastern Connecticut Chamber of Commerce this month and his work in that post deserves special recognition.

Bill has been at the helm of so many economic and development initiatives in the Southern portion of our state that it is hard to list all of them in this brief statement. But without a doubt, it is Bill's leadership through some of the most difficult economic times in our state that really stand out in my mind.

When the very first round of base closures were being proposed in the Pentagon in 1989, it was Bill Moore who literally held the line for Southwestern Connecticut. He recruited some of the most dynamic and brilliant minds in our state to come together and review every single document, every single calculation, and even the very computer model used to analyze the various Groton-New London regional facilities under the Defense Department's review. Bill created one of the most cohesive and effective team strategies ever presented to address the economic impact issues which clearly were not being assessed by the Pentagon.

Although not all of our efforts were successful, it was Bill's foresight and command presence that eventually led our team to victory in the fight to remove the New London Submarine Base from the Base Closure list in 1993. As a measure of credit, the Base Closure Panel's findings, and should not be used for assessing the consequences of immigration policies. This is a pretty clear statement that holds when those children are in migrant households are said to impose "considerable" cost to the nation, but fails to include the taxes they impose no additional costs." Immigrants also "contribute to servicing the national debt" and are big net contributors to Social Security.

Critics of immigration cite only the study's figures on the annual costs immigrant households are said to impose on natives. However, Lee testified that "These numbers do not best represent the panel's findings, and should not be used for assessing the consequences of immigration policies." This is a pretty clear statement that immigrants contribute to servicing the national debt, and are big net contributors to Social Security.
IMMIGRANTS BRING PROSPERITY
(By Spencer Abraham)

Critics of America’s immigration policy are attempting to reignite the heated debate that arose when President Clinton signed into law the now-defunct laws severely restricting legal immigration. Ironically, they are using as their vehicle a National Academy of Sciences study, released earlier this year, that was highly favorable toward immigration. Anti-immigrant writers and advocacy groups have engaged in a concerted effort to put a negative spin on the report. “The study highlights significant problems with immigration,” crowed the Center for Immigration Studies.

That just won’t wash. A recent hearing before the Senate Subcommittee on Immigration found that the study’s findings were even more positive than initial press reports indicated.

The most important finding of the NAS report is that an additional immigrant to the U.S. and all his descendants would actually save taxpayers $80,000 over the long run. Ronald Lee of the University of California, who was the report’s key fiscal analyst, notes that immigrant taxes “help pay for government activities such as defense for which net additional costs of immigrants also ‘contribute to servicing the national debt’ and are big net contributors to Social Security.”

Critics of immigration cite only the study’s figures on the annual costs immigrant households put on native-born Americans to believe that nearly everyone’s wages are significantly lower because of competition from immigrants. That is far from the truth. The study estimates that only two groups have seen their wages affected by immigration: those who immigrated a few years earlier, and native-born Americans who did not finish high school. Wages for these groups are about 5% lower than they would have been without immigration—a figure that drops to 3% if only legal immigrants are considered, according to Mr. Smith. Cutting legal immigration would have a “quite limited” effect even on this group’s wages, he said. “Fortunately,” he noted, “90% of Americans are not high school dropouts, so the percent of high school dropouts has been declining rapidly.”

Indeed, Mr. Smith added that competition from immigrants sends wage signals that encourage native-born Americans to stay in school.

“The competition from immigration for every native-born American can be easily exaggerated,” testified Mr. Smith. “To the extent immigrants do work different than native-born workers, immigration benefits them with growth in their other role as consumers of these now less-expensive goods and services.”

In short, the NAS study confirms what most Americans have known all along: Our tradition of welcoming immigrants pays off—for the immigrants and for the rest of us.

EXTENDING CERTAIN PROGRAMS UNDER THE ENERGY POLICY AND CONSERVATION ACT

Mr. BINGAMAN. Mr. President, the situation in which we find ourselves on this bill is a disgrace. The daily newspapers have been filled recently with stories of our developing political confrontation with Saddam Hussein. Just today, I understand all the American arms inspectors to have asked Iraq to leave the oil fields that only these oil companies have operated all of the time. There are dangers to those inspectors. There is a real risk that they will be harmed if they don’t have the right to operate in Iraq.

We have passed the requisite legal changes in both the last Congress and this Congress. These necessary changes have apparently been made a hostage to other, non-related issues. So we must pass the bill before us today, which is inadequate to our national security needs, or the President will also be without clear legal authorities to operate the Strategic Petroleum Reserve in case of an oil supply emergency.

I will vote for this bill. Mr. President, with extreme reluctance. But I hope that no one is under the illusion that it advances our energy security. Quite the opposite. The bill sent to us by the other Body will likely reduce our energy security, by inflicting long-term damage on the International Energy Agency. This is because failure of the bill to allow IEA to work with U.S. companies threatens to reduce the confidence of world oil suppliers in the United States, and in the IEA. The price of oil will go up, and that will come down on the world market. This will make a repeat of gas lines around the world which we have seen again have to experience the market refusal, for a third time now, to make
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the appropriate changes to EPCA? I believe that industry will see the passage of this legislation as a signal that the changes to U.S. law needed for their continued participation in the IEA will not be forthcoming in this Congress, if ever. Not of us would be surprised, then, when the comparison of cooperation with the IEA and start to reassess the personnel who previously worked on the issues of emergency preparedness and coordination.

The other Body to act on the needed antitrust exemption places the two most important parts of the program of the IEA for 1998 in serious jeopardy. I would like to describe these planned activities in a little detail, which will illustrate how our energy security will be diminished by this bill, even if a crisis in the Persian Gulf does not occur while we are out of session. First, IEA was planning to convene a global conference next year to discuss the future of emergency stocks. For the first time, China, India, and other Asian countries, which will be crucial players in any international oil emergency, would have been represented. This conference will be an important opportunity to convince them to develop their own emergency stockpiles, and will provide a venue for them to learn the practicalities involved in doing so.

The U.S. Government has contributed $500,000 towards holding this conference. Without the necessary antitrust exemption, though, the conference will likely be canceled, since the key players with expertise in creating and managing emergency stocks, the oil companies that operate in the United States, are precluded from participating under current law. I don’t see how that serves our national interests. Second, the IEA was also planning to hold, in 1998, the first drill in 5 years to exercise its emergency mechanisms. This is important, because two functions of IEA’s mechanisms in an actual emergency. In the last 5 years, most of the personnel with knowledge of what actually transpired during the Persian Gulf war on world oil markets have left the scene. It is past time that we have held an exercise to test our present capabilities to handle an emergency.

Next year’s exercise would also have been the first full test of the revised procedures put in place since the Persian Gulf war. Without the antitrust exemption, this exercise either cannot be held, or it must be limited to exercising only the obsolete IEA procedures for mandatory supply allocation. Industry interest in doing the latter is minimal, so the exercise will in all likelihood be canceled. Such an avoidable development is also not in our national interest.

If there were legitimate issues being raised by the other Body with respect to the broader legislation that is needed, we may be able to work out in conference. But the only action from the other Body to our requests for the legal changes needed to maintain our energy security, for the past 3 years now, has been to wait until the end of session, to pass a short bill extending the expiration dates in current law, and to leave town. I believe that our country has been poorly served by this inattention to our national security interests.

EXPLANATORY STATEMENT OF THE SENATE COMMITTEE ON AP-PROPRIATIONS

Mr. FAIRCLOTH. Mr. President, on Sunday, November 10, 1997, the Senate passed H.R. 2607, making Appropriations for the District of Columbia for fiscal year 1998. On November 10, 1997, under a unanimous-consent agreement, Senators STEVENS and BYRD were directed to file an explanatory statement on the District of Columbia Appropriations Act, 1998.

Earlier today, the Senate passed the appropriations bill for the District of Columbia. Senators STEVENS, BYRD, BOXER and I submit the attached bipartisan statement to accompany H.R. 2607, making appropriations for the District of Columbia for fiscal year 1998.

The statement follows:

EXPLANATORY STATEMENT OF THE SENATE COMMITTEE ON AP-PROPRIATIONS

The Senate Committee on Appropriations submits the following statement in explanation of the effect of the act of the House and Senate on the accompanying bill (H.R. 2607), which passed the House and the Senate.

The House- and Senate-passed bill on the District of Columbia Appropriations Act, 1998, incorporates most of the provisions of the Senate version of the bill and a number of provisions of the House version of the bill. The language and allocations set forth in Senate Report 105-75 should be compiled with specifically addressed to the contrary in the accompanying bill and statement.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The House amended the bill, which was passed by the House and Senate.

TITLE I
Management Reform—The bill provides $8,000,000 for a program of management reform for the District of Columbia. The Revitalization Act and the Management Reform Act, which were enacted in 1995, have created an opportunity for the District of Columbia to correct years of mismanagement throughout the District government. The Senate Appropriations Committee directed the District of Columbia Financial Responsibility and Management Assistance Authority (Authority) and numerous Congressional hearings. The District of Columbia Appropriations Act, 1998, provides $8,000,000 to the funding of the Management Reform Act of 1995, which established public charter school authority in the District, only three public charter schools have been opened to date. Public charter schools are one of two opportunities to inject competition among the educational choices available to parents in the District and to make significant improvements in the quality of education provided to children in the District of Columbia. The Committee is hopeful that the current charter school application process will produce more public charter schools in the District. It is also the hope of the Committee that the District of Columbia public charter school community will work together on solutions for the capital needs of public charter schools.

The bill provides $3,756,000 from local funds and $1,244,000 made available for District of Columbia public schools, for public charter schools. Of this
amount, $400,000 shall be available for the District of Columbia Public Charter School Board. The bill also establishes a revolving loan fund for current or new public charter schools. Schools are not allowed to operate on May 1, 1998, these funds shall be deposited in the revolving loan fund. In addition, the bill requires the District of Columbia public school authorities to report weekly to Congress within 90 days of enactment, on the capital needs of each public charter school.

The bill further provides that each public charter school authority may grant up to 10 charters per school year and may approve these charters before January 1 of the calendar year. The bill also provides the capacity to appoint and remove up to a third of the members on a charter school’s board of trustees from 7 to 15. The bill also allows an increase in annual payments to charter schools and board members for residential and nonresidential setting. Finally, the Committee agrees to require increasing the annual payment to charter schools to take into account leases or purchases of, or improvements to, the building facility of the charter school. The charter school must make its request for an increase in its annual payment by April 1 of the fiscal year.

Deficit Reduction and Revitalization—The bill approves the plans of the Mayor, District Council, and Combined Authorities to allocate $201,090,000 to the reduction of the District’s accumulated general fund deficit, capital expenditures, and management and productivity improvements. The bill directs the reduction of more than $150,000,000 be used for reduction of the accumulated general fund deficit. The Committee agrees to the deficit reduction and revitalization plan proposed by the District government and Authority in lieu of the House proposal for a District of Columbia Taxpayer’s Relief Fund and Deficit Reduction Fund.

Medical Malpractice Reform—The Committee notes with concern that the District of Columbia is one of the few jurisdictions in the country that has failed to enact medical malpractice reform. The continued increase in medical litigation in the district drives up the cost and reduces the availability of health care for all District residents and others who receive health care resources. The Committee directs the authority, in consultation with the Council, the Mayor, the Authority, and relevant Federal law enforcement agencies, to develop and implement a plan to end such activities and ensure that public spaces are safe and are enjoyable for all residents and others seeking legitimate recreation. The Committee further directs the MDH to adopt a zero tolerance enforcement strategy for public health emergencies within one year.

Performance and Financial Accountability Requirements—The bill includes the Senate provision amending the federal payment for the District of Columbia State Arts Fund and revising the authorization of appropriations for the District of Columbia, as it is throughout the nation. The first provision would increase the number of Alcohol Beverages Commission officers from three to seven and increase the emphasis placed on enforcement of laws prohibiting the sale of alcoholic beverages to minors. Currently, the D.C. Alcoholic Beverage Commission has just three inspectors. The Commission also has 12 inspectors in the field in addition to their chief, who also performs inspections of alcoholic beverage outlets. These four inspectors are responsible for monitoring over 1,600 alcoholic beverage outlets. In contrast, Baltimore employs 18 regular inspectors in addition to a number of part-time inspectors. It is illegal to purchase, possess, or consume alcoholic beverages in the District. In addition, the sale of alcoholic beverages to minors is prohibited. The Committee notes that these laws are not being adequately enforced.

The second provision calls for the General Accounting Office to conduct a study of the District’s alcoholic beverage excise taxes. The study should examine whether increasing alcoholic beverage excise taxes would be useful in reducing alcohol-related crime, violence, deaths, and youth alcohol use. The study will also explore whether alcohol is being sold in close proximity to schools and other public spaces in the District. These activities discourage visitors to the District, hamper economic and neighborhood development, and promote the growth of other criminal activities. The Committee directs the Metropolitan Police Department (MPD), in consultation with the Council, the Mayor, the Authority, and relevant Federal law enforcement agencies, to develop and implement a plan to end such activities and ensure that public spaces are safe and are enjoyable for all residents and others seeking legitimate recreation. The Committee further directs the MPD to conduct a study of the performance and financial accountability plans of the Mayor to the Authority. Responsibility for the financial accountability plan and report to the Authority is given to the Chief Financial Officer. In addition, the bill amends the dates for submission of the plans and report to Congress.

Section 139. This section contains a new provision that requires the Authority to submit to the Congressional committees of jurisdiction quarterly reports that include an itemized accounting of appropriated funds obligated or expended by the Authority for the quarter.

United States Park Police—The Committee agrees to the Senate recommendation for a $12,000,000 appropriation for the United States Park Police. The Committee intends that the appropriation in section 141 is new Federal funding authority and is not to be an offset against any existing appropriations. The Committee intends this appropriation as a separate appropriation to be available only for the United States Park Police operations in the District of Columbia.

District of Columbia Homeless Services—Section 140 of the bill provides that the District government maintain for fiscal year 1998 the same funding levels for the District’s homeless services as were provided in fiscal year 1997. Sections 141 and 145. The bill includes two provisions related to alcohol abuse, with a special emphasis on youth alcohol use, in the District of Columbia. The Committee recognizes that this is a serious problem in the District of Columbia, as it is throughout the nation. The first provision would increase the number of Alcohol Beverages Commission officers from three to seven and increase the emphasis placed on enforcement of laws prohibiting the sale of alcoholic beverages to minors. Currently, the D.C. Alcoholic Beverages Commission has just three inspectors in the field in addition to their chief, who also performs inspections of alcoholic beverage outlets. These four inspectors are responsible for monitoring over 1,600 alcoholic beverage outlets. In contrast, Baltimore employs 18 regular inspectors in addition to a number of part-time inspectors. It is illegal to purchase, possess, or consume alcoholic beverages in the District. In addition, the sale of alcoholic beverages to minors is prohibited. The Committee notes that these laws are not being adequately enforced.

The second provision calls for the General Accounting Office to conduct a study of the District’s alcoholic beverage excise taxes. The study should examine whether increasing alcoholic beverage excise taxes would be useful in reducing alcohol-related crime, violence, deaths, and youth alcohol use. The study will also explore whether alcohol is being sold in close proximity to schools and other public spaces in the District. These activities discourage visitors to the District, hamper economic and neighborhood development, and promote the growth of other criminal activities. The Committee directs the Metropolitan Police Department (MPD), in consultation with the Council, the Mayor, the Authority, and relevant Federal law enforcement agencies, to develop and implement a plan to end such activities and ensure that public spaces are safe and are enjoyable for all residents and others seeking legitimate recreation. The Committee further directs the MPD to conduct a study of the performance and financial accountability plans of the Mayor to the Authority. Responsibility for the financial accountability plan and report to the Authority is given to the Chief Financial Officer. In addition, the bill amends the dates for submission of the plans and report to Congress.

Section 139. This section contains a new provision that requires the Authority to submit to the Congressional committees of jurisdiction quarterly reports that include an itemized accounting of appropriated funds obligated or expended by the Authority for the quarter.

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TITLE II

Section 201 sets out the short title of the Act.

Section 202 establishes a mechanism for certain Nicaraguans and Cubans who have been present in the United States since 1965 to adjust to the status of lawful permanent resident.

Section 203 modifies certain transition rules established by IIRIRA with regard to suspension of deportation and cancellation of removal. The changes state that the "stop time" rule established by that Act in section 240A of the INA shall apply generally to individuals in deportation proceedings before April 1, 1997, with certain exceptions. They also state that the stop shall not apply to certain applicants for suspension of deportation. The exception includes certain Salvadorans and Guatemalans who were members of the ABC class or applied for asylum by April 1, 1990 and derivatives as specified in the statute, as well as applicants from the former Soviet Union and Eastern Europe who came here by December 31, 1990 and applied for asylum by December 31, 1991 and derivatives as specified in the statute. Section 203 also makes clear that in order to obtain cancellation of removal, individuals have to meet the standards laid out in that section, rather than the ones laid out in section 240A of the INA. Finally, the section provides for temporary protected status available under the "diversity" and "other workers" immigration categories, with the reduction in the latter to take effect after those in the backlog have been resolved.

Section 204 makes technical and clarifying changes to certain provisions in section 240A(e) of the INA.

HISTORIC TOWN HALL MEETING IN BILLINGS, MONTANA

Mr. BAUCUS. Mr. President, I rise today to recognize the accomplishments of one city in Montana in addressing the issues of gangs, violence, and kids.

On September 29, 1997, a historic town hall meeting took place in Billings, Montana. This cooperative and coordinated effort involved the mayor, school officials, and community leaders. It also involved a critical component: experts in addressing gang activity from Los Angeles. Together this effort created an hour-long video conference called "Gangs, Violence and Kids" that aired on every major media outlet in the Billings area.

This presentation incorporated a panel and studio audience format which brought in a cross-section of the population, including teenagers, represented in the region. Concerns were raised, perceptions were addressed, and issues were confronted in an honest and straightforward manner.

By no means an end to itself, this town hall meeting has launched a series of other hearings, a foundation, a mentoring connection and a pipeline of support for ongoing programs like the U.S. Department of Justice's Weed and Seed program for Billings and surrounding communities that has been established.

Beginning last week, a series of 30-second public service announcements were aired to address the issues raised in the town hall meeting. This campaign will contribute to the community's understanding of how these important issues affect all our neighborhoods. I especially appreciate the significant commitment by those who have agreed to continue in their role as advocates for change.

I am extremely proud of what Billings has accomplished and how its residents strive to respond to important issues. I hope my colleagues will agree that this successful effort in Billings is a model that can be duplicated in their community.

FUNDING FOR THE UNITED NATIONS

Mr. FEINGOLD. Mr. President, I want to express my disappointment that—due to compromises made during negotiations over three separate conference reports, the Foreign Operations Appropriations bill for FY 1997, the Commerce, Justice, State Appropriations bill for FY 1998, and the State Department Authorization Act for FY 1998–99—conferences were forced to trade away authorization and appropriations that would have cleared existing U.S. debt to the United Nations. As the Senate adjourned this year in recess, our moral and legal obligations to the United Nations were reduced, only a fraction of the $900 million in arrears payments that was originally proposed by the Senate Committee on Foreign Relations on which I serve was included in the CSJS appropriations bill.

Mr. President, the United Nations is not a perfect organization. I certainly have some real concerns about the size and extent of the UN bureaucracy, for example. Just as with any organization this big, we must be on guard against possible mismanagement or abuse, and certainly the U.N. system has had its possible mismanagement or abuse, and certainly the U.N. system has had its share of both.

But at the same time, I think that U.S. participation in the United Nations—with all the benefits and costs that membership implies—is an indispensable tool in this country's foreign policy bag. When it operates effectively, the United Nations provides a framework to serve U.S. interests at the same time that it achieves economies of scale.

Just this week, Mr. President, the United States is working within the United Nations to support a united front against the flagrant abuses of international law exercised by Iraq in recent weeks. Mr. President, if nothing else, the crisis in Iraq aptly demonstrates the value of the United Nations to our country.

I would make a similar point about the role the United Nations plays in peacekeeping operations. U.N. forces have participated in more than 40 peacekeeping operations around the world since 1948. Members of this body may disagree about whether or not each and every one of those was necessary, but when you look at places where the U.N. has been instrumental in maintaining cease-fires or providing humanitarian relief, it is clear that the United States can achieve its national interest goals at a lower cost to U.S. taxpayers than would be possible if the United States tried to do it alone.

Mr. President, during my listening sessions that I conduct in the 72 counties in the state of Wisconsin, I hear sympathetic words from my constituents about the need for the involvement of the international community in times of crisis. But they also express hesitation about sending their sons and daughters to fight in far-away conflicts.

The United Nations provides a mechanism through which the United States can contribute to international security without having to send our own troops every time there is a problem.

The U.N. reform and funding package that was agreed to in the Foreign Relations Committee was a carefully crafted compromise between those that would limit or eliminate U.S. participation in the United Nations and those that would like to see a fully funded and active United Nations.

But, Mr. President, due to the insincerity of some of our colleagues in the Senate, it appears that the moral and legal obligations of the United States to pay its debts to the United Nations have been sacrificed to serve an unrelated domestic interest.

The compromise package worked out in our Committee would have gradually decreased the amount of our assessed contribution to the United Nations from the current level of 25 percent, to 20 percent by fiscal year 2001. Assuming the budget for the United Nations remained constant, the time line set forth in this package could have saved the US taxpayer at least $375 million over the next four years from a combination of savings from the assessments and from budget discipline. It would have allowed us to continue our support of the United Nations, which I think is important, while at the same time achieving some real cost savings for the taxpayer.

Now, with authorization of repayment of these arrears in jeopardy, it remains unclear how the United States will manage to clean the slate with the United Nations.

Mr. President, I hope we will be able to resolve this issue when the Senate returns for the 21st session of the 105th Congress.

NATIONAL D-DAY MEMORIAL

Mr. WARNER. Mr. President, on Tuesday, I was privileged to attend the dedication of the National D-Day memorial. Located in Bedford, VA, among the grandeur of the Blue Ridge Mountains, this memorial truly dignifies those who participated in the historic military operations of June 6, 1944.

As many of my colleagues may recall, there had not been a national memorial honoring those who served in
the D-Day operation. Last year, I of-

fered legislation to establish the Na-
national D-Day Memorial and, again, I
thank my colleagues for supporting
that legislation.

Gov. George Allen of Virginia, Col.
Robert A. Doughty, and Col. William
McIntosh each spoke eloquently on the
D-Day operation and the importance of
the National D-Day Memorial. I am
submitting the text of their remarks and
the schedule of the ceremony for the
RECORD.

I invite my colleagues to review these
remarks.

The remarks follow:

GROUND BREAKING FOR THE NATIONAL D-DAY
MEMORIAL, TEN O’CLOCK, TUESDAY, NOVEM-
BER ELEVENTH, NINETEEN HUNDRED AND
NINETY-SEVEN

March Slav, Tchaikovsky—Jefferson Fore-
est High School Band; Forest, Virginia;
David A. Helm, Director.

Invocation—Rabbi Tom Gutherz, Agudath
Sholom Synagogue, Lynchburg, Virginia.

Presentation of the Colors—US Marine Corps
Color Guard, Company B, 4th CEB; Ro-
anoke, Virginia.

The Star Spangled Banner—Harmony Chor-
al Group, Liberty High School; Bedford,
Virginia; Terry P. Arnold, Director; Jeffer-
sen High School Band.

Posting of the Colors—Color Guard.

Preamble—COL William A. McIntosh, USA
(Ret.), Director, Education, National D-
Day Memorial Foundation.

Welcome—John R. Slaughter, Chairman,
National D-Day memorial Foundation.

Greetings from Abroad—Josh Honan,
President of D-Day Association, Ireland.

D-Day Then, Now, and Tomorrow—COL
Robert A. Doughty, Head, Department of
History, US Military Academy.

Congressional Salutations—Honorable Vir-
gil H. Goode, Jr., House of Representatives,
Washington, DC, Honorable Bob Goodlatte,
House of Representatives, Washington, DC,
Honorable Charles S. Robb, The United
States Senate, Washington, DC, Honorable
John Warner, The United States Senate,
Washington, DC.

The Virginia Commonwealth’s Welcome—
The Honorable the Governor of Virginia
George Allen, Jr.

Groundbreaking—Richard B. Burrow, Ex-
cutive Director, National D-Day Memorial
Foundation.

Retirement and Removal of the Colors—
Color Guard.

 Benediction—The Rev. J. Douglas Wigner,
Jr., Rector, St. Paul’s Episcopal Church;
Lynchburg, Virginia.

The Stars and Stripes Forever, Sousa—Jef-
ferson Forest High School Band.

STATEMENT OF PURPOSE

By Col. William A. McIntosh, USA (Ret.)

The National D-Day Memorial Founda-
tion's strength, both institutionally and
operationally, is closely tied to a conscious
and deliberate commitment to its mission, a
statement that bears repeating here: The
purpose of the National D-Day Memorial
Foundation is to memorialize the valor, fi-
delity, and service of the Allied Armed
Forces on D-Day, June 6, 1944. Its specific
mission is to establish in Bedford, Virginia,
and maintain for the nation, a memorial
complex, consisting of a monument and edu-
cation center, that celebrates and preserves
the legacy of D-Day. Its operational objec-
tives are to ensure the operation, integrity,
and security of the D-Day Memorial Com-
plex; to sponsor innovative commemora-
tions, educational programs, projects, and

exhibits, that foster an awareness of D-Day's
historical significance; and to seek and pro-
vide educational opportunities that will pre-
serve, for present and future generations, the
meaning and legacy of the morning of June 6.

Our immediate focus, to which today's
ceremony bears witness, is on construction of
a monument. And so it should be. But, as
these remarks indicate, on the long-term focus
of this enterprise is education. It is through
education—ultimately, only through education—that a memorial
maintains its meaning. It is to say nothing what-
ever of its immediacy.

The older generations know why they are here;
those less old feel they should be here but are
perhaps less sure why; most of the youngest
are here because someone brought or compelled
them. A few of those children will participate with the assembled
audience in the actual groundbreaking.

That intergenerational participation, sym-

colic on one level, will have been real enough
by ceremony's end. And no one will leave this
place without knowing why this event has
taken place or, finally, why he or she came.

In warranting the National D-Day Memo-
rial to rise up outside Washington—to take
root on the same heartland soil that once
noticed that every man who set foot on
the day by the slimmest of margins." Brad-
somber. Nor should those who lived to carry
honored. They should never be forgot-
ted. As the inscription in the Nor-
morial suggests, let us always re-
member the spirit of their.

MEMORIAL OF D-DAY

(By Col. Robert A. Doughty, USA)

During the twentieth century, American
armed forces have often used the generic
term "D-Day" to indicate the date a mili-
tary operation took place. By using the
term D-Day commanders and planners could
orchestrate the logical, sequential arrival of
units and equipment. Planners could antic-


defense of liberty in times of war and peace. And on this Veteran’s Day, we honor those especially courageous patriots who—on that gray, windy and fateful morning on the coast of Normandy—began their mission work through the eradication from Europe of the hateful plague of Nazism, fascism and totalitarian dictatorship.

It is highly appropriate that this National D-Day Memorial should find its home in Bedford, Virginia. As vividly described by Colonel Doughty, United States and Allied soldiers stormed Omaha Beach at dawn June 6, 1944. And brave men from Bedford County spearheaded the five landings among the greatest military feats in the annals of world history.

Virginia remembers with pride the noble legacy of the 29th Division, especially the citizen-soldiers of the imperishable “Stone-wall Brigade” who waged, scambled, fought and overcame entrenched forces on high, formidable bluffs. While there has washed away the blood of our fallen heroes from the beaches and cliffs of Normandy, Time has not washed away, and must not dim, our memories of those horrifying—and how they fought, how they died; and how they won freedom for the people of Europe and the world.

Whether by hard-fought victory or through steadfast vigilance, each generation passes on to the next lessons: lessons in the somber times high price of freedom.

This Memorial will be a thoughtful, magnificent tribute to the Americans and Allies who began the liberation of the European continent during that “Longest Day.” Right here in Bedford, Virginia, people from around the world can—and will—come to visit, learn and pay their respects to heroes of unselfish character and undaunted courage.

This Memorial will add meaning to the strong, silent testimony of those men who lost their own future in making secure for others the responsibilities and opportunities that come from freedom.

By breaking ground for this National D-Day Memorial, each of us is helping to ensure that the eternal flame of freedom will never be extinguished by force from without or by neglect from within.

Through the hard work of so many, we are bequeathing to our children a greater appreciation and respect for the many blessings of liberty, and a better understanding of their responsibilities and opportunities that come from freedom.

In closing, I pray God will continue to bless Virginia and the United States with liberty, and a better understanding of their duties and responsibilities to their 100th anniversary.

THE COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS BILL

Mr. GREGG. Mr. President, I would like to take a few minutes at this time to especially thank my staff, headed by Jim Morhard, and so many other members of the staff on both the Democratic and Republican side, who have spent literally hours, including all the hours of last night and many other evenings, but the entire night, getting this bill into a position where it could be passed. It is, as it appears to be, the last piece of legislation to be passed by the Senate and the House, and, as such, it has had more than its fair share of issues attached to it. But as a result of the diligent and extraordinary work of the staff, both the Democratic and Republican staff, I believe, close to successful conclusion, and I anticipate that the House will soon be passing it, and it will be, as we have just agreed to here in the Senate, deemed passed.

The bill itself is a very strong piece of legislation. It makes an extraordinarily aggressive commitment to supporting and expanding our efforts in the area of law enforcement, in the area of trying to stop the drugs that are flowing into this country, in protecting our borders and expanding our efforts to make sure that people who are convicted, especially of violent crimes, are incarcerated and kept in prison.

It has a very strong commitment also to prevention activities in the area of our justice system. Special emphasis has been put on the violence-against-women initiative which is funded at $270.7 million in this bill, an increase of almost 55 percent in this category since I became chairman in 1995.
Also, we have put a special emphasis on attempting to address the problems of the Internet relative to child pornography and, unfortunately, the fact that many pedophiles—people who wish to harm our children—are using the Internet to pursue their predatory desires. We have continued, we have expanded, and expanded the FBI's initiatives in things like "Innocent Images" which is a sting program to try to catch pedophiles and child pornographers. We expanded the local and state law enforcement communities, and I think we have experience in this area and can take advantage of the protocols set up by the FBI.

Further, we recognize that juvenile crime is one of the greatest problems in the country today, and we have attempted to address that through the expansion of the juvenile justice programs, especially the preventive programs. I see Senator COATS here on the floor, who has been a force of immense energy in trying to address juvenile prevention programs, such as Big Sister/Big Brother, and Boys and Girls Clubs, which is funded under this program. We have also created a new block grant, the purpose of which will be to communities in the area of juvenile justice. This block grant is aggressively funded with $250 million.

There is, in addition, a comprehensive effort—it is a continuing effort—to address terrorism activities and to pursue an aggressive policy of counterterrorism. We all recognize, especially with the events of the last few days that have occurred in Pakistan, that Americans are at risk overseas. They are also, regrettably, at risk in our own country. We have seen two trials just recently completed, one involving the New York Trade Center, the other involving a shooting outside the CIA. Counterterrorism requires that we have a coordinated effort and that we have a strong law enforcement element in that coordinated effort, and this bill pursues both those activities.

Senators who represent States along our border, our southern border especially, have found very serious problems in the area of drug enforcement and in the area of illegal immigrants coming across the border, so we are dramatically expanding the number of INS border patrols in this bill, increasing them by 10,000; including $250 million in new initiatives to try to restore the integrity of the naturalization process, which unfortunately has fallen on hard times, to say the least. That may not be the best description of it, in fact, because the system has so collapsed. This bill puts the dollars necessary to give adequate support to the INS, and also it dramatically expands the Border Patrol efforts so that States like, especially, Texas and Arizona, which need additional border patrols, will have them.

It significantly expands our efforts in the area of NOAA activities. This is one of our premier national treasures in the area of research and technology, the National Oceanic and Atmospheric Administration. It is an organization which has cutting-edge knowledge in a variety of areas, but especially in the prediction of our weather. We aggressively pursue the expansion of our efforts in further research and information areas.

We give our judges a cost-of-living increase, something they deserve. This bill covers a lot of different jurisdictions, as is known by most of the Senate. One of the things that has attracted much attention is the fact that it covers the judicial branch of our Government. We are going to try to help the Supreme Court out and renovate the Supreme Court building, but at the same time, we are going to give our judges a reasonable cost-of-living adjustment.

In the area of the State Department, we concentrate aggressively in trying to get their physical house in order. It is really a national disgrace, the type of cuts and very few overseas personnel are asked to use. We still have dial phones in some embassies that we fund around the world. Many of our facilities are simply decrepit and rundown. We have made a major commitment to rehabilitate our facilities around the world and to expand the communication and technology attributes of the State Department.

In addition, we are making a major commitment to the personnel of the Defense Department. I believe they and their families deserve our support, especially in the area of giving them adequate security. We aggressively pursued that. Other agencies, the Small Business Administration, FCC, PTC, all of which are covered by this bill, are also aggressively addressed. We do all this in the context of a bill that, although it spends a considerable amount of money, over $31 billion, spends less than the President requested and is clearly within the budget, which is a balanced budget, I would note, as a result of the budget passed by this Congress.

So, again, I thank the staff for their extraordinary work in this area. I appreciate especially the assistance of the leader in allowing us to get this bill finally resolved. Without his intervention at a number of critical stages, it would not have been pulled together. I very much thank him for his assistance in this.

I also especially want to thank my ranking member, Senator HOLLINGS, who is really a great fellow to work with. He has a tremendous institutional history of how this committee works, and where the funding comes from, and what has happened in the past. His counsel has always been extraordinarily useful to me.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOT. Mr. President, I extend my congratulations to the Senator from New Hampshire for his work on this very important appropriations bill. I should note it is the 13th and final appropriations conference report, the last one across the line, but a big one and an important one—Commerce, State, and Justice and related agencies. It also became a vehicle for a number of Senate initiatives to address problems, as it was the last conference report to go through the Congress. It was quite a struggle, but an important one. I commend the Senator from New Hampshire for his good work. I should also note that he received the ranking member, the Senator from South Carolina. I thank the Senator for his work. I am glad we had our colleagues from the other side of the Capitol also work with us on this effort, which was a very interesting experience.

Mr. BIDEN. Mr. President, I come to floor today to discuss the new juvenile justice grant program contained in the appropriations bill for the Commerce, Justice, and State Departments. Of course, I would have preferred the appropriators to defer to the Judiciary Committee, which considered juvenile crime legislation for over a month and reported a bill to the Senate floor, so we could have a full debate and develop effective, comprehensive juvenile crime legislation.

That said, I am pleased that the conference report addresses one of my primary concerns by relaxing the mandatory funding condition that would have required States to try more juveniles as adults to qualify for federal funding.

Recall that the juvenile crime bill passed by the House of Representatives last spring would have disqualified States from receiving federal funds unless prosecutors had completed discretion to try certain 15-year-olds as adults. Similarly, as originally introduced, the Senate Republican's youth crime bill—S. 10—would have required States to give prosecutors unfettered discretion to try 14-year-olds as adults, even for minor crimes, to qualify for funding. S. 10 as passed by the Committee loosened this restriction substantially, by enabling States to qualify for funding so long as 14-year-olds were eligible to be tried as adults for serious violent crimes, which they already are in almost every State.

Similarly, the new program contained in the appropriations bill passed by Congress today does not require States to change their laws on trying juveniles as adults. All a State must do to participate in the new program is to certify that it is "actively considering" such changes in policy. So, a State can say, "we're going to think about it," introduce legislation but not enact it, or even reject legislative changes and still qualify for the new federal youth crime fighting funds.

I support this relaxation from the earlier proposals because trying more juveniles as adults is likely to be counterproductive. The research shows that juveniles tried in the adult system are...
Because of all the new requirements on Control Act of 1997, although that bill program in H.R. 3, the Juvenile Crime Accountability Incentive legislative language to create a new youth violence legislation next year. In the new program when we consider for juvenile crime fighting efforts. I do not result in very much funding for that flow through local governments funding for juvenile prosecutors. Past program will not result in sufficient tem improvements. requiring that all the funds be spent on message to our States and localities by having to combine tough enforcement crime prevention programs. Police chiefs and prosecutors around the country are enthusiastic that to be effective in combating juvenile crime we have to combine tough enforcement with effective prevention programs. The new block grant sends the wrong message to our States and localities by requiring that all the funds be spent on enforcement and juvenile justice system improvements.

I am also concerned that the new program will not result in sufficient funding for juvenile prosecutors. Past experience has shown that block grants that flow through local governments do not result in very much funding for prosecutors offices. In the Senate youth crime bill, we have established a grant program—albeit an underfunded one—that would provide federal funding directly to prosecutors specifically for juvenile crime fighting efforts. I will work to fix these and other flaws in the new program when we consider youth violence legislation next year.

Mr. LEAHY. Mr. President, I want to let you know that I have reviewed the hundreds of pages of provisions on appropriating federal funds on existing programs in this conference report is legislative language to create a new $250 million grant program, called the Juvenile Accountability Incentive Block Grant. This newly authorized program is based on the block grant program in H.R. 3, the Juvenile Crime Control Act of 1997, although that bill have not passed or even been consid- ered by the Senate.

This new program sounds great until you look at the proverbial fine print. Because of all the new requirements on the States this is just a tease—many States won’t qualify for a penny of this money under H.R. 3 as passed by the House of Representatives on May 8, 1997. For instance, H.R. 3 mandates that a state must set up a new system of tracking juvenile to juveniles that is equivalent to the record keeping system for adults for similar conduct under state and Federal law to be eligible for this block grant. Many states would be forced to make consider- able changes to their laws to comply with this mandate. And the cost of complying with this mandate, which would require capturing records for minor juvenile offenses too, is totally unknown.

My home state of Vermont, for example, would not qualify for the block grant in H.R. 3, even though my State has some of the toughest juvenile crime laws in the country, and has the lowest juvenile violent crime rates in the country. Massachusetts will not qualify either, even though that State has made enormous progress in reduc- ing its violent crime problem. Our two States must be doing something right.

I ask why we are being forced to take up the ill-considered H.R. 3 block grant bill to make such a flawed program work. Is it because the Republican leadership says so. Otherwise, they might miss out on claiming credit in connection with fighting juvenile crime before Congress adjourns. I guess in their minds nothing happens that does not involve their political agenda. Fighting juvenile crime should not be about politics. Unfortunately, this heavy-handed effort is purely partisan. For a group that preaches states’ rights, the Republican leadership has no trouble tram- peling the hard work and insight of 50 state legislatures who have enacted juve- nile crime legislation. H.R. 3 is a pre- sumptuous attempt to have the heavy hand of the federal government dictate state criminal justice policy. This is the wrong way to craft serious legisla- tion.

The Senate Judiciary Committee spent eight mark-ups over two months earlier this year in crafting its juvenile crime bill, the “Violent and Repeat Juve- nile Offender Act of 1997,” S. 10. Why did Chairman HATCH and the other members of the Judiciary Committee work so hard to try to craft a bill if the Republican leadership is just going to force this bill into the final version of the spending bill at the last minute before Congress adjourns for the year? Every Member of the Judiciary Committee worked many hours to revise S. 10 before it was reported by the Committee to the full Senate. This bill still has major problems but is much improved because of that deliberative legislative process and much better than its House companion, H.R. 3. I am hopeful that S. 10 can be further improved on the Senate floor.

This juvenile block grant approach is flawed and would benefit from atten- tion through the normal legislative process of hearing, public comment, re-

view. Committee consideration, amendment and report. Senate action and House-Senate conference. Instead, the Republican leadership is trying to force this flawed block grant through the Senate.

Fortunately, we in the Senate have been able to modify the flawed block grant program in H.R. 3 to make it tolerable before it was included in this appro- priations bill. I want to thank the Ranking Member of the Senate Appro- priations Subcommittee, Commerce, Justice, State and the Judiciary, Senator Hollings, and the Subcommittee’s Chairman, Senator Gregg, for working with me, Senator Biden, and other Members of the Senate Judiciary Committee.

Our modifications make it clear that every state is eligible for the juvenile crime block grant program in this con- ference report. To qualify for the block grant program in this conference re- port, the Governor of a State may certify to the Attorney General of the State that the State will consider legislation, policies and practices which if enacted would qualify the State for a grant under H.R. 3. Governor Dean of my home State has indicated to me that he is working with the Attorney General to make Vermont eligible for this block grant. We have also limited this pro- gram to the 1998 Fiscal Year and made it subject to future authorization legis- lation.

Mr. President, I stand ready to work with my colleagues on both sides of the aisle and in both houses of Congress to enact carefully considered legislation to reduce and prevent juvenile crime. But this hastily conceived block grant approach as part of this appropriations bill is the wrong way to achieve those goals.

Mr. HOLLINGS. Mr. President, I’m pleased to join our Subcommittee Chairman, Senator Gregg, in pre- senting this Fiscal Year 1998 Com- merce, Justice, and State, the Judici- ary and Related Agencies Appropriations Conference Agreement to the Senate. This is a good agreement that has been worked out in a bipartisan fashion. It has taken us over six weeks of negotiations with the House to reach consensus. I should note that the Senate passed our version of the bill back on July 29 by a vote of 99 to 0.

In the Commerce, Justice, and State appropriations bill we fund programs ranging from the FBI to our State Department embassies overseas, to fisheries research and the National Weath- er Service, to the Supreme Court and the Federal Communications Commis- sion. It requires a balancing act of the priorities of the Nation, of the some- times shared and, as we have seen in this conference, more often competing interests of our colleagues here in the Congress, and the priorities of the Ad- ministration—all of which confines of our 302(b) allocations. I think Chair- man Gregg and his able staff—Jim Morhard, Kevin Linsky, Paddy Link, Dana Quam, Carl Truscott and Vasili
Alexopoulos—have done an outstanding job in balancing these interests in their work with our counterparts on the House Appropriations Committee. In the face of a very involved House Republican leadership and an administration that tried to give away the store in an omnibus bill, we have held our own—and I fully support the agreement that we are considering today.

In total, this bill provides $31.777 billion in budget authority, $158 million more than the Senate-passed bill. We have $1.881 billion more than was appropriated last year, and the bill is $275 million below the President’s request.

Once again, the CJS appropriations bill makes it clear that Congress is intent on funding Justice and law enforcement as a top priority. This bill provides appropriations totaling $17.5 billion for Justice—an increase of $1 billion above last year for the Justice Department. Including fees we provide the President’s full requested appropriation, the Justice Department budget is $19.5 billion.

Within the Justice Department, the FBI is provided $2.9 billion. Included in this is a large increase of $149 million for training and its counterterrorism activities. This amount includes $54 million to acquire counterterrorism readiness capabilities for responding to and managing incidents involving improvised explosive devices, chemical and biological agents, and explosive attacks. Also, $10 million is provided to stop child exploitation on the Internet, a new issue affecting our youth that this Committee held a special hearing on earlier this year. We have provided enhanced funding to reinvigorate our battle against organized crime and to combat the La Cosa Nostra’s efforts to penetrate the securities industry. Finally, we have provided $44.5 million which will complete the new FBI laboratory in Quantico, Virginia.

The Drug Enforcement Administration is funded at $1.1 billion. Included in this amount is $34 million for 60 new agents, $30 million for counter-drug efforts along the Southwest border, $11 million targeted for methamphetamine production and trafficking, and $10 million and 120 positions for efforts to reduce heroin trafficking—all priorities of the Senate.

Also in Justice, the bill enhances INS border security by recommending 1,000 new Border Patrol agents, restoring the integrity of the naturalization process, and expanding revocation, incarcerations, and deportation activities. The INS is funded at $3.8 billion. A program that most members have been hearing about from their constituents is the extension of 245(i). The conferences have adopted a “grandfathering” clause that would allow 245(i) processing for anyone who has filed with the Attorney General or for labor certified workers. As with the Department of Labor by January 14, 1998.

The CJS bill also provides funds to accelerate and expand efforts by U.S. Attorneys to collect the estimated $34 billion in unpaid child support. I’m especially pleased to note that an increase of $8.3 million is provided to activate the new National Advocacy Center in my home state. This center will provide training in its child advocacy to U.S. Attorneys and State and Local Prosecutors. It will be to the U.S. Attorneys what Quantic is to the FBI and DEA. Finally, we have included $1 million for our U.S. Attorney Rene Josey to continue his outstanding violent crime task force efforts with our state and local law enforcement personnel.

The conference agreement provides $1.4 billion for the Community Policy program and continues our commitment to put 100,000 cops on the beat. I’m especially pleased to note that we have included $100 million for an innovative program that addresses COPS retention issues in smaller communities with populations below 50,000. In these small rural communities the COPS program has been especially effective. I’ve seen it first hand in communities across South Carolina, and I’m pleased that the House and Senate conferees were willing to support my initiative.

Additional programs to note with Justice include: $25 million for the Regional Information Sharing System (RIS/S); $565 million for the Edward Byrne Memorial Grant Program and $523 for the Local Law Enforcement Block Grant Program; $30 million for Drug Courts; $238.6 million for juvenile justice prevention programs including $25 million to combat underage drinking of alcoholic beverages. This last program was offered as an amendment to the bill by Senator BYRD, Senator HATCH and myself last summer. $271 million provided for Violence Against Women Programs. $556 million is provided for State Prisoner Reentry Grants, and $585 million is provided for the State Criminal Alien Assistance Program.

Finally, let me point out that this agreement includes $250 million for a new Juvenile Accountability Incentive Block Grant. I know that there is some controversy among my colleagues because we have provided this funding even though the House and Senate have not collectively completed action on a juvenile justice program. Our program provides for such programs as: building, expanding or operating juvenile detention and corrections facilities; hiring additional juvenile judges, probation officers and court appointed defenders; drug courts; and hiring prosecutors. We have provided that these funds are available to states and local governments that consider the reforms provided for the House-passed bill. We have also provided that no state receive less than .5 percent. Everyone should be clear, that we are providing this as a stop-gap measure until the Senate is able to pass a juvenile justice bill. The bill language in this conference agreement makes it clear that these conditions are only for fiscal year 1998, and will cease upon enactment of a new Juvenile Justice authorization bill.

In funding the Commerce Department, our bill provides $17 billion, an increase of $422 million over this year’s enacted amounts. There are a number of accounts in Commerce that are worth noting.

The International Trade Administration has been allocated $203 million this year, and it’s four program activities are funded at the following levels: Trade Development is at $59 million; Market Access and Compliance has a total of $17.3 million, which is an increase from last year; the Import Administration ends up at $28.7 million; and the U.S. and Foreign Commercial Service is given $171 million, an increase of almost $8 million from last year.

The Bureau of Export Administration is given $43.9 million this year. Our agreement on BXA has some components that should be of no surprise to those familiar with this program. We’ve funded BXA to continue their counterterrorism activities, to address the new export control responsibilities that were transferred to them from the Department of State, and to begin activities related to their responsibilities under the Chemical weapons Convention Treaty.

The Commerce Department Administration, a favorite of many of my colleagues, is at the higher house level of $340 million, including $178 million for Title I Public Works program, $30 million for Title IX Economic Adjustment Assistance, $9.1 million for technical assistance, and $9.5 million for trade adjustment assistance.

The bill funded the largest account in the Department of Commerce, NOAA, at $2 billion, slightly below the higher Senate number. This includes $251 million for the National Ocean Service, $346 million for the National Marine Fisheries Service, $277 million for Oceanic and Atmospheric Research activities, and $520 million for the National Weather Service. One thing NOAA isn’t lacking is in the number of programs it funds. To mention a few, it should be noted that we’ve provided NOAA with $3.5 million for pfiesteria and algal bloom research, a new problem that we became aware of just a few months here on the East Coast. We also gave the National Ocean Service $41 million for mapping and charting so it can meet its long-term mission requirements to examine ocean activities. The popular Sea Grant program has been continued at $56 million, funds have been allocated to study that omnipresent El Nino, and continued support is given to our National Weather satellites.

I am especially pleased that we have included $1 million for our new Ocean Policy Commission, the first serious look at our ocean policy and NOAA since the Stratton Commission in the
late 1960’s. I’ve talked with Dr. Baker at NOAA, Admiral Watkins, and Dr. Ballard—and we all believe that it is time to reinvigorate our ocean programs and put the “O back in NOAA.” You know, we all spend so much time looking upward to the sky, and we have a little robot up there, a little robotic robot on Mars. Yet 75% of our planet is ocean, and our exploration of it is woefully lacking.

The bill, the Commerce Department this year and the political issue that consumed our bill, the Census Bureau, is provided with $550 million, which is an increase of $326 million. But funding wasn’t the issue of controversy. Rather, we had a sticky situation to work out regarding the fate of the 2000 Decennial Census in terms of whether statistical sampling could be used for the last 10 percent of the population. The Census language that was finally agreed upon over the last few days is a compromise agreement between the White House and GOP leadership in the House which allows the Commerce Department to move forward with its efforts to plan for and conduct the year 2000 decennial census. The agreement seeks to ensure that the Federal Courts will rule on the constitutionality of using statistical sampling prior to the next census by creating expedited judicial review proceedings, and it establishes a Census Monitoring Board that will observe and monitor all aspects of the preparation of the 2000 census, including dress rehearsal.

Now for the remaining programs in Commerce—the Patent and Trademark Office was provided with $716 million, including fees; we have been hearing from the Inspector General of Commerce about poor management, and out there and we are going to take a close look at PTO programs next fiscal year. With respect to the National Institute of Standards and Technology, NIST, it is funded at $133 million and the Advanced Technology Program [ATP] is funded at $75 million. I’m especially pleased that the conference adopted language that I proposed that requests the State Department to send a reprogramming to ensure that the United States maintains its vote in international organizations. With respect to organizations like the International Rubber Organization [INRO] we are hurting U.S. business and prestige by maintaining shortfalls. We are letting other third world nations dominate and have put the creditworthiness of the United States in a position along with the Ivory Coast and Nigeria. We need to keep current and keep our seat at the table.

Other provisions within this Title of the bill include $1.1 billion for United States Information Administration [USIA]. Under the USIA account, the National Endowment for Democracy is funded at $80 million, the East-West Center is provided with $12 million, the North-South Center is 1.5 million, International Broadcasting is $364 million, and Educational and Cultural Exchange programs are $198 million without the Senate-passed overhead certification requirements. Additionally, $41.5 million is provided for Arms Control and Disarmament Agency [ACDA].

In the Related Agencies Title of our bill, it should be noted that the Maritime Administration was funded at $138 million, with a level of $35.5 million for the Maritime Security Program; the Small Business Administration was funded at $125 million; and for the non-credit programs, the bill provides $500,000 minimum level for all Small Business Development Centers; the Federal Trade Commission is funded at $106.5 million; and Legal Services Corporation is at $283 million, including Senator WELLSTONE’s floor amendment which ensures that income eligibility determinations in cases of domestic violence are made only on the basis of the assets and income of the individual.

Finally, on a separate but related note, I would like to take a moment to address a matter of importance regarding the Federal Communications Commission, which is provided for this Commerce, Justice, Agriculture Appropriations Bill. On July 1, the interstate access fees paid by long distance companies to connect their customers to the local telephone companies’ networks were reduced by over $1.5 billion annually. AT&T and MCI responded to these reductions by announcing plans to pass these savings to their customers.

AT&T committed to reduce its day and evening rates by 5 and 15 percent, respectively, on July 15. One of the news services reported that AT&T’s residential customers would save $600 million and business customers would save $300 million annually. Similarly, MCI announced it will pass along these savings to customers as well.

In the past, AT&T was regulated as a dominant carrier and regularly filed its tariffs with the Federal Communications Commission thereby providing the necessary verification of these types of savings for consumers. With AT&T now being a non-dominant carrier, it no longer has to file data with the Commission to justify its rates. There is some concern that the tariffs that AT&T and MCI have filed with the Commission do not contain a sufficient analysis to demonstrate the amount of the long distance price reductions have been passed on to consumers. At a minimum, the Commission should verify that amount of access charge reductions pledged by these carriers are passed on to consumers.

The Commission should take whatever steps it deems necessary to ensure that these carriers furnish sufficient data to verify that consumers have indeed benefited from access charge reductions. The Commission should also make clear that the Commission, and ensure that the benefits of these reductions are not reversed by subsequent increases.

Ensuring that the long distance carriers make good on their commitment to flow through access charge reductions to consumers in the form of lower long distance rates is an important issue that should not be overlooked by the Commission.

Mr. President, this is a good bill and I support it. We have had to make some tough decisions, but under the able leadership of Chairman GREGG and his staff, I think we have made the right decisions. Senator GREGG has really taken hold of this bill this year. And, of course, I want to thank my...
Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 271, S. 1371.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk read as follows:

A bill (S. 1371) to establish felony violations for the failure to pay legal child support obligations, 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. KOHL. Mr. President, let me take a moment to explain the Deadbeat Parents Punishment Act of 1997, which I introduced with Senator DEWINE and which I drafted with the help of the administration. This measure toughens penalties for the willful nonpayment of support obligations. It ensures that more serious crimes receive the punishment they more severely deserve. And, Mr. President, this measure sends a clear message to deadbeat dads and moms: ignore the law, ignore your responsibilities, and you will pay a high price. In other words, pay up or go to jail.

When Senator SHELBY and I introduced the original Child Support Recovery Act, we knew that Federal prosecutors had a role to play to keep these delinquent parents off our streets and later, and I would argue moral, responsibilities. It has been estimated that if delinquent parents fully paid up their child support, approximately 800,000 women and children could be taken off the welfare rolls. In fact, Mr. President, since that legislation was signed into law in 1992, over 386 cases have been filed, resulting in at least 165 convictions to date. And not only has that law brought about punishment, but it has also brought about a new way to evade child support that has increased by nearly 50 percent, from $8 billion to $11.8 billion, and a new national database has helped identify 60,000 delinquent fathers—over half of whom owed money to women on welfare. The Child Support Recovery Act was signed into law by the President in November 13, 1997.

Mr. President, I believe that making deadbeat parents punish themselves for the failure to pay child support should be a priority. The current law is inadequate, but the Deadbeat Parents Punishment Act of 1997 will make a difference in the lives of families across the country. I thank my friend from Ohio, and this bill's original cosponsor, Senator DEWINE for his efforts on behalf of children and families, and I commend my colleagues in the Senate for passing this important message. I look forward to this measure quickly passing the House and being signed into law by the President.

Mr. President, I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

The bill addresses the law enforcement and prosecutorial concern that the current statute does not adequately address serious cases that involve nonpayment of support obligations. For such offenses a maximum term of imprisonment of just six months does not meet the sentencing goals of punishment and deterrence. Aggravated offenses, such as those involving parents who move from state to state to evade child support payments, require more severe penalties.

Section 2 of the bill creates two new categories of felony offenses, subject to a two-year maximum prison term. These are: (1) traveling in interstate or foreign commerce with the intent to evade a support obligation, if the obligation has remained unpaid for a period longer than one year or is greater than $5,000; and (2) willfully failing to pay a support obligation regarding a child residing in another state if the obligation has remained unpaid for a period longer than two years or is greater than $10,000. These offenses, proposed U.S.C. 228(a) (2) and (3), indicate a level of culpability greater than that reflected by the current six-month maximum prison term for a first offense. The level of culpability demonstrated by offenders who commit the offenses described in these provisions is akin to that demonstrated by repeat offenders under current law, who are subject to a maximum two-year prison term.

Proposed section 228(b) of title 18, United States Code, states that the existence of a support obligation in effect for the time period stated in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support
obligation for that period. Although "ability to pay" is not an element of the offense, a demonstration of the obligor's ability to pay contributes to a showing of willful failure to pay the obligation. The presumption in favor of ability to pay is needed because proof that the obligor is earning or acquiring income or assets is difficult. Child support enforcement is hindered by the difficulty of finding and retaining a defendant in the event of failure to document earnings. A presumption of ability to pay, based on the existence of a support obligation determined under state law, is necessary to determine whether the nonpayment was willful. An offender who lacks the ability to pay a support obligation is to be given the benefit of changed circumstances occurring after the issuance of a support order has state civil means available to reduce the support obligation and thereby avoid imposition of the federal criminal statute in the first instance. In addition, the presumption of ability to pay set forth in the bill is rebuttable, a defendant can put forth evidence of his or her inability to pay.

The reference to mandatory restitution in proposed section 228(d) of title 18, United States Code, amends the current restitution requirement in section 228(c). The amendment conforms the restitution citation to the new mandatory restitution provision of federal law, 18 U.S.C. 3663A, enacted as part of the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104-132, section 204. This change simply clarifies the applicability of the offense failure to pay legal child support obligations.

Proposed subsection (e) clarifies that prosecutions for violations of this section may be brought either in the district where the child resided or the obligor resided during a period of nonpayment. Inclusion of this language is necessary in light of a recent case, Murphy v. United States, 736 F. Supp. 2d 736 (W.D. Va.), which held that a prosecution had been improbably brought in the Western District of Virginia, where the child resided, because the obligor was required, by court order, to send his child support payments to the state of Texas. Proposed subsection (e) is not meant to exclude other venue statutes, such as section 3237 of title 18, United States Code, which applies to offenses begun in one district and completed in another.

For all of the violations set forth in proposed section 228, the government must show the existence of a determination regarding the support obligation, as under current law. Under proposed subsection (f)(3) the government must show, for example, that the support obligation is an amount determined under a court order or an order of an administrative process pursuant to the law of a State to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living. Proposed subsection (f)(5), however, expands the scope of covered support obligations to include amounts determined under a court order or an order of an administrative process pursuant to the law of an Indian tribe. Subsection (f)(1) defines the term "Indian tribe" to mean an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe pursuant to section 102 of the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a. The expanded definition permits enforcement of the statute for all children for whom child support was ordered by either a state or tribal court or through a state or tribal administrative process.

Proposed subsection (f)(2) of section 228 amends the definition of "state," currently in subsection (d)(2), to clarify that prosecutions under this statute in a commonwealth, such as Puerto Rico. The current definition of "state" in section 228, which includes possessions and territories of the United States, does not expressly include commonwealths.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be 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 the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1371) was read the third time and passed, as follows:

S. 1371
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 "Deadbeat Parents Punishment Act of 1997".

SECTION 2. ESTABLISHMENT OF FELONY VIOLATIONS
Section 228 of title 18, United States Code, is amended to read as follows:

"§ 228. Failure to pay legal child support obligations

(1) OFFENSE.—Any person who—

(a) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 1 year, or is greater than $5,000;

(b) travels in interstate or foreign commerce with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than 2 years, or is greater than $10,000; shall be punished as provided in subsection (c).

(2) PUNISHMENT.—The punishment for an offense under this section—

(A) if the defendant is sentenced under section 3621 of title 18 after a conviction for a violation of this section, is the greater of—

(i) 6 years; or

(ii) any term of imprisonment not less than 2 years, or both.

(B) if the defendant is sentenced under section 3621 after a conviction for a violation of this section, is the greater of—

(i) imprisonment for not more than 2 years, or both.

(ii) a fine under this title, imprisonment for not more than 2 years, or both.

(C) if the defendant is sentenced under section 3621 after a conviction for a violation of this section, is the greater of—

(i) imprisonment for not more than 2 years, or both.

(ii) a fine under this title, imprisonment for not more than 2 years, or both.

(iii) a term of not more than 5 years, or both.

(2) in the case of an offense under paragraph (2) of subsection (a), or a second or subsequent offense under subsection (a)(1), a fine under this title, imprisonment for not more than 2 years, or both.

(D) MANDATORY RESTITUTION.—Upon a conviction under this section, the court shall order the defendant to pay restitution under section 3663A in an amount equal to the total unpaid support obligation as it exists at the time of sentencing.

(E) VENUE.—With respect to an offense under this section, an action may be brought in the district where the defendant resides or the obligor resided during a period of nonpayment.

(F) DAMAGES.—For violation of this section—

(1) the term 'support obligation' means any amount determined under a court order or an order of an administrative process pursuant to the law of a State or of an Indian tribe to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living:····".

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE NOMINATIONS TO REMAIN IN STATUS QUO, WITH EXCEPTIONS
Mr. LOTT. Mr. President, I ask unanimous consent that all nominations received in the Senate during the 105th Congress, 1st session, of the Convention of the United States remain in effect, notwithstanding the sine die adjournment of the Senate, with the following exceptions: Bill Lann Lee and Executive Calendar No. 370.

I further ask unanimous consent that all nominations of rule XXXI, paragraph 6, of the Standing Rules of the Senate remain in effect, notwithstanding the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.J. RES. 106
Mr. LOTT. Mr. President, I ask unanimous consent that the Senate receives House Joint Resolution 106, the continuing resolution, that it be considered read three times and passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADOPTION AND SAFE FAMILIES ACT OF 1997
Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 867) to promote the adoption of children in foster care.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

[The bill was not available for printing. It will appear in a future issue of the Record.]

Mr. DEWINE. Mr. President, H.R. 867, the Adoption and Safe Families Act of 1997, is an extremely important piece of legislation. Let me begin by thanking Senators Craig, Chafee, Rockefeller, Jeffords, Coats, Grassley, Moynihan, Landrieu, Breaux, and Senator Lott, the majority leader, who has made this bill a priority. I thank all of them and I thank their staffs for all the hard work they have done. I also want to thank our distinguished colleagues Representatives DAVE CAMP and BARBARA JAY, as well as Chairman SHAW, and their staffs, for their hard work in moving the bill through the House of Representatives.
November 13, 1997

This is a significant bill for a number of reasons.

It will require reasonable efforts to be made to find adoptive homes for children.

It requires concurrent case planning, which will reduce the amount of time that a child has to wait to be adopted. It would do this by permitting States to develop an alternative permanency plan in case a child's reunification with his family would not work out.

The bill shortens the time line for children in foster care.

And it reduces interstate geographic barriers to adoption.

But there is one element of this bill that is especially important—a provision I have been working to enact for over 2 years now. This one provision will save the lives of many children—and ensure that many others get to live in safe, loving, and permanent families.

My staff and I have been involved in the discussion, drafting, negotiation, and adoption of just about every provision in this bill. But I have been working for the passage of this one particular provision for a very long time—and I believe it merits extended discussion in detail.

This provision is a clarification of the so-called reasonable efforts law, that was first passed in 1980. I introduced this provision as S. 1794 in the 104th Congress, and again as S. 178 in the 105th Congress.

I have given at least nine speeches on the floor discussing the need for this legislation: chaired one hearing on it; and testified at several others.

Anyone who is seeking to understand the need for this legislation—and our legislative purpose in passing this bill today—would do well to review my remarks in the RECORD on those occasions. I will detail—in these remarks today—both the dates of these speeches, and their page citations in the RECORD for easy reference.

On May 23, 1996, I held my first press conference on this call for a change in the reasonable efforts law.

On June 4, 1996, I discussed this problem here on the Senate floor. That speech will be found in the RECORD at page S170.


On July 18, 1996, I introduced S. 1974, a bill to clarify what Congress means by reasonable efforts. I offered the bill the very same day as an amendment to the Senate's welfare reform legislation, but we were unable to adopt it because it was not germane. Nevertheless, I continued to talk about this problem, in an effort to create momentum to bring this kind of legislation to the floor.

My remarks on that occasion will be found at page S8142 of the RECORD.

On November 20, 1996, we held a hearing in the Labor and Human Resources Subcommittee on improving the well-being of abused and neglected children.

When the new Congress reconvened in January of this year, I reintroduced my bill to clarify reasonable efforts, as S. 178. It was my very first order of business in Congress.

On January 21, 1997, I spoke about this on the Senate floor. That can be found in the CONGRESSIONAL RECORD, page S551.

On February 14, President Clinton endorsed my reasonable efforts bill.

On February 24, I spoke about this on the Senate floor—page S1431.

On March 20, Senators CHAFFEE and ROCKEFELLER introduced another bill to help us build momentum. That bill was titled S. 511, the Safe Adoptions and Family Environments Act.

On April 8, I testified again in the House Ways and Means Committee on this topic.

On April 30, H.R. 867, the Adoption Promotion Act, overwhelmingly passed the House of Representatives by a vote of 416 to 5. This bill, sponsored by Representatives DAVE CAMP and BARBARA KENNEDY, included my language to clarify reasonable efforts. I talked about that bill, on the same day that it was passed in the House, on the floor of the Senate. Those remarks can be found at S3841.

Mr. President, I addressed this issue again on the Senate floor on May 1. Those remarks can be found at page S12669, and yet again, on May 5, I spoke about the issue, and those remarks can be found at S3947.

On May 21, I testified on this issue at a hearing in the Senate Finance Committee.

On October 1, I addressed this issue again on the Senate floor again. Those remarks can be found at page S10262. On October 8, I testified yet again in a hearing before the Finance Committee on the Promotion of Adoption, Safety and Support of Abused and Neglected Children Act, the PASS Act, as it is commonly known.

Finally, on October 24 of this year, I addressed this issue again on the Senate floor, and those remarks can be found on page S1176.

The legislation that we will take up today to make sure the bill we are about to pass, H.R. 867, is not misinterpreted. I intend, therefore, to explain in some detail our purpose in passing this legislation.

My purpose in making these comments today is to make absolutely certain that this legislation that I believe we are about to pass, H.R. 867, is not misinterpreted. My purpose today is to make sure the bill we are about to pass is not misinterpreted. I intend, therefore, to explain in some detail our purpose in passing this legislation.

Clause A of this bill says:

(A) to make it possible for the child to be reunited with his family, or, if such adoption is not possible, (B) to make it possible for the child to be adopted by reasonable efforts. I offered the bill in an effort to create momentum to pass this bill, to prevent or eliminate the need for removal of the child from his home and to make it possible for the child to return to his home.

Mr. President, over the last 17 years, since this law went into effect and since this provision became part of our Federal law, this law, tragically, has often been seriously misinterpreted by those responsible for administering our foster care system.

Too often, reasonable efforts, as outlined in the statute, have come to mean unreasonable efforts. It has come to mean efforts to reunite families which are families in name only. I am speaking now of dangerous, abusive adoptive parents, people who represent a threat to the health and safety and even the lives of these children.

This law has been misinterpreted in such a way that no matter what the particular circumstances of a household may be, it is argued that the State must make reasonable efforts to keep that family together and to put it back together if it falls apart. I have traveled across the State of Ohio, talking with child service representatives, with judges, other social welfare professionals who have told me about this problem. I have held hearings with experts from other parts of the United States, and we have discovered that this is a truly national problem.

There can be no doubt that this problem did, in fact, arise because of the 1980 law, and it arose because this 1980 law was and has been for 17 years misinterpreted. Clearly, the Congress of the United States in 1980 did not intend that children should be forced back into the custody of parents who are known to be dangerous and known to be abusive.

My purpose in making these comments today is to make absolutely certain that this legislation that I believe we are about to pass, H.R. 867, is not misinterpreted. My purpose today is to make sure the bill we are about to pass is not misinterpreted. I intend, therefore, to explain in some detail our purpose in passing this legislation.

Let me begin, if I can. Mr. President, by reading clause A of H.R. 867, and this is the bill we are about to take up.

Clause A of this bill says:

(A) in determining reasonable efforts to be made with respect to a child, as described in this provision, and in making such reasonable efforts, the child's health and safety shall be the paramount concern.

Let me read it again. Clause A of H.R. 867 that we are about to take up says:

In determining reasonable efforts to be made with respect to a child, as described in this section, and in making such reasonable efforts,
efforts, the child’s health and safety shall be the paramount concern.

The purpose of clause A, Mr. President, is to make it clear to everyone involved in caring for our young people, not just judges, but also case-workers, prosecutors, magistrates, court-appointed attorneys, and other advocates—all of them—that reasonable efforts to reunify families must be governed by one overriding principle, and that overriding principle is that the health and safety of the child must always, always, always come first.

In determining what efforts are required, in determining what efforts are reasonable, we must give priority to this clause.

Second, clause A also makes clear that there are some cases in which reasonable efforts do not need to be made to reunify children with dangerous adults. In some cases, no efforts are reasonable efforts. In some cases, any efforts are unreasonable efforts.

All the rest of this section of this bill, which will become law, must be read in the light of clause A which I just read. Clause A governs the law of reasonable efforts. Clause A defines, once and for all, the overriding principle that the health and safety of the child must always, always, always come first.

This bill that we are about to take up also includes a list of certain very specific cases in which reasonable efforts are not required, very specific cases laid out in the statute. They include the crimes set forth already in the Child Abuse Prevention and Treatment Act, or CAPTA. They also include aggravated circumstances that will have to be defined by each individual State, and they include also cases in which the parental rights have been involuntarily terminated as to the sibling of the child in question.

Mr. President, let me point out now very carefully so there is no risk of missing this floor list that I have just read is not meant to be an exclusive list. The authors of this legislation do not—not—intend these specific items to constitute an exclusive definition of which cases do not require reasonable efforts to be made.

Rather, these are examples—these are just examples—of the kind of adult behavior that makes it unnecessary, that makes it wise, that makes it right, that makes the Government to make the continued efforts to send children back to their care. This is not meant to be an exclusive list. We make this clear in the text of the bill.

Let me read the rule of construction from the bill H.R. 894.

(c) Rule of Construction—Nothing in this part shall be construed as precluding State courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in section 471(a)(15)(D).

“Nothing in this part shall be construed as precluding State courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in section 471(a)(15)(D).”

This leaves absolutely no room for doubt. Whether the case comes under the previously listed examples or not, the health and safety of the child must—must—come first.

The passage of this bill will cause a momentous change in how we look out for the interests of the most vulnerable children in our society. I thank a number of individuals who have helped us build a consensus for making this change. I must say that is what had to happen before we could pass this bill. We had to get a consensus, not just in the Senate, not just in the House, but, frankly, among caring people across this country. It had to become a public issue.

Let me thank some of the people who helped change that and build that consensus.

Dr. Richard Gelles, whose path-breaking book called “The Book of David,” did so much to educate me and the rest of America on this issue. He deserves a great deal of thanks.

Peter Digre, Director of the Department of Children and Family services of the county of Los Angeles, was also instrumental and testified about the need for our bill.

Mrs. Sharon Aulton, the grandmother of Christina Lambert and Natalie, and other children who lost their lives to child abuse. I think Mrs. Aulton was very brave when she came before us to share her heartbreaking story. She helped us bring the point home really as no one else could about the need for change.

Mary McGrory of the Washington Post, a tireless advocate for children, who wrote at least two very compelling columns about the need for change in our reasonable efforts law. Dave Thomas, a man who has devoted an incredible amount of effort to promote adoption as a way to provide a better future for America’s endangered children.

All the caseworkers, the CASA volunteers, prosecutors and other concerned citizens throughout Ohio and across this country who took the time to help me and my staff learn about this issue and craft the beginnings of a solution.

Mr. President, speaking of my staff, I also thank my senior counsel, Karla Carpenter, who has worked so tirelessly on behalf of getting this bill passed. She has spent literally thousands of hours, both in the State of Ohio and here in Washington, working on this triumph today. The bill that is about to be passed today is a great credit to her fine work.

I thank all these individuals. They all deserve the gratitude of anyone who cares about children.

Mr. President, you will notice and Members of the Senate will notice I said a moment ago we have crafted the beginnings of a solution. It is that, it is the beginnings. It is, I think, precisely what we have started today, the beginnings of a solution to this problem.

The sad truth is, some children will continue to spend too much time waiting to be adopted. But without this bill, more children would have to wait, and they would have to wait longer. It is also true, Mr. President, that it is a tragic fact that children will continue to die in this country of child abuse. But without this bill, more children would have died.

Mr. President, we should make no mistake about the challenges ahead. We stand only at the very beginning of a long struggle to save America’s children. I do not think it is enough, as we do in this bill, to get more children adopted, although we are doing that, nor it is enough to make sure that fewer children are killed.

It is our responsibility as a Congress, as citizens, as a people to do all we can to build an America, to build a country where children do not die of child abuse. I see an America and I want America, Mr. President, where every child has the opportunity to live in a safe, a stable, a loving, and a permanent home.

That is why, Mr. President, I intend to return to this issue next year. There is a great deal we can still do. There is a great deal we must do, and there is a great deal we must do soon.

We need, for example, to provide better training for the courts that deal with our children. We need to make sure that the families who are in trouble, but who can be saved, do get help, and that they get it before it is too late.

That is quite an extensive agenda, Mr. President, for this country, but I believe it is necessary, and I believe we are up to it.

If we want to continue to think of ourselves as a good country, we cannot afford to continue allowing so many of our children to be abused and so many to be killed, nor, Mr. President, can we allow so many of our children to languish in an unsafe situation where they are sometimes shuttled, many times from home to home to home, without getting what every child deserves, needs, and should have—and that is a loving home and someone to love that child.

I thank we can and we must do better. With the bill we pass today, we say plainly and simply that there are cases in which reasonable efforts are not required to reunite innocent children with dangerous adults. With this bill we pass today, we will save lives.

This historic change took a great deal of effort and consensus building. It is a good day’s work and a good start.
at fixing America’s No. 1 challenge—protecting and rescuing our young people.

Mr. President, I thank the Chair and thank the Members of the Senate.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I am proud and pleased to be part of the successful effort to pass the Adoption and Safe Families Act of 1997. Having worked to achieve the objectives of this bill for many years, I am very grateful to everyone involved in reaching today’s result—the final passage of a significant bill that will help children and families in true need across the country for many years to come.

This legislation is the culmination of extensive bipartisan negotiations between the House and Senate over the course of this year to enact the most effective ways to ensure the health, safety, and stability of America’s most vulnerable population: abused and neglected children. The product of this intense debate and sometimes difficult concessions on all sides, this bill has emerged as a positive first step in fixing our Nation’s broken child welfare system. At the same time this process has done the undeniable but often unintended benefits of bipartisan cooperation and compromise, it has also highlighted the mountain of work still left to be done on behalf of abused and neglected children. In that regard, I hope the Adoption and Safe Families Act of 1997 will be a reminder that we are all responsible for the children in our care, especially those children whose special needs present formidable barriers to their safe adoptive placement.

The Adoption and Safe Families Act of 1997 is most significant in its focus on moving children out of foster care and into adoptive and other positive, permanent placements. If American child welfare policy does not succeed in providing a real sense of belonging and identity for those living in the foster care system, we will be denying these young people the fundamental supports they need to become satisfied and caring adults. It would be a tragedy to write these children off as a lost generation, just another group of children from broken homes and a broken system who just didn’t get enough support to make a difference.

In my role as chairman of the National Commission on Children, I had the unique opportunity to travel across the country and speak with hundreds of children, parents, and caregivers about how to effectively address their most basic needs and about how the Government can help to foster their most fundamental aspirations. Because of that commission, I spent a day in LA juvenile court and saw the system at its worst, overwhelmed and ineffectively serving children. But I also met a dedicated advocate, Nancy Daly, and she introduced me to the Independent Living Program efforts that help to work to serve children. We’ve stayed in touch, working on these issues together ever since.

At the heart of the recent debate about the best policy for adoption and child welfare, dozens of complex questions have been raised about how Federal taxpayer dollars should be spent and who is worthy of receiving them. As we sort these difficult issues, which often pit social against fiscal responsibility, I keep returning to the same fundamental lesson I have learned from the families with whom I have spoken over the years: If we cannot build social policy that effectively protects our children, we have failed to do our job as a government and a society.

I would like to take this opportunity to thank my friends and colleagues, JOHN CHAFFEE and LARRY CRAIG for their unflagging leadership in bringing the legislation this far. My partnership with Senator CHAFFEE on children’s issues is one of the most fulfilling aspects of my legislative work, and I thank him for his leadership, Senator CRAIG, whose generous help and fortitude in achieving the final consensus and action needed to produce results. There have been a series of premature reports about the collapse of negotiations. Without their efforts and the rest of our Coalition, the naysayers might have triumphed over the needs of almost a half a million children in foster care.

I would also like to share my sincere appreciation with the other Members of the bipartisan Congressional group who have worked so hard to create a solid bipartisan package: Senators JEFFORDS, DE WINE, COATS, BOND, LANDRIEU, LEVIN, MOYNIHAN, KERR, and DORGAN. I would also like to acknowledge the work of Finance chairman, Senator ROTHL, who has made it possible for the Adoption and Safe Families Act of 1997 to become a reality.

I also want to pay special tribute to the First Lady, Mrs. Clinton, for her long fundamental contributions to the goals pursued in this legislation. She has told me of the public’s deep concern for children who are barred from becoming part of permanent, loving families. Her interest and encouragement have been invaluable to me and to others involved in this effort, and I know she will help ensure the administration’s commitment to turning this new law into reality.

The Adoption and Safe Families Act of 1997 was fundamentally designed to shift the focus of the foster care system by insisting that health and safety should be the paramount considerations when a State makes any decision concerning the well-being of an abused and neglected child. This legislation is designed to move children out of foster care and into adoptive and other permanent homes more quickly and more safely than ever before. For the first time, this legislation requires States to use reasonable efforts to move eligible foster children toward adoption by introducing a new fast-track provision for children who have been subjected to severe abuse and other crimes by their parents. In such severe cases, this bill would require that a permanency hearing be held within 30 days. In the case of an abandoned infant where reasonable efforts have been waived to reunite the family, that child could be moved into a safe and permanent home in months.

While this legislation appropriately preserves current Federal requirements to reunify families when that is best for the child, it does not require the States to use reasonable efforts to reunify families that have been irreparably broken by abandonment, torture, physical abuse, murder, manslaughter, and sexual assault. In cases where children should not be reunited with their biological families, the Adoption and Safe Families Act of 1997 requires that the States use the same reasonable efforts to move children toward adoption or another permanent placement consistent with a well thought-out and well-mentioned permanency plan.

In addition, the bill encourages adoptions by rewarding States that increase adoptions with bonuses for foster care and special-needs children who are placed in adoptive homes. Most significantly, the legislation takes the essential first step of ensuring ongoing health coverage for all special-needs children who are adopted. Without this essential health coverage, many families who want to adopt children with a range of physical and mental health issues, would be unable to do so. I am delighted to see that medical coverage, which has always been a vital part of any program that substantively helps children, is also a key component of this bipartisan package.

Ensuring safety for abused and neglected children is another significant aspect of this legislation. The Adoption and Safe Families Act of 1997 seeks to accomplish this goal by ensuring that the safety of the child is considered at every stage of the child’s case plan and review process. Moreover, the bill requires criminal background checks for all potential foster and adoptive parents.

The legislation also substantially cuts the time a child must wait to be legally available for adoption into a permanent home by requiring States to file a petition for termination of parental rights for a child who has been waiting too long in a foster care placement. At the same time that it speeds adoptions where appropriate, it also gives States the discretion to choose not to initiate legal proceedings when a child is safely placed with a relative, where there is a compelling reason not to go forward, or where appropriate services have not been provided in accordance with the child’s permanency plan.

At the same time that this bill imposes tough but effective measures to decrease a child’s unnecessary wait in foster care, it reauthorizes and provides $60 million in increased funding...
for community-based family support and court improvements over the next 3 years, collectively referred to as the “Promoting Safe and Stable Families Program.” As part of a balanced bipartisan package, these programs will support the range of fundamental state services to the children and families and to provide necessary services to adoptive families. This legislation also takes care to assure that children who have gone through adoptions that have been disrupted or whose adoptive parents will remain eligible for Federal support.

For West Virginia, and every State, this legislation means positive change. Our State currently has about 3,000 children in foster care. Under this new legislation, the emphasis will shift the primary focus to their health and safety and to finding them a stable, permanent home. Throughout these debates, I have listened to West Virginia leaders, including Chief Justice Margaret Workman, who testified before the Senate Finance Committee, and Joan Ohl, our West Virginia Secretary of Health and Human Resources. I have visited agencies in my State that provide the full range of services from family supports to adoption, and I have been in touch with social workers and families. I know that the provisions of this legislation will challenge my State, but I am equally confident that its leaders are ready to make the necessary changes to do more for the thousands of children in West Virginia who are depending upon us.

I am pleased to have been a part of this tremendous effort on behalf of abused and neglected children, and am hopeful that the Adoption and Safe Families Act of 1997 will bring about real and positive improvements in the lives of the half a million American children living in foster care.

Mr. GRASSLEY. Mr. President, since the appointment of Indiana's Governor, Mr. O'Neal, to the chair, I want to compliment Senator Coats for his involvement in this legislation. He had a very important role in this adoption and foster care legislation. I know the bill contains key parts in which he was interested. Senator Coats was very much a part of this being a successful product.

Confronting the issues for children in foster care, is uncomfortable, almost painful. But the foster care system is in crisis and children are suffering. We are compelled to confront these problems.

Foster care is a complicated entitlement program. While the issues are complex, so are the solutions. Today we are getting what we are paying for. It is not such a good situation, because what we are getting is long-term foster care—not permanency for these kids.

Foster care was set up to be a temporary emergency situation for kids. The foster care system now is a lifestyle for too many of them. The Federal Government continues to pour billions of dollars into a system that lacks genuine accountability. Instead of encouraging States to increase adoptions, the current system rewards long-term foster care arrangements.

Jennifer Toth described in her book “Orphans of the Living,” that children are “consigned to the substitute child care system intended to raise children whose parents and relatives cannot or will not care for them.” She also wrote, “The children in substitute child care today have all suffered trauma. They are all at greater risk than the general population. Yet they are given less care, when they need more care.”

In Iowa, we have an organization called the Iowa Citizens Foster Care Review Board. They had a project of asking children in foster care and kids who were waiting to be adopted what they would like to tell us and the rest of the world. I could give lots of quotes, but these are examples from two of the children. “Don’t leave us in foster care so long.” “Check on us frequently while we’re in foster care to ask us how we’re doing and make sure we are safe.” “Tell us what’s going on so we don’t have to guess. Tell us how long it will be before we’re adopted and why things seem to take so long.”

Children who have permanency, which means successful, healthy reunification with their birth families or permanency in an adoptive home.

A happy, permanent home life provides more than just a safe haven for kids; it gives kids confidence to grow into positive contributors to our society.

In the United States, at least a half million children are not living in permanent homes. While waiting for adoption or a safe return to their natural families, too many kids live out their entire childhoods in the foster care system.

Sadly, it often turns into an lonely, even sterile transition. There is a short window of opportunity to do something about this with each and every kid, and each and every kid is a little different in this regard. If this window of opportunity is missed, a child can leave the foster care system a legal orphan—as an adult—having gone through their entire childhood never having permanency—never having a place that they can call home.

More needs to be done to dispel the myth that these children are unadoptable. I have had people right here in Washington, DC, tell me that some kids are not adoptable. No kid is unadoptable. The only problem is that we just haven’t found a home for them yet.

I suppose the Adoption and Safe Families Act of 1997 takes it the initial, necessary steps toward real reform. For the first time in 17 years, this body has strived to address the pain and suffering of these children. A cornerstone has been laid upon which future reforms can be made and reforms can be built.

The bill will ensure health care coverage for adopted special needs children, break down geographic restrictions facing adoptive families, and encourage creative adoptive efforts and outreach.

One of the problems we as legislators have experienced has been that inadequate statistics and data don’t have good enough statistics to understand how States are performing with their child care system. The data is too sparse and States can’t tell us how many children they actually have in their care, or how long they have been in their care. The other way, Mr. President, some children can be lost in the system. So our bill is requiring States to report critical statistics. Children will be identified and their lives will be personalized to those responsible for them. The status quo will not be able to hide behind the lack of information excuse. We have run into that when dealing with this legislation.

Currently, the Federal Government does not require that States actively promote adoption—prohibiting discrimination against out-of-State adoptive families—allowing more children to find permanent families.

There is a mismatch between the location of children free to be adopted and families willing to adopt. Above all, these children need loving homes, and no State line should get in the way of their well-being.

The bill establishes for foster and pre-adoptive parents the right to be given the opportunity to say right to testify on behalf of the children in their care. How could anyone ever want to leave these people out of the process?

These parents have been in charge of the children 24 hours a day, 7 days a week. They are the ones in the best position to know the problems that these children might have and can represent the children’s concerns. It is an important change to make as we seek to better represent the children’s best interests.

The Federal Government plays a significant role in child welfare by providing funds to States and attaching conditions to those funds. The single largest category of Federal expenditure under the child welfare programs is for maintaining low-income foster care children. To receive Federal funds, States must comply with the requirements of this bill, and States will be penalized for noncompliance. The child welfare funds are tied to foster care, and any changes made in the foster care system because there is money that comes from the Federal Government for those kids. There is an
incentive—a monetary incentive—not to move these children toward permanency.

I am pleased with the provisions in this bill which emphasizes adoption promotion and support services in the Family Preservation and Support Services Act.

To help ensure that new adoptive families are healthy and stay together, the bill provides post-adoption services and respite care. It is a proven approach.

In States where post-adoption services are offered, the number of adoptive families that have trouble staying together is significantly lower.

I congratulate the Members for their efforts on this issue and commend the authors of this monumental piece of legislation. One person that hasn’t gotten much attention—and he played a very important role in this process—is Senator ROTH, the chairman of the Senate Finance Committee. He was instrumental in finding an agreement with members so that this bill could pass, as it will tonight. His guidance and insight were critical to the bill’s success.

Today, we begin to dramatically change the culture surrounding adoption. We begin the education process. We begin by dismissing the dehumanizing myth surrounding special-needs children. These children deserve permanent homes, too. These children are precious, and all children in need of permanent homes are adoptable.

I have been impressed by the compassion of those who adopt these special children. They are gifted and they ought to inspire all of us to be more concerned about kids in need. We know that many families are willing to adopt children, including those with the most challenging of circumstances.

Let’s build upon the cornerstone of this monumental bill. Even though we will have passed this legislation, some children will still remain hostages in an inefficient system. More reform is needed to help place more children in a safe, permanent home.

I am looking toward future years to do more in the following areas. People should know that CHUCK GRASSLEY, the Senator from Iowa, is not done with changes in foster care and adoption at the Federal level.

First, we need to dramatically limit the time a child can legally spend in foster care. The national average length of stay in foster care is 3 years. That is three birthdays, three Christmases, and that is going through the first, second, and third grades, without having a mom and dad.

Second, we need to remove financial incentives to keep children in foster care, and provide incentives for success, not just for attempts to adopt. Currently, the system pays the same rate per child per month without limitation. The Federal Government must pay for performance.

These children are the most vulnerable of all; their lives begin with abuse and neglect by their own parents and, for many, they experience systemic abuse by languishing in long-term foster care.

The Congressional Research Service stated, “Children are vulnerable, and their well-being cannot be defined by conditions beyond their control.” But their well-being is not beyond our control. These children depend on sound Federal policy that promotes permanency. Together with those on the front lines, we can make this policy work.

Congress has let four-year foster care should never be a solution for a child who needs a home. It takes the critical first steps toward complete reform of a broken-down system, and it lays the cornerstone for continued improvement on behalf of tens of thousands of children left in limbo each year in the foster care system.

Foster care is a poor parent. A loving, committed family is the best gift we can give to any child. I yield the floor.

Mr. CRAIG. Mr. President, with the Senate’s vote today on “The Adoption and Safe Families Act,” we are sending the President a landmark reform of the nation’s foster care system and a bill that will significantly improve in the lives of many children in America.

Every child deserves a safe, loving, permanent family. For a lot of us, it’s inconceivable that this most basic need of our children in need of permanent homes are adoptable.

We were particularly concerned about helping make adoption more likely for foster children with “special needs.” These are children who, by definition, are hard to place, perhaps because they require special medical help or mental health services, or the like. This bill requires health insurance coverage for children with special needs, which will make it more possible for families of all incomes to give these children a home.

This bill also provides states with financial rewards based on their success in increasing adoptions. An even higher reward is provided for increasing the adoptions of special needs children.

The bill authorizes the Department of Health and Human Services to provide technical assistance to states and localities to promote adoption of foster children. We’ve also highlighted adoption promotion and support as services funded by the Family Preservation Program, which we have reauthorized for three years and renamed the “Promoting Adoptive, Safe and Stable Families program.”

We also attempted to address what many in the field have told us is a major hindrance to adoption: geographic barriers. It’s my understanding that states are working independently to resolve this problem. Our bill gives them an additional push toward resolution, by providing that states risk losing their federal payments if they deny...
or delay the placement of a child when an approved family is available outside their jurisdiction. We’ve also required a study and report to Congress on interjurisdictional adoption issues, so that we can take additional actions in the future if necessary.

This bill makes a number of system reforms aimed both at helping to advance our goals and providing a foundation for additional reforms in the future. For instance, we’re requiring the Secretary of Health and Human Services to work with state and local officials, child advocates and others in developing performance measures and publishing a report evaluating the effectiveness of our child welfare programs. This bill also requires HHS to develop and recommend to Congress a system for basing federal assistance payments on performance. It allows child welfare agencies to use the Federal Parent Locator Service to assist in locating absent parents. It allows agencies to use concurrent planning—that is, providing services to reunite or preserve the family while simultaneously recruiting adoptive parents, so that if the family cannot be preserved the child will not have to wait such a long time before moving into a permanent home.

Before concluding, let me acknowledge the hard work of a number of members in both the House and the Senate, without which we wouldn’t have a bill today. Although we may have started with fundamentally different views as to how best to change the system, we were united—and driven to resolve our differences—by the strong belief that reform is urgently needed now. I am pleased to have had a part in the bipartisan Senate coalition that worked and re-worked this legislation: Senator DeWine, Senator Chafee, Senator Rockefeller, Senator Moynihan, Senator Jeffords, Senator Coats, Senator Bond, Senator Levin, Senator Nickles, and Senator Grassley. Special thanks must go to Chairmen Roth of the Senate Finance Committee, and his staff, who helped navigate the Senate bill to the floor and through the House. The Senate coalition appreciated having excellent technical assistance from Karen Spar of the Congressional Research Service. I’d like to thank the other cosponsors of the Senate version of the bill to assist in their committee work: Senator Dorgan, Senator Landrieu, Senator Johnson, Senator Kerrey and Senator Moseley-Braun. I also appreciate the efforts on the House side, led by Congressmen Camp and Kennelly, and Chairman Shrair.

Mr. President, these reforms will save lives and help move children out of foster care, faster, and into safe, permanent, loving homes. It’s the hope of all who support this legislation that President Clinton will sign it into law before the end of the year. If he appropriately does, it is National Adoption Month. Let’s bring these children home.

Mr. DOMENICI. Mr. President, I would like to thank Senators Roth, Chafee, Craig, and Rockefeller for bringing this foster care and adoption assistance bill to the floor. This bill contains a number of long overdue, programmatic changes to strengthen the foster care system.

In addition, the bill provides more funds to reward states that increase adoptions. These adoptions will preclude children from having long, or even worse, permanent stays in state foster care systems.

To achieve this additional funding, the bill contains a discretionary spending cap adjustment of $20 million per year for the years 1999 to 2002. One could argue that this cap adjustment would result in an increase in the deficit. However, the Congressional Budget Office estimates that spending from this incentive payment will reduce the deficit over the next 5 years by $25 million over the next 5 years.

The bill also contains additional mandatory spending for family preservation services. The Family Preservation Program attempts to provide intensive services to families at risk of having children removed from the home and put into foster care.

This additional money would raise total funding for family preservation services to $1.435 billion over the next 5 years or $50 million above the President’s request.

I want to raise a couple concerns. First, there are a number of minor Budget Act violations, like the cap adjustment. Second, and of greater concern, is an offset for the additional Family Preservation spending. The offset was conceived of and added at the last minute. I do not believe the policy was thought out and the offsets for our care spending are not well known to this body.

The offset would tap into the Temporary Assistance for Needy Families [TANF] contingency fund and could unfairly target poor states with volatile unemployment rates. Moreover, the offset would, perversely, take away funds from states when they are needed the most.

The contingency fund was a vital part of making welfare reform work by increasing funding to states experiencing increased unemployment or rising food stamp caseloads.

The offset allows states to receive a contingency grant payment in one year, but then require that state to pay back at least a portion in the next year.

The repayment would be prorated among the states that qualify in any given year. For example if five states qualified for the repayment in one year, those states would split the $16 million required repayment in the year 2001. However, the risk is that one state or a handful of very small states will qualify for contingency grant payments and will be forced to pay back the full amount.

This risk is justified. In 1997 only one state, New Mexico, qualified for contingency payments. Had this been in effect this year, New Mexico would have had to pay back almost all of their contingency grant.

The economy in New Mexico is currently doing better, unemployment is down to 6.4 percent and the state does not currently qualify for the contingency fund. But my state and many other similar states are always vulnerable. One plant closing can mean a substantial increase in unemployment and need.

While $16 million with respect to the Federal Budget does not sound like a lot to many people, this is a substantial sum to New Mexico. $16 million represents over ten percent of New Mexico’s entire TANF grant.

In fact this offset would represent over a ten percent reduction in the TANF grant for 31 states and a cut of over fifty percent for 6 states.

Further this grant reduction would come at a time when a state needs it the most when state budgets are under pressure from an increase in unemployment.

I understand that this bill enjoys broad support and that the bill on net contains important, necessary changes. I do not intend to hold it up today.

I wish to enter into a colloquy with Senator Roth to formalize my understanding that next year the Finance Committee will address this problem and restore full funding to the contingency grant.

Mr. DOMENICI. Mr. President, I would like to congratulate Senator Roth for bringing this foster care and adoption assistance bill to the floor. The bill contains a number of long overdue changes to the foster care system. However, the bill contains an offset for new spending that would take money out of the temporary assistance for needy families [TANF] contingency fund. It is my understanding that only those states that qualify for contingency payments would be affected by this offset.

Mr. ROTH. Yes. That is true. States that qualify for payments in one year would pay back a prorated share in the next.

Mr. DOMENICI. I am concerned that this repayment would target states that need the funding most: states with rising unemployment.

Mr. ROTH. The Finance Committee is aware of that potential situation. We will monitor the situation and work with you and the Administration to make adjustments in the operation of the contingency fund if necessary.

Mr. DOMENICI. I thank the Senator very much. I look forward to an equitable resolution in this matter.

Mr. JEFFORDS. Mr. President, the bill before us is a remarkable achievement. It not only represents a true bipartisan effort to change a system that too often becomes mired in bureaucracy, but it also represents a significant change in the way that system works and what its goals should be. I am very proud to have played a part in
I also want to thank Senator Roth for his efforts in negotiating this legislation with our House counterparts.

This legislation will lead to an improvement in the services we provide to nearly 100,000 children in the foster care system who are unable to return to their biological families because of threats to their health and safety. This bill guarantees as never before that their health and safety will be the “paramount concern” at every step of their stay in foster care, including in the development of their permanency plan. It also assures that every effort will be made to move children into safe, permanent homes as quickly as possible.

Why is this important? Too often, children languish in foster care for years—years—before they find a safe, loving family. Many children, especially those with special needs, often never are placed with an adoptive family. Those children grow up in the foster care system, never knowing the security and warmth that a loving family provides.

To help ensure that the child’s safety remains the paramount concern, this bill changes the focus on the way states implement “reasonable effort.” Too often, states have placed too much emphasis on returning a child to his or her biological family, even when doing so may mean endangering the child. This bill provides that states should still make every attempt to keep families intact, but—and this is a significant change in the current law—also makes it very clear that there are a number of circumstances in which a state does NOT have to make a reasonable effort to reunite a child with his or her biological family. For example, if a parent has been found to have murdered another child in the family, or has subjected a child to chronic abuse, it is unreasonable—and irrational—to insist that the state return that child to the family. That seems like common sense, but, as we all know, the law doesn’t always lead to common sense conclusion. This legislation clarifies this.

I also want to point out that this bill requires, for the first time, states to implement procedures by which they will perform criminal background checks on potential foster and adoptive parents. I think the average citizen would be very surprised to learn that we do not currently require states to do such checks. While some states check prospective adoptive parents for evidence of past criminal activity which might indicate that it would be dangerous to place a child in their care, most do not. This bill would change that situation. The original House bill did not contain this provision, and I want to commend the Senate conferees, especially Senator Coats, for insisting the Senate’s language remain intact. It makes good sense.

Another hard-fought provision that the Senate can be very proud of provides that when a special needs child is adopted, that child is hard to place because of a physical or mental disability—then the state must ensure that the child will have health insurance coverage. Too many of these special needs children have found that when they reach a process to adopt, health care disappears and the adoptive family must shoulder the entire financial responsibility for the child. That can create a huge disincentive for an otherwise loving family to adopt a child with a physical disability. Our bill says that when a child is adopted, he or she will have the health insurance needed to meet his or her needs. That is a significant step, and, again, I am pleased the Senate remained steadfast in its insistence on this provision.

Mr. President, I am very pleased for children and adoptive parents nationwide. There are more than 100,000 children awaiting adoption or other permanent placements, and this bill is a good step toward moving many of them into safe, loving, permanent homes.

Again, I extend my deepest thanks to Senators Chafee, Rockefeller, Coats, DeWine, Kerrey, and Roth for their hard work on this bill. We have been working on this agreement for months, and this bill is the hard-fought result of those efforts. I urge all my colleagues to give their support to this legislation.

Mr. MOYNIHAN. Mr. President, I rise today in support of H.R. 867, the Adoption and Safe Families Act of 1997. This legislation promotes adoption and makes important reforms in foster care. It includes provisions drawn from two bills I co-sponsored earlier this year—the “PASS” Act and S. 1195 [the “PASS” Act]. We have been able to work out bipartisan legislation with two goals we all share—ensuring the safety of children in the child welfare system, and finding permanent homes for so many children in foster care as possible.

Children in the child welfare system, victims of abuse and neglect, are among the most vulnerable in our society. Just this week, in my own state, we learned of another tragic death, that of little Sabrina Green. Sabrina, nine years old, lived in the Bronx. After both her mother and her latest foster mother died, Sabrina went to live with her oldest sister, Yvette Green. After what appears to have been months of abuse, as burning Sabrina’s hand over a stove as punishment for taking food out of the refrigerator—she was found beaten to death. Her sister and her sister’s boyfriend have been accused of this crime.

We owe it to these abused and neglected children to do our best on their behalf. And I am encouraged that a group of our colleagues has worked together—on a bipartisan basis—to develop this legislation. I thank Senators Chafee, Rockefeller, Roth, Craig, Jeffords, Kerrey, Coats, DeWine, Landrieu, and the others who have played important roles in this effort.

This bill clarifies that the health and safety of the child are to be the “paramount” concern when making the difficult decisions involved in the child welfare system and it contains several other “safety first” provisions, such as requiring criminal records checks for prospective adoptive and foster parents. The bill accelerates the process for determining the permanent placement for a child in foster care, so that children do not spend years bouncing among foster homes. H.R. 867 also promotes adoption by providing states with financial incentives to get children in foster care adopted, and by breaking down health insurance and geographic barriers to adoption.

This legislation is an important step forward in our efforts to help abused and neglected children. I am proud to support it.

Mr. LOTT. I do want to say, Mr. President, for the RECORD, and I note Senator Daschle is also very interested in this, that I am very pleased we were able to get this legislation through the whole process. There was a lot of work by Senators on both sides of the aisle. I believe this will be one of the two or three important bills we passed this year, because it will help with foster care and adoption. I commend all Senators.

Mr. DASCHLE. Mr. President, I concur in what the majority leader just said. This is an important issue to the administration. They called again this afternoon to confirm it was going to pass.

Mr. LOTT. Mr. President, I move that the Senate concur in the amendment of the House to the Senate amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

AUTHORITY TO WAIVE CERTAIN ENROLLMENT REQUIREMENTS

Mr. LOTT. Mr. President, I call up House Joint Resolution 103, which is at the desk.

The PRESIDING OFFICER. The clerk will read the resolution.

The legislative clerk read as follows: A joint resolution (H.J. Res. 103) waiving certain enrollment requirements with respect to certain specified bills of the 105th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be considered agreed to, and that the motion to reconsider be laid upon the table.
The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 103) was agreed to.

AUTHORITY TO MAKE CERTAIN APPOINTMENTS AFTER SINE DIE ADJOURNMENT

Mr. LOTT. Mr. President, I now call up Senate Resolution 156, which is at the desk.

The legislative clerk read as follows:

A resolution (S. Res. 156) authorizing the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders to make certain appointments after sine die adjournment.

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, I ask unanimous consent that the resolution be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 156) was agreed to, as follows:

S. Res. 156
Resolved, That notwithstanding the sine die adjournment of the present session of the Congress, the President of the Senate, the President of the Senate pro tempore, and the majority leader and the minority leader of the Senate be, and they are hereby, authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT ON THE STATE OF THE UNION

Mr. LOTT. Mr. President, I now call up House Concurrent Resolution 194 which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 194) providing for the joint session of Congress to receive a message from the President on the State of the Union.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 194) was agreed to.

PROVIDING FOR THE CONVENING OF THE 24 SESSION OF THE 105TH CONGRESS

Mr. LOTT. Mr. President, I now call up Senate joint resolution 39, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 39) to provide for the convening of the second session of the One Hundred Fifth Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the joint resolution be considered read the third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 39) considered read the third time and passed, as follows:

S.J. Res. 39
Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the second regular session of the One Hundred Fifth Congress shall begin at noon on Tuesday, January 27, 1998.

Sec. 1. Prior to the convening of the second regular session of the One Hundred Fifth Congress on January 27, 1998, as provided in the first section of this joint resolution, Congress shall reassemble at noon on the second day after its Members are notified in accordance with section 3 of this joint resolution.

Sec. 3. The Speaker of the House and the Majority Leader of the House, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to assemble whenever, in their opinion, the public interest shall warrant it.

THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to Senate Resolution 157 introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 158) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

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, I ask unanimous consent that the resolution be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 158) was agreed to, as follows:

S. Res. 158
Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the first session of the One Hundred Fifth Congress.

Mr. DASCHLE addressed the Chair.

Mr. DASCHLE. Mr. President, I just want to call attention to this resolution. I think the President pro tempore deserves the accolades, the attention that this resolution provides. Many of us have watched with great admiration as he has conducted his responsibilities as President pro tempore. He has been doing it now for over 100 years.

(Laughter.)

And we are just grateful that he continues to do it with such aplomb. We thank him and we appreciate, as the resolution notes, his “courteous, dignified, and [extraordinarily] impartial” approaches to his responsibilities. And we thank him for the service. I note that the President pro tempore is working now as we are commenting him. He is diligently tendering
to his duties as the real leader of the Senate.

I want to note also that throughout the year, whether we have come in early or the middle of the day, whatever it might be, he was unfailingly waiting at the desk, ready to call the Senate to order, and a couple times instructed the younger Member—the majority leader—that I was cutting it mighty close and we needed to start right on time. We were supposed to start at 9 or 9:30, and he expected me to be prepared and counted for.

But I want to join Senator Daschle in expressing my admiration and great appreciation to Senator Thurmond, for the tremendous job he does for his people in South Carolina and what a credit he is to the Senate and what a great job he does for our country.

Mr. Thurmond addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. Thurmond. I want to express my admiration and appreciation to the majority leader and the minority leader. In a few minutes, I will have a few words to say about them.

COMMENDING THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. Lott. Mr. President, I ask unanimous consent the Senate now proceed to Senate Resolution 159, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 159) to commend the exemplary leadership of the Democratic leader.

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. Daschle. Mr. President, I am very grateful for the generous remarks of the distinguished majority leader. I, too, have enjoyed this relationship, and I believe over the long run this has been a very productive one. We have been able to do a number of things that I look back on with great satisfaction and great pride. I think there are more opportunities like that, and I know that the majority leader shares our view that in the end we have to govern.

There is a time for politics and there is a time for leadership. I believe he has demonstrated very able leadership on many occasions; some courage, as well. He has addressed the many responsibilities that he holds. I look forward to working with him in the second session of the 105th Congress and appreciate very much his friendship and the relationship we have had.

Mr. Lott. Mr. President, I thank Senator Daschle for his comments.

Mr. Daschle. I ask unanimous consent the resolution be agreed to and without objection, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, the resolution (S. Res. 160) was agreed to.

The resolution is as follows:

S. Res. 159

Resolved. That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the first session of the 105th Congress.

COMMENDING THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. Daschle. I ask unanimous consent the Senate now proceed to the Senate Resolution 160, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 160) to commend the exemplary leadership of the majority leader.

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. Daschle. Mr. President, I am most appreciative of the generous remarks of the Democratic leader. I, too, have enjoyed this relationship, and I believe over the long run this has been a very productive one. We have been able to do a number of things that I look back on with great satisfaction and great pride. I think there are more opportunities like that, and I know that the majority leader shares our view that in the end we have to govern.

There is a time for politics and there is a time for leadership. I believe he has demonstrated very able leadership on many occasions; some courage, as well. He has addressed the many responsibilities that he holds. I look forward to working with him in the second session of the 105th Congress and appreciate very much his friendship and the relationship we have had.

Mr. Lott. Mr. President, I thank Senator Daschle for his comments.

Mr. Daschle. I ask unanimous consent the resolution be agreed to and without objection, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, the resolution (S. Res. 160) was agreed to.

The resolution is as follows:

S. Res. 160

Resolved. That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the first session of the 105th Congress.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. Lott. I ask unanimous consent the Senate go into executive session and immediately proceed en bloc to the following nominations on the Executive Calendar: No. 327, No. 350, No. 386 and No. 465. I further ask unanimous consent that the Senate proceed en bloc to the consideration of two nominations reported by the Armed Services Committee today.

I ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid on the table, and any statements appear in the RECORD, the President be immediately notified of the Senate’s action, and the Senate then return to legislative session.

Mr. Lott. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Raymond C. Fisher, of California, to be Associate Attorney General.

EXECUTIVE OFFICE OF THE PRESIDENT

Rita D. Hayes, of South Carolina, to be Deputy United States Trade Representative, with the rank of Ambassador.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Gail W. Laster, of New York, to be General Counsel of the Department of Housing and Urban Development.

THE JUDICIARY

Lynn S. Adelman, of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin.
William J. Lynn, III, of the District of Columbia, to be Under Secretary of Defense (Comptroller).

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Captain Henry G. Ulrich, III, 2552.

STATEMENT ON THE NOMINATION OF LYNN ADELMAN TO U.S. DISTRICT COURT

Mr. KOHL. Mr. President, let me take this opportunity to tell you why Lynn Adelman, the President's nominee for the U.S. District Court for the Eastern District of Wisconsin, is such a fine choice to fill the vacancy created when Judge Curran took senior status.

First, Lynn Adelman has a record of unquestioned skill and unequaled experience in his 30 years of practice. His dedication, hard work and intelligence has been displayed in both civil and criminal matters before the Wisconsin Supreme Court and before the Supreme Court of the United States.

Second, Lynn Adelman has spent a life devoted to public service. He has dedicated a great deal of his professional time to disadvantaged clients. And, rather than pursue his private practice full-time, he has simultaneously served in public office. As a State senator for 20 years, much of the time serving as chairman of the Judiciary Committee, he has championed the causes of crime victims and government accountability.

Based on this outstanding record, Lynn Adelman received high marks from the nonpartisan commission that Senator FEINGOLD and I established with the State Bar. And his nomination has bipartisan support, including the endorsement of Wisconsin's Republican Governor, Tommy Thompson. Although they have not always seen eye to eye, Governor Thompson wrote that Lynn is "thoughtful, fair and open-minded" as well as someone who "is sensitive to and has respect for the principle of the separation of powers."

Finally, let me conclude on a personal note. My family has known the Adelman family for over 20 years, and I have known Lynn personally for more than 20. I know that he has the compassion, integrity and skill that will make him a valuable addition to the bench.

Mr. FEINGOLD. Mr. President, I am pleased that the U.S. Senate took action today to confirm Lynn Adelman to the Federal District Court. Lynn's entire career, both in the State legislature and his private legal practice, has been marked by his dedication to serving the people of our State and makes him particularly well suited for a position on the federal bench. I have no doubt that he will continue his career of public service in this new capacity and will be an excellent jurist for the people of Wisconsin.

President Clinton choose Lynn Adelman's name from the three forwarded to him by the nominations committee that Senator KOHL and I established to review potential nominees for Wisconsin's federal bench. I am pleased that the full Senate, having had an opportunity to review Lynn Adelman's record and to hear from him directly when he testified before the Senate Committee on the Judiciary, has reached the same conclusion that Senator KOHL, President Clinton, Governor Thompson, people all across Wisconsin and I have reached. That being said, I appreciate that Lynn Adelman will be an exemplary federal judge.

Lynn Adelman was born in Milwaukee and is a graduate of Princeton University and Columbia Law School. He graduated cum laude from both of these excellent institutions. After a brief period working in New York, Lynn returned his native Wisconsin and began what to this day has been a career of dedicated public service to the people of our State. Lynn worked with the Wisconsin Supreme Court in 1993. In the twenty years that he has represented the 28th District, he has been a leading voice in the Wisconsin Legislature. I had the distinct honor of serving with Lynn for ten years while I was a Wisconsin Senator and worked with him on the Judiciary Committee, which he has chaired on two occasions.

Lynn Adelman's legislative record and commitment to the people of his district is matched by his knowledge of the law. His knowledge of the law is undeniable. He has appeared in both criminal and civil cases, before both State and Federal courts. Lynn's considerable legal skills also resulted in him arguing before the United States Supreme Court in 1993.

At the same time he has served in the Wisconsin Legislature, Lynn Adelman has continued his practice as a successfully attorney. He has appeared in both criminal and civil cases, before both State and Federal courts.

There can be little doubt that Lynn Adelman's career makes him well suited to serve on the federal judiciary. His knowledge of the law is undeniable. He has a unique perspective on our legal system, born of his service in the legislature, where he has all the tools necessary to serve the people of Wisconsin with distinction.

I am pleased the Senate has chosen to confirm him today.

Mr. LOTT. Mr. President, I note—while I don't have the exact numbers here before me, I will insert in the RECORD later the numbers that are involved—during the first session of the 105th Congress we have now confirmed over 3,000 judicial nominations, both judicial and other executive branch nominations. That does not include military nominations. The total number, I think, comes to over 20,000 nominations that we have confirmed during the first year of the 105th session of Congress.

Mr. DASCHLE. Mr. President, if I could just comment on that, as well. I want to thank the majority leader for his virtually tireless effort, over the last couple of days in particular, to clear the Executive Calendar. We had at one point well over 100 nominations pending on the calendar and we have it down now to just a handful. That would not have happened without his effort. None of these are easy. Some are easier than others. I wish we could have done them all. In some cases it is a responsibility of those on this side for not having been able to address some of these nominations.

I appreciate very much the effort made by the majority leader in the last couple of days to successfully complete the work of Executive Calendar. I think, by and large because of his efforts, we have done so.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, there are a couple of matters yet to be completed tonight, including the Amtrak reform package that should be coming momentarily from the Health, Education, Labor and Pensions Committee. Mr. DASCHLE and I want to notify the President we are moving toward completion of our work tonight.

Later on, when we have the final announcement, we will advise the Senate that it would reconvene the 105th Congress, second session, following a live quorum the morning of January 27, and there would be a live quorum which would proceed morning business until 2 p.m. on that day, and on Tuesday night, January 27, at 9 p.m., we would have the President's State of the Union Address. So the Senate will convene, then, that night at 8:30 in order to proceed to the body of the Hall of the House of Representatives to hear the address.

There will be no legislative business on Tuesday, January 27 except for those actions that may be cleared for unanimous consent. Therefore, no votes will occur during the session on that Tuesday. Other Senators should be aware that the following items are expected to be considered during the early days of the second session of the 105th Congress:

- Oversight and reform of the Postal Service
- New legislation for the protection of the environment
- Legislative measures to address the current budget deficit
- Legislative proposals to improve the nation's health care system
- Legislative efforts to provide tax relief for middle-class Americans
- Legislative initiatives to strengthen national security
- Legislative actions to promote economic growth and job creation
The ISTEA transportation infrastructure bill; juvenile justice; the nomination of Margaret Morrow of California to a judgeship; and the nomination of Ann Aiken, prior to the end of the first week.

I do want to thank my colleagues for their cooperation throughout this session of Congress, and especially on the Executive Calendar. I know there has been a lot of effort made there on both sides of the aisle and we leave just a very few on that calendar. I note we have confirmed this year 36 judges. I believe we will act on at least four or five others very quickly in the beginning of the next session. We had three reported today by the Judiciary Committee, all of which I understand were noncontroversial, but it was late in the afternoon and we did not have the time to give Senators proper notice that we would proceed. So I expect that we will do those the first week back, also.

Mr. President, I yield the floor.

COMMENDING THE MAJORITY AND MINORITY LEADERS

Mr. NICKLES. Mr. President, I want to compliment my colleague, the majority leader, for doing an outstanding job, as well as the minority leader, Senator DASCHLE. They have worked very well together this session. We had some real trials and tribulations, but I think, together, they were an outstanding combination. They were able to pass the Nation’s important business, such as the budget and historic tax relief.

I think this was a productive Congress. Again, I wish to compliment the majority and minority leaders for their effort and leadership.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina, the President pro tempore of the Senate, Mr. THURMOND, is recognized.

COMMENDING THE LEADERSHIP AND STAFF OF THE SENATE

Mr. THURMOND. Mr. President, as we come to the end of the session, I want to say that the Senate could not run without competent people. We have been fortunate to have an outstanding majority leader in Senator LOTT, who is a man of integrity, ability, and dedication. Standing in his minority leader, too, Senator DASCHLE. Both of them have performed outstanding service to their country and this body. I predict that, someday, Senator LOTT may become our President. I also want to thank our leadership, including Senators NICKLES, CRAIG, MACK, COVERDELL, and McCONNELL, all who have cooperated and worked together to bring about the results that we have obtained.

Now, Mr. President, I want to compliment some other people, too, and I will read their names: Elizabeth Greene, David Schiappa, Greer Amburn, of the Republican floor staff; the Democratic floor staff, Lula Davis and Marty Paone; the cloakroom staff, Brad Holsclaw, Laura Martin, Tripp Baird, and Mike Smythers.

I also want to thank the Secretary of the Senate, Gary Sisco; the Sergeant at Arms, Jim Glenn; the Chaplain, Lloyd J. Ogilvie; the clerks of the Senate; the Senate Parliamentarians, the Official Reporters of the Senate, and the Senate Pages, who have all contributed to make this a successful session. We are very proud to commend them for their outstanding work.

At the close of the session, I want to say that a lot has been done here. In years to come, people can look back and say that the 106th session of Congress accomplished a great deal. It is because of these leaders here and their staffs who worked hard. We could not run this place without these competent staff members. I am very proud of all of them.

Mr. President, in closing, I want to say that it has been a pleasure to work with all these people, the Senators and the staffs. As the holiday season approaches, I wish them all a happy Thanksgiving and a merry Christmas.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE CONGRESS

Mr. LOTT. Mr. President, I send an adjournment resolution to the desk calling for a conditional adjournment, the first session of the 106th Congress until Tuesday, January 27, 1998. I ask unanimous consent that the current 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.

The concurrent resolution was agreed to.

The concurrent resolution (S. Con. Res. 68) is as follows:

S. CON. RES. 68
Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on the legislative day of Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

Skr. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Clerk of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The Congress declares that clause 5 of rule III of the Rules of the House of Representatives and the order of the Senate of January 7, 1997, authorize for the duration of the One Hundred Fifth Congress the Clerk of the House of Representatives and the Secretary of the Senate, respectively; to receive messages from the President during periods when the House and Senate are not in session and thereby preserve until adjournment sine die of the final regular session of the One Hundred Fifth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the current Congress does not prevent the return by the President of any bill presented to him for approval.

4. The Clerk of the House and the Secretary of the Senate shall inform the President of the United States of the adoption of this concurrent resolution.

Mr. LOTT. Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

COMMENDING THE MINORITY LEADER

Mr. FORD. Mr. President, this will be next to my last end-of-session period, and at the end of next year and the 106th Congress I will be joining my family back in Kentucky.

But let me say that in all of my 23 years so far here I have never enjoyed so much the friendship and watched the work of the Democratic leader to be any more outstanding or any more consistent in the development of a loving and caring family back in Kentucky.

Mr. President, in closing, I want to say that anyone could work with. All of us are anxious to do good. All of us are anxious to say the right things. But we have to have the right kind of support.

So to the Democratic leader, I pay my respect, and my everlasting thanks for his courtesy in working with me during the year.

Having said that, I want to say that he has developed one of the finest staffs not only on the floor but in his office that anyone could work with. All of us are anxious to do good. All of us are anxious to do the right things. But we have to have the right kind of support.

So as we observe the Senate floor and see who is doing the work and putting the package together, we all understand that we have chosen well in the staff on both sides.

So Mr. President, I didn’t want to leave here without saying to my friend from South Dakota when he reached out to help all families that he reached
out to my family and to my family’s family. And I see what good will come from his efforts and his desire and his hope and vision for the future.

Also, I want to say that I think he has worked very well with the majority leader. The majority leaders had some pressure and strain. But had it not been for the cooperation and effort of the Democratic leader, the first session of the 105th Congress would not be ending on the high note that I believe it is.

I think the Chair suggests the absence of a quorum.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

THANKS TO SENATOR WENDELL FORD

Mr. DASCHLE. Mr. President, let me thank the Senator from Kentucky for his very generous comments. I am not worthy of his remarks. I appreciate very much the kindness that he has shown me in all the years that we have worked together but in particular the last three. I couldn’t be a luckier leader than I am to have the ability to work with, I can say with the distinguished minority whip. It has been a real joy for me.

This has not been an easy year for him. As the ranking member of the Rules Committee, he had to deal with a very, very contentious issue with the Democratic leader.

He has had an array of challenges presented to him, and each and every time I had the confidence and the good fortune to know that he was going to successfully work through those challenges and difficulties with the kind of ability and tenacity and extraordinary work that he does so routinely.

So I thank him for his work. I thank him for his friendship and the tremendous effort that he has put forward in making our caucus what it is today. I truly believe that any leader is only as good as the team he has to work with. I have the good fortune to have, in my view, one of the best teams the Democratic caucus has ever had in leadership. And he is the preeminent example of what I am referring to. He is respected so widely and so enthusiastically that it goes without saying that when it comes to respect and when it comes to the extraordinary admiration that he has for him, Wendell Ford is in a class by himself.

THANKING THE STAFF

Mr. DASCHLE. Mr. President, let me also commend, as Senator Ford did, our floor staffs on both sides. The Senator has expressed his gratitude to my staff in the leader’s office. I do so as well. They have just been remarkable all year long. But whether it is in the leader’s office or here on the floor, it has made my job one that has been so much easier as a result of their efforts and their knowledge of the way our process works. They bring to work each day an extensive experience but, more than experience, an attitude that I think epitomizes the kind of quality of people that we have.

So I thank our staff, thank our leadership team. Thank you, thank you. I am very grateful one more to celebrate what I consider to be good teamwork all the way around.

I yield the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEMOCRATIC LEADERSHIP

Mr. DURBIN. Mr. President, I am completing my first year in the Senate. I will be the first to confess I have a lot to learn, but it has certainly been a rewarding experience serving in this great body. Having had the opportunity to serve in the House, I was no stranger to Capitol Hill, but this is a much different institution.

The dynamic of 100 men and women working together as opposed to 435 is substantially different. I have been impressed with the volume of work that each Senator is asked to shoulder. I have also been very impressed with the leadership, and I join my colleague from Kentucky, Senator Ford, in noting the fine work of Senator Daschle as the Democratic minority leader. It is a tough job. He is lucky to have a good staff to have the energy and talent he brings to it. We are fortunate on the Democratic side to have him.

NOMINATION OF BILL LANN LEE

Mr. DURBIN. Mr. President, at this moment I would like to make reference to what happened in the Senate Judiciary Committee today relative to the nomination of Bill Lann Lee.

Bill Lann Lee is a Chinese-American who was designated by President Clinton to head the Civil Rights Division in the Department of Justice. It is probably one of the more controversial jobs in the Federal Government.

Civil rights, of course, throughout our history has evoked great emotion. Bill Lann Lee is a person, the son of Chinese immigrants, who came up the hard way, faced challenges which many of us have never faced, overcame them, and then devoted 23 years of his life serving with the NAACP Legal Defense Fund. It is interesting; he filed some 200 different civil rights lawsuits in his public career, settled all but six of them—settled all but six of them.

As the mayor of Los Angeles, a Republican, Richard Riordan, said, Bill Lann Lee is the mainstream of civil rights law. He is a person who looks for practical and pragmatic solutions to civil rights challenges. Mr. President, in my estimation, he is exactly the right person for this job, and I am glad the President nominated him. What happened to Bill Lann Lee today in the Judiciary Committee was a very sad situation for Bill Lann Lee. Unfortunately, he did not have the votes and his name been called, he would not have been approved by the Judiciary Committee and sent to the floor of the Senate for confirmation. So as a result, there was a parliamentary tangle, and when all was said and done very little was done after 2 or 3 hours of speeches.

It strikes me as sad that we have now reached a point in this debate over race and civil rights in this country where we are headed in the wrong direction. It is sad that the leaders of both political parties look for opportunities to bind the wounds of this country, wounds of several centuries over the issue of race, but instead continue to look for flash points, buzz words, bringing up issues like quotas and preferences and such.

Bill Lann Lee was asked directly, what is his position on quotas. He said, unequivocally, decisively, “I am against them.” Bill Lann Lee said, “I am against quotas.” But if you would listen to his critics in the Judiciary Committee today, you would think his answer was exactly the opposite. They won’t accept yes for an answer. Bill Lann Lee said, “Yes, I am opposed to quotas,” and yet they continue to badger him and say, oh, that isn’t what he really means.

It is ironic, too, when they quizzed him about the important Supreme Court decisions in the area of civil rights, he gave what I thought were very, very thoughtful, thoughtful answers and complete to the best of his ability. In fact, his answers, as the New York Times reported this morning, were virtually identical to the answers of Seth Waxman, a man who was the position of Solicitor General, who was well qualified for the job, and was approved by the Judiciary Committee and by the Senate without much of any kind of resistance. But along comes Bill Lann Lee, and for some reason, giving the same answers to the same questions, he is being rejected.

I said today in the Judiciary Committee that I wasn’t certain that if Thurgood Marshall’s name had been submitted today to head the Civil Rights Division, he could have made it through that committee. In fact, I will go beyond that; he could not have made it through that committee because you see, Thurgood Marshall, with his distinguished service in the field of civil rights throughout his lifetime and went on to serve this country with distinction on the Supreme Court, was an activist, a man who actively pursued the cause of equal rights in America. And I have to look at the political sentiment in the Senate Judiciary Committee is not open to that sort of individual.
So now President Clinton faces a dilemma, what to do. After the Senate Judiciary Committee action today, or failure to act, should the President walk away from Bill Lann Lee and try to find some other for the job? I hope he does because he has the authority to do so. I hope the President will appoint Bill Lann Lee, as he has the right to do, as a recess appointment to this job that will at least give him 1 year to serve in this position. He deserves it. And in that service he will prove to a lot of his detractors the proof that he is the right person for the job.

In addition, I might add, if Bill Lann Lee won’t make it in this position, if Republicans are opposed to him, I am afraid there isn’t a person the President could send that would prove because, you see, they are not looking for someone who represents the philosophy of the administration, the philosophy of the Department of Justice or the philosophy of the President. They are looking for someone who represents their Republican philosophy. But if I understand the Constitution in its basic form, the people of America spoke last November and said that Bill Clinton was to be the President. They endorsed his philosophy and other candidates, and now when he tries to appoint people to positions to carry out that philosophy, they say, no, we are not going to let that happen.

That is a sad situation, sadder still when you think about how this has developed to a point where what was a bipartisan consensus on the issue of civil rights is starting to deteriorate very dramatically. Today in the committee only one Republican Senator, ARLEN SPECTER, of Pennsylvania, said he would vote for Bill Lann Lee. We needed one more out of the remaining nine, and we could not find them. So Bill Lann Lee’s nomination languished.

What is sadder still is that this fine man, a loving family man, is now left with uncertainty about their future. When he could have been preparing to serve this Nation in an important capacity and make life better for so many people, his future is in doubt.

Those who argued that this is just a question of race looked beyond the issue of civil rights in its entirety. The issue of civil rights goes beyond racial questions into questions involving some of the issues involving personal physical disabilities, questions of ethnic background. The Civil Rights Division makes us feel uncomfortable as Americans because time and again it forces us to focus our views on things we don’t want to talk about. We don’t want to talk about discrimination at a major corporation against African Americans. We don’t want to talk about discrimination at a major city’s police department against women. We don’t want to talk about meekness of Federal law enforcement officials, as happened several years ago, where there were outright racist comments being made time and again.

Yet we must. Because if this Nation really stands for what we believe it does, if it is truly committed to equal rights, we have to face the reality that there are times when we have strayed from our goal.

I hope Bill Lann Lee, I hope, will ultimately be confirmed by this Senate. I hope not only because he would be the highest ranking Asian American in the history of this country but also because, with his life, he has set out to prove that having been the son of Chinese immigrants, having been someone who is a recipient of an affirmative action program at Yale University and also at Colombia Law School, that he could prove himself to be up to the task.

I had a moment this evening, so I took out a card in my desk and wrote a personal note to him because I have been thinking about him a lot recently. I still remember his wife, his family. I especially remember his mother, his mother who is I am sure up in years now. She is not what she might be. She was a woman who worked in a hand laundry in New York for years, and there she sat at a confirmation hearing seeing her son who used to run around this little hand laundry in New York now being nominated for one of the highest positions in the Federal Government. I am glad she got to see that nomination, but I am sorry that she had to witness what has happened since. She came to this country with hope. Her husband, who Bill Lee identified as his greatest inspiration in life, was a man who was totally committed to this country.

During World War II, at the age of 36 when he could have escaped the draft, he volunteered, went into the Army Air Corps and served with real distinction. When he came out he said to his sons, “It was the right thing to do. They treated me like I was an American—not a Chinaman living in America.”

That lesson was not lost on Bill Lann Lee. It hasn’t been lost on any of us. I sincerely hope that when we return, some of the rancor and some of the negative feelings have abated and that people will consider once again the need to look at this important nomination. If there needs to be a national debate on affirmative action, the debate should take place right here on the floor so that both sides are heard. Democrats and Republicans can argue the merits or demerits. They can talk about changes, as we should in any law. But to make this one man the focal point of this debate and to literally say that he cannot have an opportunity to serve because we as a nation are divided on the question, I think is fundamentally unfair.

So, as we adjourn and go off for another 10 or 11 weeks back in our districts and other places, back in our home States, I hope we will not forget that when we return, a responsibility not just to Bill Lann Lee but to many others who hope that in a bipartisan fashion we can continue to address the issue of civil rights in a civil manner.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAL ESTATE SETTLEMENT PROCEEDURES ACT AMENDMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 607, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: A bill (H.R. 607) to amend the Real Estate Settlement Procedures Act of 1974 to require notice of cancellation rights with respect to private mortgage insurance, which is required as a condition of entering into certain federally related mortgage loans and to provide for cancellation of such insurance, 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.

AMENDMENT NO. 1637

(Purpose: To provide for a substitute and to amend the title.)

Mr. LOTT. Mr. President, Senator D’AMATO 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. D’AMATO, proposes an amendment numbered 1637.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows: (The text of the amendment is printed in today’s Record under “Amendments Submitted.”)

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be considered read a third time 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 amendment (No. 1637) was agreed to.

The bill (H.R. 607), as amended, was read the third time and passed.

BOYS AND GIRLS CLUBS OF AMERICA FACILITIES ESTABLISHMENT ACT

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on
the bill (S. 476) to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved. That the bill from the Senate (S. 476) entitled “An Act to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.”, do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. 2,500 BOYS AND GIRLS CLUBS BEFORE 2000.

(a) IN GENERAL.—Section 401(a) of the Economic Espionage Act of 1996 (42 U.S.C. 13751 ate (c) (1) in subsection (b)(2), by striking “or rural” and inserting the following: “rural area, or Indian reservation with a population of high risk youth as defined in section 517 of the Public Health Service Act (42 U.S.C. 290bb-23) of sufficient size to warrant the establishment of a Boys and Girls Club.”;

(b) ACCELERATED GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended—

(1) by inserting “rural” after “urban” in clause (2), striking “or rural” and inserting the following: “rural area, or Indian reservation with a population of high risk youth as defined in section 517 of the Public Health Service Act (42 U.S.C. 290bb-23) of sufficient size to warrant the establishment of a Boys and Girls Club.”;

(2) by striking subsection (c) and inserting the following:

“(1) the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall make a grant to the Boys and Girls Clubs of America for the purpose of establishing and extending Boys and Girls Clubs facilities where needed, with particular emphasis placed on establishing clubs in public housing projects and distressed areas, and to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation not later than December 31, 2000.’’;

(c) ESTABLISHMENT.—For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall make a grant to the Boys and Girls Clubs of America for the purpose of establishing and extending Boys and Girls Clubs facilities where needed, with particular emphasis placed on establishing clubs in and extending services to public housing projects and distressed areas.

(d) APPLICATIONS.—The Attorney General shall accept an application for a grant under this subsection if submitted by the Boys and Girls Clubs of America, and approve or deny the grant not later than 90 days after the date on which the application is submitted, if the application—

(A) includes a long-term strategy to establish 1,000 additional Boys and Girls Clubs and detailed summary of those areas in which new facilities will be established, or in which existing facilities will be expanded to serve additional youths, during the next fiscal year;

(B) includes a plan to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation before January 1, 2000;

(C) certifies that there will be appropriate coordination with those communities where clubs will be located; and

(D) explains the manner in which new facilities will operate without additional, direct Federal financial assistance to the Boys and Girls Clubs once assistance under this subsection is discontinued.”;

(c) ROLE MODEL GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by adding at the end the following:

“(f) ROLE MODEL GRANTS.—Of amounts made available under subsection (e) for any fiscal year—

“(1) not more than 5 percent may be used to provide a grant to the Boys and Girls Clubs of America for administrative, travel, and other costs associated with a national role-model speaking tour program;

“(2) no amount may be used to compensate speakers other than to reimburse speakers for reasonable travel and accommodation costs associated with the program described in paragraph (1).”.

Mr. LEAHY. Mr. President, I am delighted that the Senate today has accepted the House amendment to S. 476 to ensure Indian reservations and rural areas, including those on Indian reservations, are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation not later than December 31, 1999.’’. The Senate will now proceed to help create after school “safe havens” where children are protected from drugs, gangs and crime with activities including drug prevention education, academic tutoring, and mentoring. This bill is a step but should not be the end of our efforts to support programs that help prevent juvenile delinquency, crime, and drug abuse.

Mr. LOTT. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

AMENDING SENATE RESOLUTION 48

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Senate Resolution 161, submitted earlier today by Senator LOTT.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows: a resolution (S. Res. 161) to amend Senate Resolution 48.

The Senate proceeded to consider the resolution.
Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 161) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 161
Resolved, That Senate Resolution 48, 105th Congress, agreed to February 4, 1997, is amended—
(1) in section 1(e), by striking "$5,000" and inserting "$10,000"; and
(2) in sections 1(e) and 1(g), by striking "September 30, 1997" and inserting "September 30, 1998".

GRANTING CONSENT OF CONGRESS TO CHICKASAW TRAIL ECONOMIC DEVELOPMENT COMPACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 95, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 95) granting the consent and approval of Congress for the Chickasaw Trail Economic Development Compact.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. THOMPSON. Mr. President, I would like to take this opportunity to make a few brief comments with my colleague, Senator LOTT, in support of his resolution. As a member of the Chickasaw Trail Economic Development Compact, I urge the Senate to support this resolution.

Mr. FRIST. Mr. President, I rise today in support of House Joint Resolution 95, a measure introduced by my friend, Representative Ed BRYANT of the Seventh District of Tennessee. This legislation gives congressional approval to the Chickasaw Trail Economic Development Compact.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

The joint resolution (H.J. Res. 95) was read the third time and passed.

GRANTING CONSENT AND APPROVAL OF CONGRESS TO AMEND WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 96, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 96) granting the consent and approval of Congress for the Washington Metropolitan Area Transit Regulation Compact.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The joint resolution (H.J. Res. 96) was read the third time and passed.

AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the House (S. 738) entitled "Amtrak Reform and Accountability Act of 1997", do pass with the following amendments:

Strike out all after the enacting clause and insert:

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. 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 transport.

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 service.

Sec. 109. Passenger choice.

Sec. 110. Application of certain laws.

SUBTITLE B—PROCUREMENT

Sec. 111. Contracting out.

SUBTITLE C—EMPLOYEE PROTECTION REFORMS

Sec. 112. Railway Labor Act Procedures.

Sec. 113. Service discontinuance.

SUBTITLE D—USE OF RAILROAD FACILITIES

Sec. 114. Liability limitation.

Sec. 115. 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. Officers’ pay.

Sec. 208. Exemption from taxes.

Sec. 209. Limitation on use of tax refund.

TITLE III—AUTHORIZED USE OF APPROPRIATIONS

Sec. 301. 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. Board of Directors.

Sec. 412. Educational participation.

Sec. 413. Report to Congress on Amtrak bank.

Sec. 414. Board of Directors.

Sec. 415. Amtrak to notify Congress of lobbying relationships.

Sec. 416. Financial powers.

SEC. 2. FINDINGS.

(a) 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 investing in new equipment;

(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) intermodal competition 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;

(8) Amtrak’s employees should proceed quickly with 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 programs 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) 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.

(b) Improving Rail Passenger Transportation.—Section 24701 is amended to read as follows:

"§24701. National rail passenger transportation system

"Amtrak shall operate a national rail passenger transportation system which ties together existing and emergent regional rail passenger service and other intermodal passenger service.

"The item relating to section 24701 in the table of sections of chapter 247 is amended to read as follows:

"24701. National rail passenger transportation system."

(c) Improving Rail Passenger Transportation.—Section 24702 and the item relating thereto in the table of sections for chapter 247 are repealed.

(d) Discontinuance.—Section 24708 is amended to read as follows:

"(c) Discontinuance.—Section 24708 is amended to read as follows:

(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) inserting "or discontinuing service over a route;";

(3) by inserting "or assume" after "agree to share" in subsection (a)(1);

(4) by striking "section 24707(a) or (b) of this title" in subsection (a)(2) and inserting "paragraph (1)"; and

(5) by striking "section 24707(a) or (b) of this title" in subsection (b)(1) and inserting "subsection (a)(1)".

(e) Cost and Performance Review.—Section 24707 and the item relating thereto in the table of sections for chapter 247 are repealed.

(f) Special Commuter Transportation.—Section 24708 and the item relating thereto in the table of sections for chapter 247 are repealed.

(g) Conforming Amendment.—Section 24312(a)(1) is amended by striking "or 24704(b)(2)."

(h) Amtrak Commuter.—Section 24312(c)(2) is amended by inserting "or 24704(b)(2)".

(i) Amtrak Motor Carrier.—Section 24312(c)(2) is amended by inserting "or 24704(b)(2)".

SEC. 3. REPEAL OF CITATION.—Section 24312(a)(1) is amended by striking "or 24704(b)(2)".

SEC. 4. USE OF RAILROAD FACILITIES.

A. Authority of Others to Provide Passenger Service.—Section 24704 and the item relating thereto in the table of sections for chapter 247 are repealed.

B. State, Regional, and Local Cooperation.—Section 24701 is amended to read as follows:

"(a) Authority of Others to Provide Passenger Service.—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. 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. 5. THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.

A. Authority of Others to Provide Passenger Service.—Section 24705 and the item relating thereto in the table of sections for chapter 247 are repealed.

B. State, Regional, and Local Cooperation.—Section 24701 is amended to read as follows:

"(a) Authority of Others to Provide Passenger Service.—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. 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."
(1) to combine or package their respective services and facilities to the public as a means of increasing revenues; and
(2) to coordinate schedules, routes, rates, reservations and ticketing to provide for enhanced intermodal surface transportation.

(b) REVIEW.—The authority granted by subsection (a) is subject to review by the Surface Transportation Board and may be modified or revoked by the Board if modification or revocation is in the public interest.

SEC. 109. PASSENGER CHOICE.

Amtrak 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 FOIA.—Section 24301(e) is amended by adding at the end thereof the following: “Section 522 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.”;

(b) APPLICATION OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT.—Section 303(b)(m) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(m)) applies to a proposal in the possession or control of Amtrak.

Subtitle B—Procurement

SEC. 111. CONTRACTING OUT

(a) REPEAL OF BAN ON CONTRACTING OUT.—Section 24312 is amended—

(1) by striking subsection (b); and
(2) by striking “(2)” in subsection (a); and

(b) CONTRACTUAL OBLIGATIONS.—A provider of intermodal surface transportation may enter into contracts to provide for enhanced intermodal surface transportation on the terms to resolve the dispute.

Subtitle C—Employee Protection Reforms

SEC. 114. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—Notwithstanding any arrange- ment in effect under the enactment of this Act, notices under section 6 of the Rail- way Labor Act (45 U.S.C. 156) with respect to all issues relating to employee protective arrange- ments and severance benefits which are not applic- able to employees of Amtrak, including all provi- sions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, a copy of which is on file with the National Mediation Board, shall apply to the expenses of such individuals as if such individuals were employees of Amtrak.

(c) NATIONAL MEDIVATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall lengthen the effective date of the agreements made under subsection (a).

(d) NO INCREMENT.—The amendment made by subsection (a)(1) is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or terminal facilities not resulting in the layoff of Amtrak employees.

Subtitle D—Use of Railroad Facilities

SEC. 121. LIABILITY LIMITATION.

(a) IN GENERAL.—Chapter 281 is amended by adding at the end thereof the following new section:

“§28103. Limitations on railroad passenger transpor- tation liability.

(1) Purposes of this section.—This section is intended to:]
(2) 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

(3) the term 'rail carrier' includes a person providing excursion, scenic, or museum train service, and an owner or operator of a privately owned railroad.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 281 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) is amended by inserting "or on January 1, 1997," after "1979."

TITLE II—FISCAL ACCOUNTABILITY

SEC. 201. AMTRAK FINANCIAL GOALS.

Section 24104(d) 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 out Federal operating grant funds appropriated for its benefit."

SEC. 202. INDEPENDENT ASSESSMENT.

(a) No later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall contract with an entity independent of Amtrak and not in any contractual relationship with Amtrak, and independent of the Department of Transportation, to conduct a complete independent assessment of the financial requirements of Amtrak through fiscal year 2002. The entity shall have demonstrated knowledge and expertise relevant to the rail industry and accounting requirements, 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 contract is conducted under this subsection meets the requirements of this section.

(b) ASSESSMENT CRITERIA.—The Secretary and Amtrak shall enter into the independent assessment only if the Secretary determines that the independent assessment is necessary to determine Amtrak's financial requirements, and if the independent assessment is necessary to determine Amtrak's financial requirements.

(c) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The assessment shall take into account all relevant factors, including Amtrak's—

(1) cost allocation process and procedures;

(2) intercity rail passenger service, commuter service, and any other service Amtrak provides;

(3) Strategic Business Plan, including Amtrak's projected expenses, capital needs, ridership, and revenue forecasts; and

(4) 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 stock requirements, including capital leases, "state of good repair" requirements, and infrastructure improvements.

(d) BIDDING PRACTICES.—(1) As part of Amtrak's independent assessment also shall determine whether, and to what extent, Amtrak has performed each year during the period from 1992 through 1996 services under contract at amounts less than the cost to Amtrak of performing such services with respect to any activity other than the provision of intercity rail passenger transportation. For purposes of this clause, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles. If the independent assessment finds, 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 performing such services. (2) REFORM.—If the independent assessment performed under this subparagraph reveals that Amtrak has performed services under contract for an amount that is less than the cost to Amtrak of performing such services, with respect to any other than the provision of intercity rail passenger transportation, or mail or express transportation, Amtrak shall revise its methodology for preparation of bids to reflect its cost of performance.

(e) DEADLINE.—The independent assessment shall be completed not 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 Comptroller General 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 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.—(A) TIME FOR INITIAL APPOINTMENTS.—Appointments made under paragraph (1) shall be made not later than the fiscal year following the fifth anniversary of the date of enactment of this Act. (B) EXPERTISE.—Individuals appointed under subparagraphs (A) through (C) 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 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 the term for which, that individual was appointed. (4) CHAIRMAN.—(A) The Council shall elect a chairman from among its membership within 15 days after the earlier of—(i) January 1, 1997; or (ii) the date on which all members of the Council have been appointed under paragraph (2)(A); or (B) 45 days after the date of enactment of this Act.

(5) MAJORITY REQUIRED FOR ACTION.—A majority of the members of the Council present and voting is required for the Council to act.

(6) VACANCY.—In the event of a vacancy, the Council shall select a member who shall serve for the unexpired portion of the term for which the individual was appointed.

(7) RESIGNATION.—Any member may resign at any time, in writing, by submitting such resignation in the manner prescribed for the appointment of such member, to the Council such sums as may be necessary to enable the Council to carry out its duties.

(c) DUTIES.—(1) EVALUATION AND RECOMMENDATION.—The Council shall—(A) evaluate Amtrak's performance; and (B) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial self-sufficiency.

(2) SPECIFIC CONSIDERATIONS.—In making its evaluation and recommendations under paragraph (1), the Council shall consider all relevant performance factors, including— (A) Amtrak's operations as a national passenger rail system which provides access to all points of the country and ties together existing and emerging rail passenger corridors; (B) appropriate methods for adoption of uniform cost accounting 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) MONITOR WORK-_RULE SAVINGS.—If, after January 1, 1997, Amtrak enters into an agreement involving work-rules intended to achieve savings, an organization representing Amtrak employees, then Amtrak shall report quarterly to the Council—(A) the savings realized as a result of the agreement; (B) how the savings 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— (A) Amtrak's progress on the resolution of productivity issues; (B) the status of those productivity issues, and makes recommendations for improvements and for any changes in law it believes to be necessary; and (C) the authority for appropriations.

(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. 204. SUNSET TRIGGER.

(a) IN GENERAL.—If at any time more than 2 years after the date of enactment of this Act an assessment of the financial plan referred to in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act, the Amtrak Reform Council finds that—

(1) 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 Infras- tructure of the United States House of Repre- sentatives.

(b) FACTORS CONSIDERED.—In making a find- ing under subsection (a), the Council shall take into account—

(1) Amtrak’s performance;
(2) the findings of the independent assessment conducted under section 202;
(3) the level of Federal funds made available for carrying out the financial plan referred to in section 214(d) of title 49, United States Code, as amended by this Act;
(4) Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.

(c) ACTION 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 rational- ized national intercity rail passenger system; and

(2) Amtrak shall develop and submit to the Congress an action plan for the complete liq- uidation of Amtrak, after having the plan re- viewed by the Inspector General of the Depart- ment of Transportation and submitted to the Committee on Transportation and In- frasstructure of the Congress with respect to a restructuring plan (without re- gard to whether it is the plan submitted) has not been passed by the Congress, then a liquidation disapproval resolution shall be introduced in the Senate by the Majority Leader of the Senate, for Senate by the Amtrak Reform Council under (b) CONSIDERATION IN THE SENATE.—

(1) CONVENING OF CONFERENCE.—In the case of such a resolution under this sub- section disapproval resolution that originated in the Senate, the resolution shall not be referred to the Senate of the conference report and any amendment to the Senate amendment, and vote on final dis- position of the House liquidation disapproval resolution, all without any intervening action or debate.

(10) CONSIDERATION OF HOUSE MESSAGE.—Con- sideration in the Senate of all motions, amend- ments, or appeals necessary to dispose of a mess- age from the House of Representatives on a liq- uidation disapproval resolution shall be limited to not more than 4 hours. Debate on each mo- tion or amendment shall be limited to 30 min- utes. Debate at any point of order at which a dispo- sition of the House message shall be limited to 20 minutes. Any time for debate shall be equally di- vised and controlled by the house另有两名代表，在少数党经理的同意下，由多数党经理提出， majority manager, unless the majority manager is in favor of the amend- ment and the minority manager, unless the majority manager shall be in control of the time in opposition.

(2) NO MOTION TO RECOMMIT.—A motion to re- commit a liquidation disapproval resolution shall not be in order.

(9) DISPOSITION OF SENATE RESOLUTION.—If the Senate has read for the third time a liquida- tion disapproval resolution that originated in the Senate, then it shall be in order at any time thereafter to move to proceed to the consider- ation of a liquidation disapproval resolution for the same purpose, from the House of Representatives and placed on the Cal- endar pursuant to paragraph (2), strike all after the enacting clause, substitute the text of the same resolution, agree to the Senate amendment, and vote on final dis- position of the House liquidation disapproval resolution, all without any intervening action or debate.

(a) IN GENERAL.—If, within 90 days (not counting any day on which either House is not in session but counting any time spent in preparing the disapproval resolution, shall not be referred to com- mittee and shall be placed on the Calendar.

The Senate shall proceed, without intervening action or debate (except as permitted under paragraph (9)), to vote on the final disposition thereof to the exclusion of all amendments not germane to the proposition on all mo- tions, except a motion to reconsider or table.

(b) THE TIME FOR DEBATE ON THE LIQUIDATION DISAPPROVAL RESOLUTION SHALL BE EQUALLY DIVIDED BETWEEN THE MAJORITY LEADER AND THE MINORITY LEADER OR THEIR DESIGNEES.

(7) DEBATE OF AMENDMENTS.—Debate on any amendment to a liquidation disapproval resolu- tion shall be limited to not more than 4 hours and controlled by the Senator proposing the amendment and the majority leader, unless the majority manager is in favor of the amend- ment, in which case the majority manager shall be in control of the time in opposition.

(8) NO MOTION TO RECOMMIT.—A motion to re- commit a liquidation disapproval resolution shall not be in order.

SEC. 206. ACCESS TO RECORDS AND ACCOUNTS.

(a) IN GENERAL.—Amtrak may not use any amount received under section 977 of the Tax- payer Relief Act of 1997, for any purpose other than making pay- ments to non-Amtrak States (pursuant to section 977(c) of that Act), or the financing of qualified expé- nses (as that term is defined in section 977(c) of that Act); or

(2) to offset other amounts used for any pur- pose other than the financing of such expenses.

(8) LIMITATION ON USE OF TAX REFUND.—(a) IN GENERAL.—Amtrak may not use any amount received under section 977 of the Tax- payer Relief Act of 1997, for any purpose other than making pay- ments to non-Amtrak States (pursuant to section 977(c) of that Act), or the financing of qualified expé- nses (as that term is defined in section 977(c) of that Act); or

(b) AMTRAK REFORM LEGISLATION.—This Act constitutes Amtrak reform legislation within the
meaning of section 977(f)(1) of the Taxpayer Relief Act of 1997.

TITLE IV—MISCELLANEOUS

SEC. 401. STATUS AND APPLICABLE LAWS.
Section 24031 is amended—
(1) by striking “carrying rail carrier under section 10102” in subsection (a)(1) and inserting “railroad carrier under section 10202(c) and chapters 261 and 261”; and
(2) by amending subsection (c) to read as follows:
  “(c) APPLICATION OF SURTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11512(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Retirement Insurance Act, and the Railroad Retirement Tax Act.”

SEC. 402. WASTE DISPOSAL.
Section 24031(m)(1)(A) is amended by striking “1996” and inserting “2001”.

SEC. 403. ASSISTANCE FOR UPGRAADING FACILITIES.
Section 24110 and the item relating thereto in the table of sections for chapter 243 are repealed.

SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.
Section 24114 and the item relating thereto in the table of sections for chapter 243 are repealed.

SEC. 405. PROGRAM MASTER PLAN FOR BOSTON— \nSOUTHEAST CORRIDOR LINE.
(a) REPEAL.—Section 24902 is repealed and the table of sections for chapter 249 is amended by striking the item relating to that section.
(b) CONFIRMING AMENDMENTS.—
(1) Section 24902 is amended—
(A) by striking subsections (a), (c), and (d) and redesignating subsection (b) as subsection (a) and subsections (e) through (m) as subsections (b) through (i), respectively; and
(B) in subsection (i), as so redesignated by subparagraph (A) of this paragraph, by striking “(m)”.
(2) Section 24904(a) is amended—
(A) by inserting “and” at the end of paragraph (6);
(B) by striking “; and” at the end of paragraph (7) and inserting a period; and
(C) by striking paragraph (8).

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 required by the Americans With Disabilities Act of 1990 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)(2), or (e)(2) of section 242 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12132) until January 1, 1998.
(b) CONFIRMING AMENDMENT.—Section 24207 is amended—
(1) by striking subsection (b); and
(2) by redesignating subsection (c) as subsection (b).

SEC. 407. DEFINITIONS.
Section 24202 is amended—
(1) by striking paragraphs (2) and (11);
(2) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively; and
(3) by inserting “, including a unit of State or local government,” after “means a person” in paragraph (7), as so redesignated.

SEC. 408. NORTHEAST CORRIDOR COST DISPUTE.
Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.

SEC. 409. INSPECTOR GENERAL ACT OF 1978 AMENDMENTS.
(a) AMENDMENT.—
(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect at the beginning of the first fiscal year after a 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 Transportation shall review Amtrak’s operations and conduct an assessment 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; and
(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 committee reports on Amtrak’s capitalization or appropriating funds for Amtrak for capital acquisition, development, or operating 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 under Federal law to a compact 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 section (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 Amtrak);
(3) on such terms and conditions as the States consider advisable—
(A) borrow money on a short-term basis and issue notes for the borrowing; and
(B) issue bonds; and
(4) obtain financing by other means permitted under Federal or State law.

SEC. 411. BOARD OF DIRECTORS.
(a) AMENDMENT.—Section 24302 is amended to read as follows:

"§24302. Board of Directors

"(a) REFORM BOARD.—
"(1) ESTABLISHMENT AND DUTIES.—The Reform Board was established by Congress to carry out the recommendations of the 1997 Working Group on Inter-City Rail regarding the transfer of Amtrak’s infrastructure assets and responsibilities to the States and accomplish the following:
(2) EFFECT ON AUTHORIZATIONS.—If the Reform Board has not assumed the responsibilities
"(C) AUTHORITY TO RECOMMEND PLAN.—The Reform Board shall have the authority to recommend to the Congress a plan to implement the recommendations of the 1997 Working Group on Inter-City Rail regarding the transfer of Amtrak’s infrastructure assets and responsibilities to the States and accomplish the following:
"(3) CONFIRMATION PROCEDURE IN SENATE.—
"(A) This paragraph is enacted by the Congress as in the case of any other rule of the Senate.
"(B) The President of Amtrak shall serve as an ex officio, nonvoting member of the Reform Board.
"(C) It shall be in order at any time thereafter to move to proceed to the consideration of the nomination without any intervening action or debate.
"(D) After no more than 10 hours of debate on the nomination, which shall be evenly divided between, and controlled by, the Majority Leader and the Minority Leader, the Senate shall proceed without intervening action to vote on the nomination.

"(b) BOARD OF DIRECTORS.—Five years after the establishment of the Reform Board under subsection (a), a Board of Directors shall be selected—
"(1) if Amtrak has, during the then current fiscal year, received Federal assistance, pursuant to bylaws adopted by the Reform Board (which shall provide for employee representation), and the Reform Board shall be dissolved.
"(2) EFFECT ON AUTHORIZATIONS.—If the Reform Board has not assumed the responsibilities
of the Board of Directors of Amtrak before July 1, 1998, all provisions authorizing appropriations under the amendments made by section 301(a) of this Act for a fiscal year after fiscal year 1998 shall cease to be effective. The preceding sentence shall have no effect on funds provided to Amtrak pursuant to section 977 of the Taxpayer Relief Act of 1997.

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 containing financial and other information 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 System.

SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBLING RELATIONSHIPS.

Amtrak shall participate in educational efforts with elementary and secondary schools to inform students on the advantages of rail travel and the Federal Railroad Retirement System.

SEC. 415. FINANCIAL POWERS.

(a) Capitalization.—(1) Section 24304 is amended to read as follows:

"24304. Employee stock ownership plans

"In issuing stock pursuant to applicable corporate law, Amtrak is encouraged to include employee stock ownership plans." (2) The item relating to section 24304 in the table of sections of chapter 243 is amended to read as follows:

"24304. Employee stock ownership plans.".

(b) Redemption of Common Stock.—Amtrak shall, before October 1, 2002, redeem all common stock previously issued, for the fair market value of such stock.

(c) Liquidation Preference and Voting Rights of Preferred Stock.—(1)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no liquidation preference.

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

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

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

(d) Scalable Laws.—(1) Section 4301(a)(3) is amended by inserting "and shall not be subject to title 31" after "United States Government.

(2) Section 9202 of title 31, United States Code, relating to Government corporations, is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (L) as subparagraphs (A) through (K), respectively.

Mr. LOTT. I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

NO ELECTRONIC THEFT (NET) ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee consider the consideration of H.R. 2265 and, further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2265) to amend the provisions of title 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, 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. HATCH. Mr. President, I rise in support of passage of H.R. 2265, The No Electronic Theft [NET] Act. This bill plugs the "LaMacchia Loophole" in criminal copyright enforcement.

Current sec. 506(a) of the Copyright Act contains criminal penalties for willful copyright infringement for "commercial advantage or private financial gain." In U.S. versus LaMacchia, 871 F. Supp. 535 (D. Mass. 1994), defendant, a graduate student attending MIT, encouraged lawful purchasers of copyrighted computer games and other software to upload these works via a special password to an electronic bulletin board on the Internet. The defendant then transferred the works to another electronic address and urged other persons with access to a second password to download the materials for personal use without authorization by or compensation to the copyright owners. Because the defendant never benefited financially from any of these transactions, the current criminal copyright infringement could not be used. Furthermore, the court held that neither could the federal wire fraud statute, since Congress never envisioned protecting copyrights under that statute. For persons with few assets, civil liability is not an adequate deterrent.

It is obvious that great harm could be done to copyright owners if this practice were to become widespread. Significant losses to copyright holders would undermine the monetary incentive to create which is recognized in our Constitution. Mr. President, I believe that willful, commercial-scale pirating of copyrighted works, even when the pirate receives no monetary reward, ought to be nipped in the bud.

I will admit, Mr. President, that I initially had concerns about this bill. I was afraid that the language was so broad that the net could be cast too widely—pardon the pun—that minor offenders or persons who honestly believed that they had a legitimate right to engage in the behavior prohibited by the bill would be swept in. What of the educator who feels that his or her actions are a fair use of the copyrighted work? Although the bill is not failsafe, because of the severity of the potential losses to copyright owners from widespread LaMacchia-like behavior and the little time remaining in this session, on balance I was persuaded to support the bill.

I place great store by the "willfulness" requirement in the bill. Although there is on-going debate about what precisely is the "willfulness" standard in the Copyright Act—as the House Report records—I submit that in the LaMacchia context "willful" ought to mean the intent to violate a known legal duty. The Supreme Court has given the term "willful" that construction in numerous cases in the past 25 years, for example: U.S. versus Bishop, 412, U.S. 346 (1973); U.S. versus Pomponio, 429 U.S. 987 (1976); Cheek versus U.S., 498 U.S. 192 (1991); and Ratzlaf versus U.S., 510 U.S. 135 (1994).

I urge my colleagues on the judiciary committee, that is the interpretation that I give to this term. Otherwise, I would have objected and not allowed this bill to pass by unanimous consent. Under this standard, then, an educator who in good faith believes that he or she is engaging in a fair use of copyrighted material could not be prosecuted under the bill.

I am also relying upon the good sense of prosecutors and judges. Again, the purpose of the bill is to prosecute commercial-scale pirates who do not have commercial advantage or private financial gain from their illegal activities. But if an over-zealous prosecutor should bring and win a case against a college prankster, I am confident that the judge would exercise the discretion that he or she may have under the Sentencing Guidelines to be lenient. If the practical effect of the bill turns out to be draconian, we may have to revisit the issue.

In addition to my concern that the bill's scope might be too broad, I wanted to make sure that the language of the bill would not prejudice in any way the debate about the copyright liability of ISPs and OSPs. As Chairman of the Judiciary Committee, that is the interpretation that I give to this term. Otherwise, I would have objected and not allowed this bill to pass by unanimous consent. Under this standard, then, an educator who in good faith believes that he or she is engaging in a fair use of copyrighted material could not be prosecuted under the bill.

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I urge my colleagues on the judiciary committee, that is the interpretation that I give to this term. Otherwise, I would have objected and not allowed this bill to pass by unanimous consent. Under this standard, then, an educator who in good faith believes that he or she is engaging in a fair use of copyrighted material could not be prosecuted under the bill.
the bill amends the term “financial gain” as used in the Copyright Act to include “receipt, or expectation of receipt, of anything of value, including receipt of other copyrighted works.” The intent of the change is to hold criminally liable those who do not receive monetary or value remote from the scale pirating of copyrighted works.

The intent of the change is to hold criminally liable those who do not receive monetary or value remote from the scale pirating of copyrighted works. The criminal act, such as a job promotion.

Second, I am concerned about the interplay between criminal liability for “reproduction” in the bill and the commonly-held view that the loading of a computer program into random access memory [RAM] is a reproduction for purposes of the Copyright Act. Because most shrink-wrap licenses purport to make the purchaser of computer software a licensee and not an owner of his or her copy of the software, the ordinary purchaser of software may not be able to take advantage of the exemption provided by sec. 117, allowing the “owner” of a copy to reproduce the work in order to use it in his or her own capacity. Many shrink-wrap licenses limit the purchaser to making only a single backup copy of his or her software. Thus, under a literal reading of the bill, the ordinary purchaser of computer software loaded onto a hard disk may not be able to use digital technology to use the computer memory more efficiently. Given its purpose, it is not the intent of the bill. Clearly, this kind of copying was not intended to be criminalized.

Additionally, Congress has long recognized that it is necessary to make incidental copies of digital works in order to use them on computers. Programs or data must be transferred from a floppy disk or hard disk to RAM before they can be used and the court’s interpretation have

The felony threshold under the bill is defined as an offense in which an individual reproduces or distributes one or more copies or phonorecords of one or more copyrighted works with a total retail value of more than $1,000, shall be subject to criminal liability. A misdemeanor offense under the bill is defined as an offense in which an individual reproduces or distributes one or more copies or phonorecords of one or more copyrighted works with a total retail value of more than $2,500 or more.

Section (2)(b) of the bill clarifies that for purposes of subsection (a) of the Copyright Act only, “willful infringement” requires more than just evidence of making a copy of a work. This clarification was included to address the concerns expressed by libraries and Internet access to services because the standard of “willfulness” for criminal copyright infringement is not statutorily defined and the court’s interpretation have varied somewhat among the Federal circuits.

This clarification does not change the current interpretation of the word “willful” as developed by case law and accepted by the Attorney General of Jus-

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Third, the bill requires that anyCopyright Act must commence within5 years from the time the cause of actionarose. The current limit, as containedin section 507(a) of theCopyright Act, is 3 years. This brings copyrightcrimes into conformance with thestatute of limitations for othercriminaacts under title 18 of theUnited States Code.

Fourth, the bill would insert newsubsections in title 18 of the UnitedStates Code requiring that victims ofoffenses concerning unauthorizedfixation and trafficking of live musicalperformances and victims of offensesconcerning trafficking in counterfeitgoods or services be given the opportu-nty to provide a victim impact statement to theprobation officer preparing thepresentence report. The bill directs thatthestatement identify the victim of the offense and the extent and nature of injury and loss suffer-ered, including the estimatedeco-nomic impact of the offense on that victim.

The NET Act reflects the recom-mendations and hard work of theDepartment of Justice and theCopy-right Office. Specifically, ScottCharney and David Green of the De-partment of Justice and MarybethPeters, Shira Perlmutter, and JuleSigall of the Copyright Office helpedme on this legislation. The Departmentof Justice and the Copyright Office pro-vided valuable input as far back as3 years ago, when I introduced the firstlegislation on this subject, and theyhave worked with me through thedrafting of this year’s Senate bill andwith me and all the interested partieson this year’s House version to ensurethat the final product was one thatcould be widely accepted. In fact, justtoday I received a letter from the De-partment of Justice providing its viewson the NET Act and strongly supportingthe enactment of this legis-la-tion.

I also want to thank Mr. HYDE, Mr.CONYERS, Mr. COBLE, Mr. FRANK, andMr. GOODLATTE for their fine work onthis matter.

By passing this legislation, we send astrong message that we value intellec-tual property, as abstract and arcaneasa it may be, in the same way that wevalue the real and personal property ofour citizens. Just as we will not toler-ate the theft of software, CD’s, books, or movie cassettes from a store, so will we not permit the stealing of in-telectual property over the Internet.

I urge my colleagues to support H.R.2265, which was ordered to be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

Mr. KYL. Mr. President, I am proudtosupport H.R. 2265, the No ElectronicTheft [NET] Act which is the com-partment bill to S. 1044, the Criminal Copyright Improvement Act of 1997, in- troduced by Senator LEAHY and myself.Will H.R. 2265 passed the House passed Rep-representatives earlier this week and nowhas the opportunity to obtain Senate approval and be sent to the President before we adjourn for the session. The bill is supported by the Department of Justice, the U.S. Copyright Office, and the Software Publishers Association, which is the leading tradeassociation of the computer software industry, rep-resenting over 1,200 companies that de-velop and market software for entertain-mant, business, education, and the Internet.

H.R. 2265 will help combat software piracy by closing a major loophole in federal law, which was highlighted by the case of United States v. LaMacchia, 871 F.Supp. 535 (D. Mass. 1994). Under copyright law, a software piracy financial gain is required to prove criminal copyright infringement. In LaMacchia, the defendant maliciously pirated software which resulted in an estimated loss to the copyright holders of over $1 million in just over 6 weeks. Because LaMacchia did not profit from the soft-ware piracy, he could not be prosecuted under copyright law.

Because much software piracy on the Internet apparently occurs without the exchange of money, the so-called “LaMacchia loophole” discourages lawenforcement from taking action against willful, commercial-scale soft-ware pirates out to gain notoriety, not money.

In sum, this bill extends criminal in-fringement of copyright to include any person—not just those who act for pur-poses of commercial advantage or pri- vate financial gain—who willfully in-fringe a copyright. Specifically, the bill: (1) expands the definition of “fi-nancial gain” to include the expecta-tion of receipt of anything of value—includ-ing the receipt of other copyright-ed works; (2) sets penalties for willfully infringing a copyright by re-producing or distributing (including electr-ically), during any 180-day period, one or more copies of one or morecopyrighted works with a total retail value of more than $1,000; (3) extends thestatute of limitations for criminal copyright infringement from three to five years; (4) punishes recidivists more severely; (5) extends victims’ rights with regard to criminal copyright in-fringement; and (6) directs the Sen-tencing Commission to determine suf-fi-ciently stringent guidelines to deter these types of crimes.

H.R. 2265 is needed to help protect the interests of the entire software in-dustry by protecting against the unau-thorized copying and distribution of
computer programs. In 1996, piracy cost the software industry over $2 billion in the United States and over $11 billion around the world.

Mr. President, the United States is the world's leader in intellectual property. We export billions of dollars of copyrighted works every year. Our creative community is a bulwark of our national economy. By addressing the flaw in our copyright law that LaMacchia has brought to light, H.R. 2265 sends the strong message that we value the contributions of writers, artists, and other creators, and will not tolerate the theft of their intellectual endeavors.

I urge my colleagues to join me in supporting this important piece of legislation.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; 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 bill (H.R. 2265) was read the third time and passed.

OTTAWA AND CHIPPEWA JUDGMENT FUNDS DISTRIBUTION ACT OF 1997

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 1964) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to docket numbers 19-E, 58, 368, and 18-R before the Indian Claims Commission.

Resolved, That the House agree to the amendments of the Senate numbered 1–60, 62 and 63 to the bill (H.R. 1964) entitled “An Act to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to docket numbers 19-E, 58, 368, and 18-R before the Indian Claims Commission.”.

Resolved, That the House disagree to the amendment of Senate numbered 61 to the above-entitled bill.

Mr. LOTT. Mr. President, I move that the Senate recede from its amendment No. 61.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

RELIEF OF SYLVESTER FlIS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1172.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows: A bill (S. 1172) for the relief of Sylvester Flis.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1172) was read the third time and passed, as follows:

S. 1172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT OF NATURALIZATION TO SYLVESTER FlIS.

(a) In General.—Notwithstanding any other provision of law, Sylvester Flis shall be considered a citizen of the United States upon the filing of the appropriate application and upon being administered the oath of renunciation and allegiance in an appropriate ceremony pursuant to section 337 of the Immigration and Nationality Act.

(b) Deadline for Application and Payment of Fees.—Subsection (a) shall apply if the application for naturalization is filed with appropriate fees within 1 year after the date of the enactment of this Act.

AMENDING THE FEDERAL CHARACTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3025, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: A bill (H.R. 3025) to amend the Federal charter for Group Hospitalization and Medical Services, Inc., 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.

SEC. 1. GRANT OF NATURALIZATION TO SYLVESTER FlIS.

(a) In General.—Notwithstanding any other provision of law, Sylvester Flis shall be considered a citizen of the United States upon the filing of the appropriate application and upon being administered the oath of renunciation and allegiance in an appropriate ceremony pursuant to section 337 of the Immigration and Nationality Act.

(b) Deadline for Application and Payment of Fees.—Subsection (a) shall apply if the application for naturalization is filed with appropriate fees within 1 year after the date of the enactment of this Act.

SEC. 2. DEFINITION OF COVERED EXECUTIVE BRANCH OFFICIAL.

Section 3(15)(F) (2 U.S.C. 1602(15)(F)) is amended by striking “5751(b)(2)” and inserting “5751(b)(2)(B)”.

SEC. 3. CLARIFICATION OF EXCEPTION TO LOBBYING CONTACT.

(a) Certain Communications.—Section 3(8)(B)(ix) (2 U.S.C. 1602(8)(B)(ix)) is amended by inserting before the semicolon the following: “, including any communication compelled by a Federal contract grant, loan, permit, or license”; and

(b) Definition of “Public Official”.—Section 3(15)(F) (2 U.S.C. 1602(15)(F)) is amended by inserting “, or a group of governments acting together as an international organization” before the period.

SEC. 4. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) Section 15(a).—Section 15(a) (2 U.S.C. 1610(a)) is amended—

(1) by striking “A registrant that is subject to” and inserting “A person, other than a lobbying firm,”; and

(2) by amending paragraph (2) to read as follows:

“(2) for all other purposes consider as lobbying contacts and lobbying activities only—

“(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

“(B) lobbying of Federal executive branch officials to the extent that such activities are influencing legislation as defined in section 3(4) of the Internal Revenue Code of 1986.”.

(b) Section 15(b).—Section 15(b) (2 U.S.C. 1610(b)) is amended—

(1) by striking “A registrant that is subject to” and inserting “A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to”;

(2) by amending paragraph (2) to read as follows:

“(2) for all other purposes consider as lobbying contacts and lobbying activities only—

“(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

“(B) lobbying of Federal executive branch officials to the extent that amounts paid or costs incurred in connection with such activities are deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.”.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 758) was read a third time and passed, as follows:

S. 758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE AND REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “Lobbying Disclosure Technical Amendments Act of 1997”.

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Lobbying Disclosure Act of 1986.

SEC. 2. DEFINITION OF COVERED EXECUTIVE BRANCH OFFICIAL.

(a) HIRE BY GOVERNMENT.—Section 3(15)(F) (2 U.S.C. 1602(15)(F)) is amended by striking “5751(b)(2)” and inserting “5751(b)(2)(B)”.

(b) AMENDING THE FEDERAL CHARACTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill?

Mr. President, I move that the Senate recede from its amendment No. 61.

The PRESIDING OFFICER. The motion was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time and passed.

The bill (S. 3025) was read a third time and passed.

LOBBYING DISCLOSURE TECHNICAL AMENDMENTS ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 61.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: A bill (S. 758) to make certain technical corrections to the Lobbying Disclosure Act of 1995.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.
FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1271.

The PRESIDING OFFICER. The clerk will report. The legislative clerk read as follows: A bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, 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, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE. This Act may be cited as the "FAA Research, Engineering, and Development Authorization Act of 1997.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS. Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" and in paragraph (4)(J):—

(2) by striking the period at the end of paragraph (2)(J); and

(3) by adding at the end the following:

"(4) COMPETITIVE, MERIT-BASED EVALUATION.—Grants shall be awarded under this subsection on the basis of evaluation of proposals through a competitive, merit-based process.

SEC. 3. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS. (a) PROGRAM FUND.—Sec. 48102 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(h) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—

"(1) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate institutions and technical colleges, including Historically Black Colleges and Universities and Hispanic Serving Institutions, in research on subjects of relevance to the Federal Aviation Administration. The Administrator shall award grants on the basis of evaluation of proposals for a grant under this subsection, and for the awarding of such grants.

"(A) The application for a grant under this subsection shall include—

"(i) a description of the research project to be carried out at an educational institution;

"(ii) a description of the technical and scientific qualifications of the persons who will be engaged in the research project; and

"(iii) a description of the educational benefits that will be derived from the research project.

"(B) Grants may be awarded under this subsection for—

"(i) research projects to be carried out at primarily undergraduate institutions and technical colleges;

"(ii) research projects that combine research at primarily undergraduate institutions and technical colleges; and

"(iii) research projects to be carried out at institutions of higher education that are not primarily undergraduate institutions and technical colleges.

SEC. 4. LIMITATION ON APPROPRIATIONS. No sums are authorized to be appropriated for—

"(a) REPROGRAMMING.—If any funds authorized by the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate.

"(b) NOTICE OF REORGANIZATION.—The Administrator of the Federal Aviation Administration shall provide written notice to the Committee on Commerce, Science, and Transportation of the Senate, not later than 30 days before any major reorganization as determined by the Administrator of any part of the Federal Aviation Administration for which funds are authorized by this Act.

SEC. 5. NOTICE OF REPROGRAMMING. If any funds authorized by the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 6. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM. With the year 2000 fast approaching, it is the sense of Congress that the Federal Aviation Administration should—

"(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

"(2) assess immediately the extent of the risk to the operations of the Federal Aviation Administration posed by the problems resulting from in part 1 and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

"(3) develop contingency plans for those systems that the Federal Aviation Administration is unable to correct in time.

Mr. LOTT. Mr. President, Senators MCCAIN and HOLLINGS have a technical amendment at the desk, and I ask for immediate consideration.

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows: The Senate from Mississippi [Mr. LOTT], for Mr. McCaIN, for himself and Mr. HOLLINGS, proposes an amendment numbered 1638.

Mr. LOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 10, strike "$229,673,000" and insert "$228,800,000".

On page 12, line 25, strike "$56,045,000" and insert "$53,759,000".

On page 13, line 1, strike "$27,137,000" and insert "$28,550,000".

On page 13, line 6, strike "activities;" and insert "activities; and"

On page 13, between lines 6 and 7, insert the following:

"(b) For fiscal year 1999, $229,673,000.

On page 13, line 17, strike "leges" and insert "leges, including Historically Black Colleges and Universities and Hispanic Serving Institutions.

On page 15, strike lines 11 through 17.

On page 15, line 18, strike "SEC. 5. NOTICE OF REPROGRAMMING." and insert "SEC. 4. NOTICES.".

On page 15, line 19, insert "(a) REPROGRAMMING.— " before "If".

On page 16, between lines 2 and 3, insert the following:

"(b) NOTICE OF REORGANIZATION.— The Administrator of the Federal Aviation Administration shall provide written notice to the Committee on Commerce, Science, and Transportation of the Senate, not later than 30 days before any major reorganization (as determined by the Administrator) of any part of the Federal Aviation Administration for which funds are authorized by this Act.

On page 16, line 3, strike "SEC. 6." and insert "SEC. 5."

Amend the title so as to read "A Bill to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 and 1999, and for other purposes.".

Mr. MCCAIN. Mr. President, I am pleased to join with my distinguished colleagues, Senators Gorton, HOLLINGS and FORD, in approving this amendment to authorize the Federal Aviation Administration [FAA] Research, Engineering, and Development (RE&D) account for fiscal years 1998 and 1999. The FAA's RE&D account is used to finance...
projects to improve the safety, security, capacity, and efficiency of the U.S. aviation system. FAA research and development activities help to provide the advancements and innovations that are needed to keep the aviation system one of the best in the world. Our nation’s ability to have a strong aviation-related research and development program directly impacts our success in the global market and our standard of living.

This legislation authorizes the funding needed for ongoing or planned FAA RE&D projects that will provide important benefits for the U.S. aviation system and its users. The FAA RE&D program will fund projects to determine how limited airport and airspace capacity can meet ever increasing demands, how aviation security can be improved, and how flight safety concerns can be addressed.

As we all know, I have been particularly concerned about ensuring that the FAA has an adequate level of funding for security research and development. The threat of terrorism against the United States has increased and as long as there is terrorism and an attractive terrorist target, that is not enough. We must maintain that leadership and continue to pursue the best means to avoid aviation disasters.

I urge my colleagues to approve this legislation by unanimous consent.

Mr. HOLLINGS. Mr. President, when TWA flight 800 exploded over the coast of Long Island on July 17, 1996, 230 people perished. They left behind people who loved and cared about them. They left a void in many people’s lives. When a USAirways jet crashed in Charlotte in July 1994, 37 people died, including many from my State. The pain and suffering those families suffered is heart-breaking.

H.R. 1271, the FAA Research, Engineering, and Development Authorization Act, authorizes more than $4.5 billion for the FAA to conduct basic aviation safety research, with one primary goal—to reduce the likelihood that another family will lose a loved one in an aviation accident.

When we talk about safety, it all begins with two factors—leadership and research. The U.S. today is the world’s leader in aviation safety. However, that is not enough. We must maintain that leadership and continue to pursue the best means to avoid aviation disasters.

Over the last several years, we have stressed the need to improve security. New machines continue to be tested and improved. This bill furthers that process. We also must remain vigilant about other areas to improve safety, like controlled flight into terrain and human factors. All too often an accident is a function of a human error. The error can be the result of technology design or human judgment. Research remains the key to making adjustments so that our families do not have to experience what the families of TWA flight 800 and USAirways Charlotte flight had to endure.

The bill also recognizes that we must work with our colleges and technical schools to develop programs to meet challenges of the future. Our Nation’s aircraft maintenance program will be changing. Our air traffic control workforce and maintenance workforce will be changing with the new equipment scheduled to be installed over the next 5 years. We must remain ahead of the technological curve—working with the universities and the FAA to facilitate training and preparation for change. The administration knows this and has worked with me to address that issue.

We worked hard with the administration on this bill and it is my understanding that they support the bill. In the area of security, for example, the fiscal year 1998 Transportation Appropriations Act provided $44.225 million. The authorization in H.R. 1271 is more than $1 million more, an amount which will give the FAA flexibility to move funds from one account to another, should it be necessary.

I understand that the FAA may request additional funding for fiscal year 1999 to further its modernization efforts. In addition, more funding for security may be requested, and we will need to consider those requests, if made.

I urge my colleagues to support the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the technical amendment be agreed to.

The PRESIDING OFFICER. The technical amendment is at the desk.

Mr. LOTT. Mr. President, I ask unanimous consent that the technical amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1638) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee substitute, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time and passed, 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. 1254) was read a third time and passed.

ACQUISITION OF CERTAIN REAL PROPERTY FOR THE LIBRARY OF CONGRESS

The bill (H.R. 1254) was read a third time and passed.

JOHN N. GRIESEMER POST OFFICE BUILDING

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2979, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2979) was read a third time and passed.

The legislative clerk read as follows:

A bill (H.R. 2979) to authorize acquisition of certain real property for the Library of Congress, 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. FORD. Mr. President, the legislation before us would authorize the Architect of the Capitol to accept a gift of approximately 41 acres of property and buildings in Culpeper, Virginia for use by the Library of Congress as a national film and audiovisual center. The purchase price of this facility is $5.5 million. The private foundation which has offered to purchase this property and donate it for the Library’s use has also agreed to provide the Library with an additional $4.5 million for the renovation of this property, making a total gift of $10 million. The renovations to the property will be made by the Architect of the Capitol, as approved by the appropriate oversight and appropriations committees.

The Library’s film collection is currently stored in several Library or government leased sites. With this gift,
the Library intends to consolidate the storage of its audio-visual collection, specifically its acetate film collection. However, the facility at Culpeper cannot currently house the nitrate-based film collection. While I will not object to passage of this legislation, I am concerned by both the manner in which the Library presented this issue to Congress and by a number of precedent-setting issues this gift raises which have not been fully aired.

It is my understanding that the Library first identified the Culpeper property as a potential site for storage of a portion of its film collection several years ago. And yet, this legislation before us today was shared with my office only last week, and was introduced in the House and Senate over the weekend. While it is not unusual this time of year to see legislation flying past the Congress on its way to the White House for signature, this measure raises a number of concerns that should have been fully debated by those who ultimately will be responsible to the taxpayer for the cost of its maintenance and upkeep in the years to come.

First, and most importantly, is the issue of whether the government, particularly the Library, should be in the business of acquiring real estate. It is rather ironic that this is being proposed at a time when the leadership in the Congress is calling for privatization of Library legislative and executive functions and the sale of certain legislative branch properties. It is particularly true of this property which includes about 41 acres, but insufficient buildings and improvements to house all of the Library’s audiovisual collection. I don’t want to assume what the Library plans to do with all this property, but I got a pretty good idea by reading the study the Library commissioned from Abacus Technology Corporation.

The buildings on the Culpeper property can house only the acetate film collection. In order to consolidate the nitrate film collection at the Culpeper site, the Abacus study recommends constructing new buildings to house the nitrate collection. And how much would such facilities cost? Over $16 million over the next 4 years. But a hefty building and expansion program is not all that is planned for these 41 acres. The Abacus study describes the Library’s vision toward this audiovisual center as offering, subject to the approval of Congress, a cost-effective conservation service for other libraries and archives.

Whether this will require additional buildings or is included in the Abacus cost estimates already is not disclosed. A second concern that this issue raises is the ultimate cost to the taxpayer of accepting this gift. According to the Abacus study, the total cost for renovating, maintaining and expanding the Library property in the next 25 years is $54 million to $86 million. However, the Abacus study does not include cost estimates for the Architect of the Capitol for the on-going maintenance and repair of the 41 acres of grounds and buildings that would now be owned by the government.

Thirdly, as currently structured, it is not clear how this property and facilities will be managed. By statute, the Architect of the Capitol is responsible for only the structural work on buildings and grounds of Library property, including the maintenance and care of the grounds and certain mechanical equipment. Since this site is over 70 miles away from Washington, it may require that the Architect physically locate maintenance personnel there. But the Architect will not manage these 41 acres and buildings—that will now be the responsibility of the Library—hardly a task they have much experience with. Moreover, as my colleagues know, the Library has its own security force. Presumably, this facility will also need to be secure. However, in recent years, there have been discussions about the possibility of transferring certain exterior security functions of the Library security force to the Capitol Police. I’m not sure I want our Capitol police responsible for taking care of the security of 41 acres in Culpeper.

I appreciate the pressure the Librarian feels to raise private funds to provide core Library functions. However, any gift that the Librarian solicits ultimately becomes the responsibility of the American taxpayers. Before we saddle them with the maintenance, upkeep and future expansion of federal buildings and prime real estate, there should be an opportunity to fully air these issues. Changes I sought in this legislation will do that, even if after the fact.

Being from Kentucky, I know better than to look a gift horse in the mouth. But being from west Kentucky, which unfortunately becomes the responsibility of the American taxpayers. Presumably, this facility will also need to be secure. However, in recent years, there have been discussions about the possibility of transferring certain exterior security functions of the Library security force to the Capitol Police. I’m not sure I want our Capitol police responsible for taking care of the security of 41 acres in Culpeper.

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Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements be placed at the appropriate place in the RECORD.

The bill (H.R. 2979) was read the third time, and passed.

EXPRESSION OF CONGRESSIONAL RESOLUTION TO GERMAN REPARATIONS TO HOLOCAUST SURVIVORS

Mr. MOYNIHAN. Mr. President, the German Government has long recognized its moral obligation to assist the survivors of the Holocaust. The land reparations agreements of the early 1950’s between the West German Government and Jewish groups were predicated on this simple premise. Yet, as years go by, it has become increasingly apparent that a large number of survivors, particularly those living in Eastern and Central Europe, were excluded from these agreements and are now being denied assistance on the flimsiest of technical grounds. As a result, in July Senators GRAHAM, HATCH, and DODD joined me in introducing Senate Concurrent Resolution 39. I am pleased that the Senate will take up this important issue today.

The need for such legislation was reinforced only last week. On November 5, Judge Heinz Sonnenberger in Germany upheld just 1 of 22 claims made by a group of Jewish women seeking payment for their work as slave laborers at Auschwitz. The other claims were dismissed by the judge on the grounds that the women had already received compensation under Germany’s Federal Compensation Law. This decision represents the German Government’s intractable attitude toward survivors of Nazi slave labor, however, it also presents a small window of hope for the survivors of slave labor who until now have been denied compensation by the German Government.

The German Government has continually dealt with the survivors of Nazi persecution in a heartless, bureaucratic manner, basing its decisions on technical questions and eschewing a moral obligation to aid all survivors regardless of past compensation, current financial status, or amount of pain suffered. This practice stands in sharp contrast to the generous disability pensions paid by the German Government to former members of the Waffen-SS and their families.
Whereas there are more than 125,000 Holocaust survivors living in the United States and approximately 500,000 living around the world;
Whereas aging Holocaust survivors throughout the world are still suffering from permanent injuries suffered at the hands of the Nazis, and many are unable to afford critically needed medical care;
Whereas, while the German Government has attempted to address the needs of Holocaust survivors, many are excluded from reparations because of onerous eligibility requirements imposed by the German Government;
Whereas the German Government often rejects Holocaust survivors' claims on the grounds that the survivor did not present the claim correctly or in a timely manner, that the survivor cannot demonstrate to the Government's satisfaction that a particular illness or medical condition is the direct consequence of persecution in a Nazi-created ghetto, or that the survivor is not considered sufficiently destitute;
Whereas tens of thousands of Holocaust survivors in the former Soviet Union and other former Communist countries in Eastern and Central Europe have never received reparations from Germany and a smaller number has received a token amount;
Whereas, after more than 50 years, hundreds of thousands of Holocaust survivors continue to be denied justice and compensation from the German Government;
Whereas the German Government pays generous disability pensions to veterans of the Nazi armed forces, including non-German veterans of the Waffen-SS;
Whereas in 1996 the German Government paid $7,700,000,000 in such pensions to 1,100,000 veterans, including 3,000 veterans and their dependents now living in the United States;
Whereas such pensions are a veteran's benefit provided over and above the full health benefit coverage that all German citizens, including veterans of the Waffen-SS, receive from their Government;
Whereas it is abhorrent that Holocaust survivors should live out their remaining years in conditions worse than those enjoyed by the surviving former Nazis who persecuted them: Now, therefore, be it
Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress:
(1) the German Government should expand and simplify its reparations system, to provide reparations to survivors in Eastern and Central Europe, and to set up a fund to help cover the medical expenses of Holocaust survivors. Although half a century has passed since the end of World War II, it is important to remember how many chapters opened by the devastating war remain unfinished. I hope this action will help bring the issue of reparations for survivors of Nazi persecution to the forefront, and encourage the German Government to make appropriate changes so that the elderly survivors of the Holocaust receive appropriate reparations.
Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be considered as read, and any succeeding years.
Mr. GRAHAM. Mr. President, I rise in support of my friend Senator MACK to introduce legislation authorizing the expansion of the Black Archives Research Center and Museum at the Florida Agricultural and Mechanical University in Tallahassee, Florida.
This legislation is significant not only to the Florida A&M but to national heritage. Since 1977, the Black Archives at FAMU has been charged with collecting all materials reflecting the African-American presence and participation regionally, nationally and internationally.
The Black Archives Research Center and Museum is the largest repository of African-American history in the State of Florida. In 1997, Time magazine and Princeton Review chose Florida A&M University as the college of the year. This recognition is well deserved. Since 1992, Florida A&M University has been charged with collecting all materials reflecting the African-American presence and participation regionally, nationally and internationally. The Black Archives includes over 500,000 artifacts, manuscripts, art works and oral history tapes pre-dating the Civil War, through the early days of the civil rights movement to today. Unfortunately, this fine center finds itself in disrepair.
Mr. LOTT. Mr. President, I ask unanimous consent that the State of Florida match the Federal investment dollar for dollar, making it truly a Federal-State partnership. Specifically, our bill would make the Black Archives Research Center and Museum eligible for up to $3.8 million in Federal funding beginning in 1998 and any succeeding years.
I ask unanimous consent that material relating to the Black Archives Research Center and Museum be printed in the RECORD.
There being no objection, the material was ordered to be printed in the RECORD, as follows:
The BARCM is located in the oldest building on the campus of Florida A&M University. The building was completed in 1907, with the assistance of a $10,000 grant from Andrew Carnegie. This building is still standing and has been placed on the National Register of Historic Places.

The Black Archives Research Center and Museum (BARCM) was presently 3000 square feet. It is planned that the interior of the present building be restored to its original appearance using funds from the Carnegie building. The architectural design, the building can easily be divided into four wings; one on the first floor and two on the second floor. The building originally the campus library and post office, would be used solely as museum space and would house permanent collections as well as meeting and research rooms and a mobile touring museum.

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The Black Archives was set forth in 1971 in an act of the Florida legislature that mandated the establishment of a repository to "serve the state by collecting and preserving source materials on or about Black Americans from the earliest beginnings to the present."

The BARCM was formally dedicated and officially opened on May 18, 1972. Part of its identity and cultural responsibility is the collection of any materials reflecting the Black presence and participation in local, regional, national, and international history. The BARCM has the largest repository of African American history and artifacts in the southeast including over 500,000 artifacts, manuscripts, art work, and oral history tapes as well as meeting and research rooms and a mobile touring museum.

The Black Archives Research Center and Museum (BARCM) is presently 3000 square feet. It is planned that the interior of the present building be restored to its original appearance using funds from the Carnegie building. The architectural design, the building can easily be divided into four wings; one on the first floor and two on the second floor. The building originally the campus library and post office, would be used solely as museum space and would house permanent collections as well as meeting and research rooms and a mobile touring museum.

With proper funding, the Carnegie building would be "connected" (via walkways, breezeways) to the larger 33,000 square foot space that is proposed to be built directly behind it. The larger 33,000 square foot space would house research library, an archives, and as much-needed storage space. In addition, work space and preservation laboratory would be housed on the sub-level. While the Carnegie building would be used for major exhibitions and educational programs, the larger and newer space would be designated almost solely for serious study and analysis of the various collections. Tours would be prohibited in the larger space.

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 288, S. 1213.

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 Commerce, Science, and Transportation, with an amendment to omit the part standing and insert the part printed in italic.

So as to make the bill read:

SEC. 1. SHORT TITLE. This Act may be cited as the “Oceans Act of 1997”.

SEC. 2. CONGRESSIONAL FINDINGS; PURPOSE AND OBJECTIVES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Currently 500,000 historically important artifacts of the Civil War era and the early days of American government are housed in the Southeast region of the United States are housed at Florida A&M University.

(2) To preserve this large repository of African-American history and artifacts it is appropriate that the Federal Government share in the cost of construction of this national repository for culture and history.

(b) DEFINITION.—In this section:

(1) CENTER.—The term “Center” means the Center for Historically Black Heritage at Florida A&M University.

(2) SECRETARY.—The term “Secretary” means the Secretary of Interior acting through the Director of the National Park Service.

(c) CONSTRUCTION OF CENTER.—The Secretary may award a grant to the State of Florida to pay for the Federal share of the cost of construction, design, and equipment of the Center at Florida A&M University.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), Florida A&M University, shall submit to the Secretary a proposal.

(2) FEDERAL SHARE.—The Federal share described in subsection (c) shall be 50 percent.

(e) AUTHORIZATION OF APPROPRIATION.—

There is authorized to the Secretary of Interior to carry out this section a total of $3,800,000 for fiscal year 1998 and any succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended.

OCEANS ACT OF 1997

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 288, S. 1213.

The PRESIDING OFFICER. The clerk will read.

A bill (S. 1213) to establish a National Ocean Council, a Commission on Ocean Policy, 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, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to omit the part standing and insert the part printed in italic.

So as to make the bill read:

SEC. 2. CONGRESSIONAL FINDINGS; PURPOSE AND OBJECTIVES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Covering more than two-thirds of the Earth’s surface, the oceans and Great Lakes play a critical role in the world water cycle and in regulating climate, sustain a large part of Earth’s biodiversity, provide an important source of food and a wealth of other natural products, act as a frontier to scientific exploration, are critical to national security, and provide a vital means of transportation. The coasts, transitions between land and open ocean, are regions of remarkably high biological productivity, contribute more than 30 percent of the Gross Domestic Product, and are of considerable importance for recreation, waste disposal, and mineral exploration.

(2) Ocean and coastal resources are susceptible to change as a direct and indirect result of human activities, and such changes can significantly impact the ability of the oceans and Great Lakes to provide the benefits upon which the Nation depends. Changes in ocean and coastal processes could affect global climate patterns, marine productivity and fisheries, recreation, tourism, national security, economic competitiveness, availability of energy, vulnerability to natural hazards, and transportation safety and efficiency.

(3) Ocean and coastal resources are not infinite, and human pressure on them is increasing. One half of the Nation’s population and 60 miles of beachfront and coastal resources are considered inexhaustible are now threatened with depletion, and if population trends continue as expected, pressure on and conflicting demands for ocean and coastal resources will increase further as will vulnerability to coastal hazards.

(4) Marine technologies hold tremendous promise for expanding the range and increasing the utility of products from the oceans and Great Lakes, improving the stewardship of marine and coastal resources, and contributing to business and manufacturing innovations and the creation of new jobs.

(5) Marine research has uncovered the link between oceanic and coastal processes and improved understanding of world climate patterns and forecasts. Important new advances, including availability of military technologies, have made feasible the exploration of large areas of the ocean which were inaccessible several years ago. In designating 1998 as “The Year of the Ocean”, the United Nations highlights the value of increasing our knowledge of the oceans.

(6) It has been 30 years since the Commission on Marine Science, Engineering, and Resources, known as the National Commission on Ocean and Space Resources, (NCOMOS) conducted a comprehensive examination of ocean and coastal activities that led to enactment of major legislation and the establishment of key oceanic and atmospheric institutions.

(7) A review of existing activities is essential to respond to the changes that have occurred over the past three decades and to develop an effective new policy for the twenty-first century to conserve and use sustainable ocean and coastal resources, protect the marine environment, explore our oceans, protect human safety, and create marine technologies and economic opportunities.

(8) While significant Federal ocean and coastal programs are underway, those programs would benefit from a coherent national ocean and coastal policy that reflects the need for cost-effective allocation of fiscal resources, improved interagency coordination, and strengthened partnerships with State, private, and international entities engaged in ocean and coastal activities.
the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities.

(6) The continued development of and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities.

(7) Close cooperation among all government agencies and departments to ensure—

(A) coherent regulation of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for ocean activities; and

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities.

(8) The preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term “Commission” means the Commission on Ocean Policy;

(2) the term “Council” means the National Ocean Council;

(3) the term “marine research” means scientific exploration, including basic science, engineering, mapping, surveying, monitoring, management, and information management, of the oceans, coasts, and Great Lakes—

(A) to describe and advance understanding of—

(i) the role of the oceans, coasts and Great Lakes in weather and climate, natural hazards, and the processes that regulate the marine environment; and

(ii) the manner in which such role, processes, and environment are affected by human actions;

(B) for the conservation, management and sustainable use of living and nonliving resources; and

(C) to develop and implement new technologies related to sustainable use of the marine environment;

(4) the term “marine environment” includes—

(A) the oceans, including coastal and offshore waters and the adjacent shore lands;

(B) the continental shelf;

(C) the Great Lakes; and

(D) the ocean and coastal resources thereof.

(5) the term “ocean and coastal activities” includes activities related to marine research, fisheries and other ocean and coastal resource stewardship and use, marine aquaculture, energy and mineral resource exploration, national security, marine transportation, recreation and tourism, waste management, pollution mitigation and prevention, and climate change and reduction.

(6) The term “ocean and coastal resource” means, with respect to the oceans, coasts, and Great Lakes, any living or non-living natural resource (including all forms of animal and plant life found in the marine environment, habitat, biodiversity, water quality, minerals, oil, and gas) and any significant historic, cultural or aesthetic resource.

SEC. 4. NATIONAL OCEAN AND COASTAL POLICY.

(a) EXECUTIVE RESPONSIBILITIES.—The President, with the assistance of the Council and the Commission, shall—

(1) develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities; and

(2) with regard to Federal agencies and departments—

(A) review significant ocean and coastal activities, including plans, priorities, accomplishments, and infrastructure requirements;

(B) plan and implement an integrated and cost-effective program of ocean and coastal activities including, but not limited to, marine research, stewardship of ocean and coastal resources, protection of the marine environment and departments in safety, and efficiency, the marine aspects of national security, marine recreation and tourism, and marine aspects of weather, climate, and coastal activities; and

(C) designate responsibility for funding and conducting ocean and coastal activities; and

(D) promote cooperation and resolve differences arising from laws and regulations applicable to ocean and coastal activities which result in conflicts among participants in such activities.

(b) COOPERATION AND CONSULTATION.—In carrying out responsibilities under this Act, the President and the Council may use such staff, interagency, and advisory arrangements as they find necessary and appropriate and shall consult with non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. NATIONAL OCEAN COUNCIL.

(a) ESTABLISHMENT.—The President shall establish a National Ocean Council which shall consist of—

(1) the Secretary of Commerce, who shall be Chairman of the Council;

(2) the Commerce Secretary;

(3) the Secretary of State;

(4) the Secretary of Transportation;

(5) the Secretary of the Interior;

(6) the Administrator of the Environmental Protection Agency;

(7) the Director of the National Science Foundation;

(8) the Director of the Office of Science and Technology Policy;

(9) the Chairman of the Council on Environmental Quality;

(10) the Chairman of the National Economic Council;

(11) the Director of the Office of Management and Budget; and

(12) such other Federal officers and officials as the President considers appropriate.

(b) ADMINISTRATION.—

(1) The President or the Chairman of the Council may from time to time designate one of the members of the Council to preside over meetings of the Council during the absence of or until the appointment of such Chairman.

(2) Each member of the Council may designate an officer of this or her agency or department appointed with the advice and consent of the Senate to serve on the Council as an alternate in the event of the unavoidable absence of such member.

(3) An executive secretary shall be appointed by the President, with the approval of the Council, to perform, in addition to such other functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them.

(4) For the purpose of carrying out the functions of the Council, each Federal agency or department represented on the Council shall furnish such assistance to the Council.

(c) FUNCTIONS.—The Council shall—

(1) serve as the forum for developing an ocean and coastal policy and program, taking into consideration the Commission recommendations for overview and implementation of such policy and program;

(2) improve cooperation and coordination, and eliminate duplication, among Federal agencies and departments with respect to ocean and coastal activities;

(3) work with academic, State, industry, public interest, and other groups involved in ocean and coastal activities to provide for periodic review of the Nation’s ocean and coastal policy;

(4) cooperate with the Secretary of State in—

(A) providing representation at international meetings and conferences on ocean and coastal activities in which the United States participates; and

(B) coordinating the Federal activities of the United States with programs of other nations;

(5) report at least biennially on Federal ocean and coastal programs, priorities, and accomplishments and provide budgetary advice as specified in section 9.

SEC. 6. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—

(I) The President shall, within 90 days of the enactment of this Act, establish a Commission on Ocean Policy. The Commission shall be composed of 15 members including individuals drawn from Federal and State governments, industries, non-profit institutions, and public interest organizations involved with ocean and coastal activities. Members shall be appointed for the life of the Commission as follows:

(A) 7 shall be appointed by the President of the United States, no more than 3 of whom may be from the executive branch of the Government;

(B) 2 shall be appointed by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation;

(C) 2 shall be appointed by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation;

(D) 2 shall be appointed by the Speaker of the House of Representatives in consultation with the Chairman of the House Committee on Resources and the Chairman of the House Committee on Science;

(E) 3 shall be appointed by the Majority Leader of the House of Representatives in consultation with the Ranking Member of the House Committee on Resources and the Ranking Member of the House Committee on Science.

(I) The President shall, within 90 days after the enactment of this Act, establish a Commission on Ocean Policy. The Commission shall be composed of 15 members including individuals drawn from State and local governments, industry, academic and technical institutions, and public interest organizations involved with ocean and coastal activities. Members shall be appointed for the life of the Commission as follows:

(A) 4 shall be appointed by the President of the United States;

(B) 4 shall be appointed by the President chosen from a list of 8 proposed members submitted by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation;

(C) 4 shall be appointed by the President chosen from a list of 8 proposed members submitted by the Speaker of the House of Representatives in consultation with the Chairman of the House Committee on Resources and the Chairman of the House Committee on Science.
(D) 2 shall be appointed by the President chosen from a list of 4 proposed members submitted by the Minority Leader of the Senate in consultation with the Ranking Minority Leader of the Senate Committee on Commerce, Science, and Transportation.

(E) 2 shall be appointed by the President chosen from a list of 4 proposed members submitted by the Minority Leader of the House of Representatives in consultation with the Majority Leader of the House Committee on Resources and the Ranking Member of the House Committee on Science.

(2) The President shall select a Chairman and Vice Chairman from among such 15 members.

(3) ADVISORY MEMBERS TO THE COMMISSION.—The President shall appoint 15 advisory members from among the Members of the Senate and House of Representatives as follows:

(a) Two Members, one from each party, selected from the Senate.

(b) Two Members, one from each party, selected from the House of Representatives.

(b) FINDINGS AND RECOMMENDATIONS.—The Commission shall report to the President and the Congress on a comprehensive national ocean and coastal policy to carry out the purpose and objectives of this Act. In developing the findings and recommendations of the report, the Commission shall—

(1) review and suggest any necessary modifications to United States laws, regulations, and practices necessary to define and implement such policy;

(2) assess the condition and adequacy of investment in existing and planned facilities and equipment associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate technologies and platforms;

(3) review existing and planned ocean and coastal activities of Federal agencies and departments, assess the contribution of such activities to development of an integrated long-range program for marine research, ocean and coastal resource management, and protection of the marine environment, and identify any such activities in need of reform to improve efficiency and effectiveness;

(4) examine and suggest mechanisms to address conflicts in existing and planned facilities and equipment associated with ocean and coastal activities, the legal and regulatory framework in which they occur, and their inter-connected and cumulative effects on the ocean and coastal environment, and identify any such activities in need of reform to improve efficiency and effectiveness;

(5) review and suggest any necessary modifications to United States laws, regulations, and practices necessary to define and implement such policy;

(6) review existing and planned ocean and coastal activities of Federal agencies and departments, assess the contribution of such activities to development of an integrated long-range program for marine research, ocean and coastal resource management, and protection of the marine environment, and identify any such activities in need of reform to improve efficiency and effectiveness;

(7) review and suggest any necessary modifications to United States laws, regulations, and practices necessary to define and implement such policy;

(8) review and suggest any necessary modifications to United States laws, regulations, and practices necessary to define and implement such policy;

(9) engage in any other preparatory work deemed necessary to carry out the duties of the Commission.

(c) DUTIES OF CHAIRMAN.—In carrying out the provisions of this subsection, the Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

(d) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government or compensation which is not precluded by a State, local, or Native American tribal government position, shall be compensated at a rate equal to the daily equivalent of the annual rate payable for Level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(3) STAFF.—

(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director who is knowledgeable in administrative management and ocean and coastal policy and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) The executive director shall be compensated at a rate equal to the rate payable for Level IV of the Executive Schedule under section 5315 of title 5, United States Code. The Chairman 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, except that the rate of pay for such personnel may not exceed the rate payable for GS-15, step 7, of the General Schedule under section 5332 of title 5, United States Code.

(3) Upon request of the Chairman of the Commission, the head of any Federal agency shall—

(a) furnish to the Commission without regard to the provisions of title 44, United States Code. The contracting authority of the Commission may purchase and arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission may purchase and arrange for printing without regard to the provisions of title 44, United States Code.

(b) IDENTIFICATION AND AUTHORIZATION.—

(1) The Commission is authorized to procure the temporary and intermittent services of experts and consultants in accordance with the Federal Advisory Committee Act of 1946 (5 U.S.C. App.), and shall arrange for the services of volunteers serving without pay and without regard to the provisions of title 44, United States Code. The contracting authority of the Commission may purchase and arrange for printing without regard to the provisions of title 44, United States Code.

(2) The Commission is authorized to procure the temporary and intermittent services of experts and consultants in accordance with the Federal Advisory Committee Act of 1946 (5 U.S.C. App.), and shall arrange for the services of volunteers serving without pay and without regard to the provisions of title 44, United States Code.

The Commission may purchase and arrange for printing without regard to the provisions of title 44, United States Code.

(3) (A) The Commission is authorized to secure new or expanded coordination and mechanisms among the Federal, State, and local governments and the private sector for planning and carrying out ocean and coastal activities and address the most appropriate division of responsibility for such activities.

(B) The Commission shall transmit to the Congress biennially a report of its findings and recommendations.

(C) The Commission shall cease to exist 30 days after it has submitted its final report.

(D) Any sums available remain available without fiscal year limitation until expended.

SEC. 7. REPORT AND BUDGET COORDINATION.

(a) BIENNIAL REPORT.—Beginning in January 1998, the Commission shall transmit to the Congress biennially a report, which shall include—
(1) a comprehensive description of the ocean and coastal activities and related accomplishments of all agencies and departments of the United States during the preceding fiscal year and
(2) an evaluation of such activities and accomplishments in terms of the purpose and objectives of this Act. Reports made under this subchapter shall be included in such recommendations for legislation as the President may consider necessary or desirable.

(b) BUDGET COORDINATION.—
(1) Each year the Council shall provide general guidance to each Federal agency or department involved in ocean or coastal activities with respect to the preparation of requests for appropriations a report which—
(A) identifies significant elements of the proposed agency or department budget relating to ocean and coastal activities; and
(B) specifies how each such element contributes to the implementation of a national ocean and coastal policy.
(2) Each agency or department that submits a report under paragraph (1) shall submit such report simultaneously to the Council.
(3) The President shall, in a timely fashion, provide the Council with an opportunity to review and comment on the budget estimate of each such agency or department.
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(B) specifies how each such element contributes to the implementation of a national ocean and coastal policy.
(2) Each agency or department that submits a report under paragraph (1) shall submit such report simultaneously to the Council.
(3) Each agency or department that submits a report under paragraph (1) shall submit such report simultaneously to the Council.
(4) The President shall, in a timely fashion, provide the Council with an opportunity to review and comment on the budget estimate of each such agency or department.
(5) The President shall identify in each annual budget submitted to the Congress under section 1108 of title 31, United States Code, those elements of each agency or department budget that contribute to the implementation of a national ocean and coastal policy.

SEC. 8. REPEAL OF 1966 STATUTE.

The Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1101 et seq.) is repealed.

AMENDMENT NO. 1639

(Purpose: To modify the bill as reported)

Mr. NICKLES. Mr. President, I send an amendment to the desk on behalf of Ms. SNOWE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerks will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Ms. SNOWE and Mr. HOLLINGS, proposes an amendment numbered 1639.

Mr. NICKLES. 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.”

Mr. CHAFEE. Mr. President, I rise today in support of S. 1213, the Oceans Act of 1997 and to thank the bill’s principal sponsors for addressing my concerns. This legislation has broad, bipartisan support and as the senior Senator from the state, I am glad the United States Senate will be on the record on ocean and coastal policy as we enter 1998, which the United Nation has designated as the “Year of the Ocean.”

The Oceans Act of 1997 is a significant bill. Its 1966 predecessor, the Marine Resources and Engineering Development Act, was one of the seminal developments in environmental law. The act created the Commission on Marine Science, Engineering, and Resources, better known as the Stratton Commission. The Stratton Commission’s report, “Our Nation and the Sea” was delivered in 1969 and, among its many important recommendations, led directly to the existence of oceanographic and Atmospheric Administration in 1970.

I would note that two distinguished Rhode Islanders played leading roles in the Stratton Commission. Professor Emeritus John A. Knauss, then the Dean of the University of Rhode Island’s Graduate School of Oceanography, was a Commission member and chaired the panel on Environmental Monitoring and on Management and Development of the Coastal Zone. Professor Emeritus Lewis Alexander of the University of Rhode Island, who has had a distinguished career in government and academia, was the Commission’s Deputy Director. Both the Rhode Islanders will play key roles in the new Stratton Commission.

The value of our oceans and coastal areas cannot be underestimated. More than half of the United States population lives in or near a coastal area. The commercial fishing industry alone, which depends on these areas, contributes $111 billion dollars per year to the national economy. Moreover, oceans are the lifeblood of the world. The health of our ocean resources is intertwined with that of ecosystems throughout the world.

The purpose of the bill before us is to develop and maintain a comprehensive national policy for our oceans and coastal areas. A national ocean policy includes a broad range of issues from commerce, environmental protection, scientific research, to national security. To that end, the bill establishes a 16-member National Ocean Commission, which will be assisted by an interagency National Ocean Council, in developing and making recommendations to Congress for a national oceans policy.

As originally reported by the Committee on Commerce, Science and Technology, the creation of the National Ocean Council, raised two concerns. First, how would the National Ocean Council affect the execution of existing environmental laws? Second, is it timely now to create a permanent Council to replace the Interagency National Ocean Commission created in the bill?

The manager’s amendment that is before us to day answers both of these quesitons. Any possible ambiguity regarding the National Ocean Council’s role is resolved. Existing responsibilities under federal law are unaffected.

I was concerned creation of a permanent Council now would unduly constrain the Commission’s recommendation. The manager’s amendment makes it clear, however, that the National Ocean Council’s function is to assist the independent National Ocean Commission in the preparation of its report. After the Commission completes its report, the Council will take the Commission report into account in developing an implementation plan for a national ocean and coastal policy. The National Ocean Council will also consider the future of the Commission after the Commission submits its report.

Before closing, I want to commend Senators HOLLINGS for his persistence with respect to oceans and coastal policy. I also want to thank him, as well as Senators SNOWE and MCCAIN, for adding my concerns in the manager’s amendment.

Mr. HOLLINGS. Mr. President, I rise in support of Senate passage of S. 1213, the Oceans Act of 1997. The bill calls for an action plan for the twenty-first century to explore, protect, and make better use of our oceans and coasts. Its passage is, quite simply, the most important step we can take today to ensure the future of our oceans and coasts.

I thank my colleagues for their support, particularly the leadership of the Commerce Committee, Senators MCCAIN and SNOWE, for their cosponsorship and their efforts over the last several weeks to bring this bill to the floor. Following in the Commerce Committee tradition with respect to ocean issues, this has been a bipartisan process. I also thank the other cosponsors of the legislation, Senators STEVENS, KERRY, BREAUX, INOUYE, KENNEDY, BOXER, BIDEN, LANT FEBERG, ARAK, MURKOWSKI, THURMOND, and MURRAY for their continued support. Finally, I want to express my appreciation to the numerous academic, environmental, and industry groups who agree that the time has come for this bill.

The legislation that is before the Senate today is a substitute by Senator SNOWE and myself, that reflects the comments received from the administration and concerns expressed by Senator CHAFEE and others. The essential elements of the bill remain the same as the committee-reported version and would establish new entities. First is a 16-member Commission on Ocean Policy (Commission) to provide recommendations for a national ocean and coastal policy. Second is the National Ocean Council (Council), a high-level Federal interagency working group to advise the President and the Commission, assist in policy development and implementation, and coordinate Federal programs relating to ocean and coastal activities.

The changes made by the Snowe-Hollings substitute focus primarily on addressing concerns expressed regarding the establishment of the Council. Over the past two weeks, the National Security Council and the Department of Commerce have worked under Secretary Daley’s able leadership to pull together the views of the numerous Federal entities involved in ocean and coastal activities. The results of that effort are reflected in the amendment,
and I am including a letter from Secretary Daley expressing the administration’s support for S. 1213 following my statement. At Senator Chafee’s request, we also have agreed to sunset the Council one year after the Commission completes its report. As we have discussed with both the administration and Senator Chafee, the purpose of the Council is to ensure coordinated input by Federal agencies and departments in the development and implementation of ocean and coastal policy. The Council is intended to provide an important forum for administration ocean policy discussions, not to supersede other ongoing coordination mechanisms like the interagency working group on international ocean policy, nor to interfere with ongoing Federal activities under existing law.

The changes made by the substitute should clarify that intent, and if, based on experience, it is found that these recommendations, the Council proves to be an effective long-term mechanism for coordinating Federal ocean activities, it could be extended either administratively or legislatively.

In 1966, Congress enacted the Marine Resources and Engineering Development Act (1966 Act). This bill would update and replace that legislation. The 1966 Act established the Stratton Commission whose report, “Our Nation and the Sea,” defined national objectives and programs with respect to the oceans and in conjunction with the 1966 Act laid the foundation for U.S. ocean and coastal policy and programs, guiding their development for three decades.

While the Stratton Commission displayed broad vision, the world has changed in numerous ways since 1966. The U.S. legal and bureaucratic framework related to the oceans has grown enormously in the past 30 years. In 1966, there was no NOAA, no Environmental Protection Agency, and no laws like the Clean Water Act, Endangered Species Act, the Marine Protection, Research, and Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and Management Act, or the Oil Pollution Act. Today people who work and live on the water face a patchwork of confusing and sometimes contradictory federal and state regulations. Fishermen tell me they need a law degree to go fishing. This bill will allow us to reduce conflicts while maintaining environmental and health safeguards.

Oceans and coasts face pressures today that the authors of the 1966 Act could not have foreseen. Today, over 50 percent of the U.S. population lives in coastal areas which account for less than 3 percent of the land area. By the year 2010, 127 million people, an estimated 60 percent of Americans, will live along the coast. Greater understanding of ocean and coastal ecosystems and improved management are essential to maintaining health and to prepare for and protect communities from natural hazards like hurricanes.

We need to do a better job of managing and using marine resources as demonstrated by fish kills, oil spills, the invasion of zebra mussels, and the death of thousands of marine animals from marine plastic debris. We have failed, but thankfully, there are solutions in waters. In recent years New England has struggled with the collapse of their traditional cod, haddock, and flounder. In other regions, overfished stocks include sharks, swordfish, bluefin tuna, salmon, red snapper, groupers, and weakfish. Restoring fisheries could add an estimated $2.9 billion to the economy each year. However, we are allowing about 20,000 acres of coastal wetlands, important fish habitat, to disappear each year. Louisiana alone has lost half a million acres of wetlands since the mid 1950’s.

Environmental threats to the oceans are growing increasingly complex. This past summer, local newspapers reported daily on *Pfiesteria* and the tiny killer-cell wounding havoc in the Chesapeake Bay and North Carolina. Thousands of fish were killed—literally eaten alive by this toxic organism—and some fishermen, swimmers, boaters, and scientists exposed to the cell experienced memory loss, skin lesions, and other troubling symptoms. Scientists suspect everything from inadequate city sewage plants to farm manure and fertilizer runoff. The technical, legal, and management tools to address *Pfiesteria* may not exist collectively within a variety of federal and state agencies. However, we currently lack a structured and effective means to bring this expertise to bear on the problem.

Another challenge is El Niño, the cyclical warming of ocean waters off the western coast of South America. The warming results in significant shifts in weather patterns, including rainfall and temperatures in the United States and elsewhere. Experts estimate that El Niño added U.S. losses of $20 billion in storms and flooding in El Niño years. While El Niño is a natural phenomenon, human effects on the oceans and atmosphere may increase its magnitude and frequency. Advanced forecasts could reduce by up to $1 billion the agricultural, economic, and social impacts resulting from El Niño. In addition, action to reduce global warming and other changes to the oceans and atmosphere may reduce the severity of future El Niño events.

We have an opportunity to take economic and scientific advantage of recent technological advances related to the oceans. Today, we still have explored only a tiny fraction of the sea, but with the use of new technologies what we have found is truly incredible. For example, hydrothermal vents, hot water geysers on the deep ocean floor, were discovered just 20 years ago by oceanographers trying to understand the formation of the earth’s crust. Now this discovery is leading to the identification of nearly 300 new types of marine animals with untold pharmaceutical and biomedical potential.

A re-examination of national policies is also essential to maintain U.S. leadership on international ocean issues. On November 16, 1994, the U.N. Convention on the Law of the Sea entered into force for most countries of the world. Although the United States has accepted the provisional customary international law and 120 other nations are party, U.S. ratification remains in question. At issue is whether changes made to the treaty in 1994 adequately correct the seabed mining provisions that the United States has opposed for twelve years.

The last 31 years have brought great changes to our oceans and coast. Our nation needs to reexamine our policies and programs so that we can continue to explore, protect, and sustainably use ocean resources now and throughout the twenty-first century. The Oceans Act of 1997 will guide us through that process with the vision it demands. I urge the Senate to pass S. 1213.

I ask unanimous consent a letter dated November 9, 1997 from the Secretary of Commerce be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,

Washington, DC, November 9, 1997.

Hon. John McCain,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to provide the Administration’s views on the Oceans Act of 1997 (S. 1213) as reported by the Senate Committee on Commerce, Science and Transportation. As you prepare to bring the bill to the Senate floor, your consideration of the Administration’s views would be appreciated.

The Committee has developed a bill that supports and furthers the Administration’s ocean policy goals. The Administration has in place robust interagency mechanisms for coordinating ocean policy issues. We believe that the bill, as modified by the Manager’s Amendment that was recently provided to us, would be consistent with, and assist in achieving, the Administration’s domestic ocean policy objectives. Accordingly, the Administration supports Senate passage of S. 1213, as modified by the Manager’s Amendment.

We have been advised by the Office of Management and Budget that there is no objection to the submission of this letter to the Congress from the standpoint of the program of the President.

Sincerely,

William M. Daley.

Mr. Nickles, Mr. President, I ask unanimous consent that the amendment be agreed to, not to consider the third time, and amended, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1639) was agreed to.

The bill (S. 1213) was considered read the third time, and passed, as amended, as follows:

**November 13, 1997**

**CONGRESSIONAL RECORD — SENATE**

**S12701**
S. 1231

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 “Oceans Act of 1997”.

SEC. 2. CONGRESSIONAL FINDINGS; PURPOSE AND OBJECTIVES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Covering more than two-thirds of the Earth’s surface, the oceans and Great Lakes play a critical role in the global water cycle and in regulating climate, sustain a large part of Earth’s biodiversity, provide an important source of food and a wealth of other natural resources, and serve as a frontier for scientific exploration, are critical to national security, and provide a vital means of transportation. The coasts, transition between land and open ocean, are regions of remarkably high biological productivity, contribute more than 30 percent of the Gross Domestic Product, and are of considerable importance for recreation, waste disposal, and mineral exploration.

(2) Ocean and coastal resources are susceptible to change as a direct and indirect result of human activities and such changes can significantly impact the ability of the oceans and Great Lakes to provide the benefits upon which the Nation depends. Changes in ocean and coastal processes could affect global climate patterns, marine productivity and biodiversity, environmental quality, national security, economic competitiveness, availability of energy, vulnerability to natural hazards, and transportation safety and efficiency.

(3) Ocean and coastal resources are not infinite, and human pressure on them is increasing. One half of the Nation’s population lives within 50 miles of the coast, and ocean and coastal resources are considered inexhaustible are now threatened with depletion, and if population trends continue as expected, pressure on and conflicting demands for ocean and coastal resources will increase further as will vulnerability to coastal hazards.

(4) Marine transportation is key to United States prosperity in the global economy and to the wide range of activities carried out in ocean and coastal regions. Inland waterway and ports are the link between marine and continental regions and the supporting transportation infrastructure ashore. International trade is expected to triple by 2020. The increase has the potential to enrich—

(A) the capabilities of the marine transportation system to ensure safety; and

(B) the existing capacity of ports and waterways.

(5) Marine technologies hold tremendous promise for expanding the range and increasing the utility of products from the oceans and Great Lakes. Providing the stewardship of the ocean and coastal resources, and contributing to business and manufacturing innovations and the creation of new jobs.

(6) Ocean and coastal resources are now threatened with depletion, and if population trends continue as expected, pressure on and conflicting demands for ocean and coastal resources will increase further as will vulnerability to coastal hazards.

(7) Ocean and coastal resources are not infinite, and human pressure on them is increasing. One half of the Nation’s population lives within 50 miles of the coast, and ocean and coastal resources are considered inexhaustible are now threatened with depletion, and if population trends continue as expected, pressure on and conflicting demands for ocean and coastal resources will increase further as will vulnerability to coastal hazards.

(8) Ocean and coastal resources are not infinite, and human pressure on them is increasing. One half of the Nation’s population lives within 50 miles of the coast, and ocean and coastal resources are considered inexhaustible are now threatened with depletion, and if population trends continue as expected, pressure on and conflicting demands for ocean and coastal resources will increase further as will vulnerability to coastal hazards.

(b) PURPOSE AND OBJECTIVES.—The purpose of this Act is to develop and maintain, consistent with the obligations of the United States under international law, a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities that will assist the Nation in meeting the following objectives:

(1) The protection of life and property against natural and manmade hazards.

(2) Responsible stewardship, including use, of fishery resources and other ocean and coastal resources.

(3) The protection of the marine environment and prevention of marine pollution.

(4) The enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in the search for sustainable use of marine resources.

(5) The expansion of human knowledge of the marine environment including the role of the oceans in the environment, and global environmental change and the advancement of education and training in fields related to ocean and coastal activities.

(6) The enhancement of investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities.

(7) Close cooperation among all government agencies and departments to ensure—

(A) coherent regulation of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities; and

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities.

(8) The enhancement of partnerships with State and local governments with respect to oceans and coastal activities, including the management of ocean and coastal resources and the identification of opportunities for policy-making and decision-making at the State and local level.

(9) The preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term “Commission” means the Commission on Oceans;

(2) the term “Council” means the National Ocean Council;

(3) the term “marine environment” includes—

(A) the oceans, including coastal and offshore waters and the adjacent shore lands;

(B) the continental shelf;

(C) the Great Lakes; and

(D) the ocean and coastal resources thereof;

(4) the term “ocean and coastal activities” includes activities related to oceanography, fisheries and other ocean and coastal resources, including biological, physical, chemical, and geological aspects of the marine environment, including the role of the oceans in the environment, and global environmental change and the advancement of education and training in fields related to ocean and coastal activities, and such activities as aquaculture, energy and mineral resource extraction, marine transportation, recreation and tourism, waste management, pollution mitigation and prevention, and natural hazard reduction;

(5) the term “ocean and coastal resource” means, with respect to the oceans, coasts, and Great Lakes, any living or non-living natural resource (including all forms of animal and plant life found in the marine environment, habitat, biodiversity, water quality, and any significant historic, cultural, or aesthetic resource).
SEC. 5. NATIONAL OCEAN COUNCIL.

(a) ESTABLISHMENT.—The President shall establish a National Ocean Council and appoint a Chairman from among its members. The Council shall consist of:

(1) the Secretary of Commerce;
(2) the Secretary of Defense;
(3) the Secretary of State;
(4) the Secretary of Transportation;
(5) the Secretary of the Interior;
(6) the Attorney General;
(7) the Administrator of the Environmental Protection Agency;
(8) the Director of the National Science Foundation;
(9) the Director of the Office of Science and Technology Policy;
(10) the Chairman of the Council on Environmental Quality;
(11) the Chairman of the National Economic Council;
(12) the Director of the Office of Management and Budget; and
(13) such other Federal officers and officials as the President considers appropriate.

(b) ADMINISTRATION.—

(1) The President or the Chairman of the Council may from time to time designate one or more other Federal officers or agencies to prescribe or approve any regulations of the Council.

(2) Each member of the Council may designate an individual to preside over meetings of the Council during the absence or unavailability of such member.

(3) An executive secretary shall be appointed by the Chairman of the Council, with the approval of the Council. The executive secretary shall be an employee of one of the agencies or departments represented on the Council and shall remain in the employ of such agency or department.

(4) The President may, in carrying out the functions of the Council, each Federal agency or department represented on the Council shall furnish necessary assistance to the Council. Such assistance may include:

(A) detailed employees of the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may authorize; and
(B) undertaking, upon request of the Chairman of the Council, such special studies for the Council as are necessary to carry out its functions.

(5) The Chairman of the Council shall have the authority to make personnel decisions regarding any employees detailed to the Council.

(c) FUNCTIONS.—The Council shall—

(1) assist the Commission in completing its report under section 8;
(2) serve as the forum for developing an implementation plan for a national ocean and coastal policy and program, taking into consideration the Commission report;
(3) improve coordination and cooperation, and eliminate duplication, among Federal agencies and departments with respect to ocean and coastal activities; and
(4) assist the President in the preparation of the first report required by section 7(a).

(d) SUNSET.—The Council shall cease to exist 6 years after the Commission has submitted its final report under section 8(b).

(e) SAVINGS PROVISION.—

(1) Council activities are not intended to supplant activities with other Executive Branch mechanisms and responsibilities.

(2) Nothing in this Act has any effect on the authority or responsibility of any Federal officer or agency under any other Federal law.

SEC. 6. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The President shall, within 90 days after the enactment of this Act, establish a Commission on Ocean Policy. The Commission shall be composed of 16 members including 8 Federal officers or employees, 4 individuals drawn from State, local, and private worlds, including 4 individuals from the United States and other nations, including representatives of State, local, and private worlds and the private sector for planning and carrying out ocean and coastal activities and address the most appropriate division of responsibility for such activities;

(2) examine and suggest mechanisms to address the interrelationships among ocean and coastal activities, the legal and regulatory framework in which they occur, and their inter-connected and cumulative effects on the marine environment, ocean and coastal resources, and marine productivity and biodiversity;

(3) review the known and anticipated demands for ocean and coastal resources, including an examination of opportunities and initiatives for the development and utilization of ocean and coastal resources within the exclusive economic zone, projected impacts in coastal areas, and the adequacy of existing efforts to manage such use and minimize user conflicts;

(4) evaluate relationships among Federal, State, and local governments and the private sector for planning and carrying out ocean and coastal activities and address the most appropriate division of responsibility for such activities;

(5) consider any such activities in need of reform to improve efficiency and effectiveness;

(6) establish a Commission on Ocean Policy. The Commission shall have 4 Members of Congress, who shall serve as advisory members.

(c) DUTIES OF CHAIRMAN.—In carrying out the provisions of this subsection, the Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among staff personnel and their supervisory supervision;

(2) the use and expenditures of funds available to the Commission.

(d) COMPENSATION OF MEMBERS.—Each member of the Commission shall be an officer or employee of the Federal Government, or whose compensation is not precluded by a State, local, or Native American government policy, be compensated at a rate equal to the daily equivalent of the annual rate payable for Level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(e) STAFF.—

(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director who is knowledgeable in administrative management and ocean and coastal policy and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Congress.

(2) The executive director shall be compensated at a rate not to exceed the rate long-range program for oceanography, ocean and coastal resource management, and protection of the marine environment, and identify any such activities in need of reform to improve efficiency and effectiveness;
payable for Level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that he may not exceed the rate payable for GS-15, step 7, of the General Schedule under section 5332 of such title.

(3) Upon request of the Chairman of the Commission, after consulting with the head of the Federal agency concerned, the head of any Federal agency shall detail appropriate personnel from the agency to the Commission to assist the Commission in carrying out its functions under this Act. Federal Government employees detailed to the Commission shall serve without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) The Commission may accept and use the services of volunteers serving without compensation, and to reimburse volunteers for travel expenses, including per diem in lieu of subsistence, in an amount not to exceed the rate of a GS-7 employee in the same location, and incidental and temporary and intermittent services of experts and consultants in accordance with section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work done under the provisions of chapter 171 of title 31, United States Code, relating to tort claims, a volunteer under this section may not be considered to be an employee of the United States for any purpose.

(5) To the extent that funds are available, and subject to such rules as may be prescribed by the Commission, the executive director of the Commission may procure the temporary and intermittent services of experts and consultants in accordance with section 5703 of title 5, United States Code, but at rates and for periods that are reasonable and consistent with the daily rate payable for GS-15, step 7, of the General Schedule under section 5332 of title 5, United States Code.

SEC. 4. ADMINISTRATION.

(a) The Federal Register of the time, place, and subject of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(b) No meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(c) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to the provisions of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(d) The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

(e) Cooperation with Other Federal Entities.

(f) The Commission is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act. Each such request for information is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission, upon the request of the Chairman of the Commission.

(g) (1) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(h) The General Services Administration shall provide to the Commission on a reimbursable basis support services that the Commission may request.

(i) The Commission may enter into contracts with Federal and State agencies, private industry, and individuals to assist the Commission in carrying out its functions. The Commission may purchase and contract without regard to section 5316 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the amounts authorized by this section shall be available for GS–15, step 7, of the General Schedule under section 5332 of such title.

(j) To the extent that funds are available, the Federal Advisory Committee Act (5 U.S.C. 552b) does not apply to the Commission.

(k) Upon request of the Chairman of the Commission, the Secretary of Transportation shall be available for public inspection and copying at a single location in the offices of the Commission.

(l) The Secretary shall provide to the Commission on a reimbursable basis support services that the Commission may request.


(n) The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

(p) The Commission shall submit to the President, via the Council, and to the Congress not later than 18 months after the establishment of the Commission, a final report of its recommendations. The Commission shall cease to exist 30 days after it has submitted its final report.

(q) Authorization of Appropriations. There are authorized to be appropriated to support the activities of the Commission a total of up to $6,000,000 for fiscal years 1998 and 1999. Any sums appropriated shall remain available until the Commission ceases to exist.

SEC. 7. REPORT AND BUDGET COORDINATION.

(a) BIIENNIAL REPORT.—Beginning in January, 1985, and every 2 years there after, the Commission shall transmit to the Congress biennially a report, which shall include—

(1) a comprehensive description of the ocean and coastal activities (and budgets) and related accomplishments of all agencies and departments of the United States during the preceding two fiscal years; and

(2) an evaluation of such activities (and budgets) and accomplishments in terms of the purpose and objectives of this Act. Reports made under this section shall contain such information as the President may consider necessary or desirable.

(b) BUDGET COORDINATION.—

(1) Each agency shall provide general guidance to each Federal agency or department involved in ocean or coastal activities with respect to the preparation of requests for appropriations.

(2) Each agency or department involved in such activities shall include with its annual request for appropriations a report which—

(A) identifies significant elements of the proposed agency or department budget relating to ocean and coastal activities; and

(B) specifies how such element contributes to the implementation of a national ocean and coastal policy.

SEC. 8. REPEAL OF 1966 STATUTE.

The Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1301 et seq.) is repealed.

AMENDING TITLE 49, UNITED STATES CODE, REGARDING THE NATIONAL TRANSPORTATION SAFETY BOARD

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2476, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

A bill (H.R. 2476) to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers.

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. MCCAIN. Mr. President, I am pleased that the Senate has turned to H.R. 2476, the Foreign Air Carrier Family Support Act. I urge its immediate adoption. H.R. 2476 is virtually identical to legislation that I introduced earlier in the year, and that the Commerce Committee approved in September. I commend my committee colleagues—especially Senators GORTON, HOLLINGS, and FORD—for working with me on this issue. In particular, I want to recognize Representative UNDERWOOD, who spearheaded this effort in the House.

It was the tragic crash of Korean Air Flight 801 in Guam that brought the need for this legislation into focus. The bill would require a foreign air carrier that wants permission to operate in the United States to develop a family assistance plan, in the event of an accident on U.S. soil.

Specifically, the foreign air carrier would be required to provide the Secretary of Transportation and the chairman of the National Transportation Safety Board (NTSB) with a plan for addressing the needs of the families of passengers involved in an aircraft accident that involves an aircraft under the control of that foreign air carrier, and that involves a significant loss of life. The Secretary could not grant permission for the foreign air carrier to operate in the United States unless the Secretary had received a sufficient family assistance plan.

The requisite family assistance plan would include a reliable, staffed toll-free number for the passengers’ families, and a process for expedient family notification prior to public notice of the passengers’ identities. An NTSB employee would serve as director of family support services, with the assistance of an independent nonprofit organization with experience in disasters and post-trauma communication with families. The foreign air carrier would provide these family liaisons with updated passenger lists following the crash. The legislation would require that the carrier consult and coordinate with the families on the disposition of remains and personal effects.

The legislation would build on the family assistance provisions that Congress enacted last year as part of the Federal Aviation Reauthorization Act.
of 1996. Domestic air carriers are already operating under the same legislative requirements set out in the legislation before us.

Again, it was the unfortunate confusion and heartache surrounding the tragic accident in Guam that demonstrated the need for this bill. I urge immediate adoption of the Foreign Air Carrier Family Support Act.

Mr. HOLLINGS. Mr. President, I want to thank Congressman UNDERWOOD of Guam for pursuing H.R. 2834. The bill, virtually identical to a bill reported by the Commerce Committee, S. 1196, puts the same burden on foreign air carriers serving the United States as those now imposed on U.S. carriers when dealing with the families affected by aviation disasters. Under existing law, U.S. carriers must develop and submit plans to the Department of Transportation and the National Transportation Safety Board on how they will address the needs of the families of victims of disasters. The law today does not include foreign air carriers, and thus, H.R. 2476 is needed.

The bill is supported by the Administration, and I support its adoption. What we are asking all of the carriers to do is to deal fairly with the families. U.S. carriers have already been asked to do it, and now we are asking the foreign air carriers to do it. All carriers, foreign or U.S., should be prepared to deal with the families and to provide them with the kinds of assistance they have every reason to expect. H.R. 2476 ensures that this will happen. I urge the Senate to pass this bill.

Mr. GORTON. Mr. President, I rise to join Senator MCCAIN, Senator HOLLINGS, and Senator FORD in urging that we immediately adopt H.R. 2476, the Foreign Air Carrier Family Support Act. I also recognize Representative Underwood's efforts to facilitate this legislation following the recent crash of Flight 801 in Guam, which killed more than 200 people.

As Senator MCCAIN stated, last year the Congress approved almost identical legislation that required domestic air carriers to establish a disaster support plan for the families of aviation accident victims. The legislation we are now considering would extend this requirement to foreign air carriers if they have an accident on American soil.

I would note that the Family Assistance Task Force strongly supports this legislation. The task force, which Congress established to find new ways to assist family members and others devastated by an airline crash, recently voted unanimously to endorse this act. The task force readily agreed that the Congress pass this legislation as expeditiously as possible.

It is unfortunate that airline accidents often provide the impetus to make improvements. The Flight 801 tragedy clearly showed the need to improve planning to assist family members when a foreign airline crashes on American soil. Despite the best efforts of the National Transportation Safety Board and others, the family members of Flight 801 accident victims would have been better served if a plan had been in place.

As we all know, the news of an air disaster in Guam coming quickly. The media is often reporting about a crash as soon as, if not before, the rescue teams reach the scene. This legislation provides a framework to ensure that family members receive proper assistance. Among other things, foreign airlines would be required to have a plan to publicize a toll-free number, have staff available to take calls, have an up-to-date list of passengers, and have a process to notify families—in person if possible—before any public notification that a family member was onboard a crashed aircraft. These are basic services that anyone should receive.

Hopefully, it will never be necessary for any foreign airline to use the plans required under this act. In the event of an accident, however, family members of victims are due the consideration and compassion that this legislation provides.

Again, I want to thank Senator MCCAIN for moving this legislation quickly, and I urge that we now adopt the Foreign Air Carrier Family Support Act.

Mr. FORD. Mr. President, on August 5, 1997, Korean Air flight 801 crashed into a hillside on Guam, killing 228. We worked with Chairman MCCAIN and our House colleagues last year to enact legislation requiring U.S. air carriers to develop plans to address the needs of families following an aviation disaster. The 1996 Federal Aviation Administration Reauthorization Act specifically requires that the carriers operating non-scheduled flights also be given additional flexibility. I support the changes, and urge the Senate to pass the bill.

Mr. HOLLINGS. Mr. President, last year, as part of the Federal Aviation Administration Reauthorization Act of 1996, we imposed a series of new requirements before an "air carrier" could hire a pilot. When the bill as originally crafted was being developed, we worked with the pilots' unions and with the Air Transport Association to develop a workable approach that is fair to pilots and airlines and advances aviation safety.

H.R. 2626 clears up a number of technical problems, but continues the spirit of the original legislation—to make sure that pilots operating commercial aircraft are qualified. For many smaller carriers, such as on-demand carriers like Bankair in South Carolina, the new created a number of logistical problems. I added a provision to the fiscal year 1998 Transportation Appropriations law to ensure that the FAA, as holder of some pilot records, is able to supply those records expeditiously. H.R. 2626 will allow air carriers to hire, but not use, a pilot until his or her records had been checked. Smaller carriers operating non-scheduled flights also are given additional flexibility. I support the changes, and urge the passage of H.R. 2626.

Mr. FORD. Mr. President, I want to explain to my colleagues the need for H.R. 2626, a bill to make clarifications to the Pilot Records Improvement Act of 1996. Last year, we worked diligently with the airlines, ALPA and the Independent Pilots Association, to craft a bill that requires air carriers to share pilot records before a pilot could be employed. The change in law was necessary by a safety recommendation by the National Transportation Safety Board.

H.R. 2626 modifies the law to let the air carriers hire a pilot prior to final check of the records, but the pilot can not operate a commercial flight until

MAKING CLEARING TO THE PILOT RECORDS IMPROVEMENT ACT OF 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be considered the read third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2476) was considered, read the third time, and passed.
the records are checked. Thus, the carriers can begin training new employees, and when the records are cleared, put the pilot to work. Because there have been problems in expeditiously providing records, the hiring process will not be impeded.

For small aircraft that are not used in scheduled service, for example, an on-demand cargo charter aircraft with a maximum payload capacity of less than 7,500 pounds, a fully certified pilot can operate such aircraft for a limited period while the records are being reviewed. The requirement on the cargo operator is not changed—the records must be obtained and checked, but the pilot can fly for a 90-day period. Finally, the bill provides a narrow good faith exception for a carrier seeking the records of a pilot from another carrier that has ceased to exist. All other requirements for the pilot—licenses, medical tests, for example—are unchanged.

I urge my colleagues to support the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be considered under the special rule that requires the vote to be taken immediately after the conclusion of the debate on the motion to recommit the bill, which motion I shall move at the appropriate place in the RECORD.

I urge my colleagues to support the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be considered under the special rule that requires the vote to be taken immediately after the conclusion of the debate on the motion to recommit the bill, which motion I shall move at the appropriate place in the RECORD.

Mr. BLACKLEY. The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2626) was considered and passed, as follows:

A resolution (S. Res. 162) to authorize testimony and representation by the Senate Legal Counsel's consideration of the nominations made to the Committee by Mr. Blackley during the Committee on Agriculture, Nutrition, and Forestry; whereas, pursuant to sections 706(a) and 706(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 employees of the Senate with respect to any subpoena, order, or request for testimony 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 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, 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, by the judicial process, be taken from such control or possession but by permission of the Senate; therefore, be it

Resolved, That Brent Baglien, and any other present or former employee from whom testimony may be required, are authorized to testify in the case of United States v. Blackley, except concerning matters for which a privilege should be asserted.

Sec. 2. That the Senate Legal Counsel is authorized to represent Brent Baglien and any present or former employee of the Senate in connection with testimony in United States v. Blackley.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be considered under the special rule that requires the vote to be taken immediately after the conclusion of the debate on the motion to recommit the bill, which motion I shall move at the appropriate place in the RECORD.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be considered under the special rule that requires the vote to be taken immediately after the conclusion of the debate on the motion to recommit the bill, which motion I shall move at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2626) was considered and passed, as follows:

A resolution (S. Res. 162) to authorize testimony and representation by the Senate Legal Counsel's consideration of the nominations made to the Committee by Mr. Blackley during the Committee on Agriculture, Nutrition, and Forestry; whereas, pursuant to sections 706(a) and 706(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 employees of the Senate with respect to any subpoena, order, or request for testimony 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 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, 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, by the judicial process, be taken from such control or possession but by permission of the Senate; therefore, be it

Resolved, That Brent Baglien, and any other present or former employee from whom testimony may be required, are authorized to testify in the case of United States v. Blackley, except concerning matters for which a privilege should be asserted.

Sec. 2. That the Senate Legal Counsel is authorized to represent Brent Baglien and any present or former employee of the Senate in connection with testimony in United States v. Blackley.

HOLOCAUST VICTIMS REDRESS ACT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate bill 1564 introduced earlier today by Senator D’AMATO.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1564) to provide redress of inadequate distribution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be considered under the special rule that requires the vote to be taken immediately after the conclusion of the debate on the motion to recommit the bill, which motion I shall move at the appropriate place in the RECORD.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be considered under the special rule that requires the vote to be taken immediately after the conclusion of the debate on the motion to recommit the bill, which motion I shall move at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1564) was deemed read a third time, and passed, as follows:

S. 1564

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 “Holocaust Victims Redress Act.”

TITLES I—HEIRLESS ASSETS

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds as follows:

(1) Among the $198,000,000 in German assets located in the United States and seized by the United States Government in World War II were believed to be bank accounts, trusts, securities, or other assets belonging to Jewish victims of the Holocaust.

(2) Among an estimated $1,200,000,000 in assets of Swiss nationals and institutions which were frozen by the United States Government during World War II (including over $800,000,000 in bank deposits) were assets of Jewish victims believed to include victims of the Holocaust.

(3) In the aftermath of the war, the Congress recognized that some of the victims of the Holocaust whose assets were among those seized or frozen during the war might not have any legal heirs, and legislation was enacted to authorize the transfer of up to $500,000 of such assets to organizations dedicated to providing relief and rehabilitation for survivors of the Holocaust.

(4) Although the Congress and the Administration authorized the transfer of such amount to the relief organizations referred to in paragraph (3), the enormous administrative difficulties and cost involved in proving legal ownership of such assets, directly or beneficially, by victims of the Holocaust, and proving the existence or absence of heirs of such victims, led the Congress in 1962 to agree to a lump-sum settlement and to provide $500,000 for the Jewish Restitution Successor Organization of New York, such sum amounting to 1/4th of the authorized maximum level of “heirless” assets to be transferred.

(5) In June of 1997, a representative of the Secretary of State, in testimony before the Congress, urged the consideration of the limited $500,000 settlement.

(6) While a precisely accurate accounting of “heirless” assets may be impossible, good conscience warrants the recognition that the victims of the Holocaust have a compelling moral claim to the unrestricted portion of assets referred to in paragraph (3).

(7) Furthermore, leadership by the United States in meeting obligations to Holocaust victims would strengthen—

(A) the efforts of the United States to press for a speedy distribution of the remaining nearly 6 metric tons of gold still held by the Tripartite Commission for the Restitution of Monetary Gold (the body established by France, Great Britain, and the United States at the end of World War II to return gold looted by Nazi Germany to the central banks of countries occupied by Germany during the war); and

(B) the appeals by the United States to the 15 nations claiming a portion of such gold to contribute a substantial portion of any such distribution to Holocaust survivors in recognition of the recently documented fact that the gold held by the Commission includes gold stolen from individual victims of the Holocaust.

(b) PURPOSES.—The purposes of this Act are as follows:

This Act may be cited as the “Holocaust Victims Redress Act.”
November 13, 1997

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(1) To provide a measure of justice to survivors of the Holocaust all around the world while they are still alive.

(2) To authorize the appropriation of an amount which shall be equal to the present value of the difference between the amount which was authorized to be transferred to successor organizations to compensate for assets in the United States of heirless victims of the Holocaust and the amount actually paid in 1962 to the Jewish Restitution Successor Organization of New York.

(3) To facilitate efforts by the United States to seek an agreement whereby nations with claims against gold held by the Tripartite Commission for the Restitution of Monetary Gold would contribute all, or a substantial portion, of that gold to charitable organizations to assist survivors of the Holocaust.

SEC. 102. DISTRIBUTIONS BY THE TRIPARTITE GOLD COMMISSION.

(a) DIRECTIONS TO THE PRESIDENT.—The President shall direct the commissioner representing the United States on the Tripartite Commission for the Restitution of Monetary Gold to enter into an agreement pursuant to Part III of the Paris Agreement on Reparation, to seek and vote for a timely agreement under Part III of the Paris Agreement on Reparation, for the Restitution of Monetary Gold which would contribute all, or a substantial portion, of such gold to charitable organizations for assistance to survivors of the Holocaust.

(b) AUTHORITY TO OBLIGATE THE UNITED STATES.—

(1) IN GENERAL.—From funds otherwise unobligated in the Treasury of the United States, the President is authorized to obligate the United States to seek an agreement whereby nations with claims against gold held by the Tripartite Commission for the Restitution of Monetary Gold would contribute all, or a substantial portion, of such gold to charitable organizations to assist survivors of the Holocaust.

(2) AUTHORITY TO OBLIGATE THE UNITED STATES.—

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President:

(i) for fiscal years 1998, 1999, and 2000, not to exceed $30,000,000 for distribution in accordance with subsections (a) and (b),

(ii) (b) CONFORMANCE WITH BUDGET ACT REQUIREMENT.—Any budget authority contained in paragraphs (1) shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

SEC. 103. FULFILLMENT OF OBLIGATION OF THE UNITED STATES.

(a) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the President for transfer pursuant to Part III of the Paris Agreement on Reparation, to seek and vote for a timely agreement under Part III of the Paris Agreement on Reparation, for the Restitution of Monetary Gold which would contribute all, or a substantial portion, of such gold to charitable organizations to assist survivors of the Holocaust.

(b) ARCHIVAL RESEARCH.—There are authorized to be appropriated to the President for archival research and translation services to assist in the restitution of assets looted or extorted from victims of the Holocaust and such other activities that would further Holocaust remembrance and education.

TITLE II—WORKS OF ART

SEC. 201. FINDINGS.

Congress finds as follows:

(1) Established pre-World War II principles of international law, as enunciated in Articles 47 and 56 of the Regulations annexed to the 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land, prohibited pillage and the seizure of works of art.

(2) In the years since World War II, international sanctions against confiscation of works of art have been amplified through such conventions as the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which forbids the illegal import, export, or transfer of works of art for its earliest possible restitution to its rightful owner.

(3) In defiance of the 1907 Hague Convention, the Nazis extorted and looted art from individuals and institutions in countries it occupied during World War II and used such art to help finance their war of aggression.

(4) The Nazis’ policy of looting art was a critical element and incentive in their campaigns of genocide against individuals of Jewish and other religious and cultural heritage and, in this context, the Holocaust, while standing as a civil war against defined individuals and civilized values, must be considered a fundamental aspect of the world war unleashed on the continent.

(5) Hence, the same international legal principles applied among states should be applied to art and other assets stolen from victims of the Holocaust.

(6) In the aftermath of the war, art and other assets were transferred from territory previously controlled by the Nazis to the Union of Soviet Socialist Republics, much of which has not been returned to rightful owners.

NATIONAL WEEK OF RECOGNITION FOR DOROTHY DAY AND THOSE WHOSE SHE SERVED

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 163 introduced earlier today by Senator MOYNIHAN, D’AMATO, and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 163) expressing the sense of the Senate regarding the hundredth anniversary of the birth of Dorothy Day, and designating the week of November 8 through November 14, 1997 as “National Week of Recognition for Dorothy Day and those whom she served.”

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. MOYNIHAN. Mr. President, I rise today to introduce a sense of the Senate resolution commemorating the 100th anniversary of the birth of Dorothy Day, a woman who embodies the very idea of service to others. I am pleased to be joined by Senators D’AMATO, WELLSTONE, LEVIN, DODD, TORRICELLI, RICHARD DURBIN, JAKUŠEK, and KENNEDY in paying tribute to her life.

The life of Dorothy Day is central to modern Catholic social thought. Hers was a radical brand of discipleship, akin to what the German theologian Dietrich Bonhoeffer described as “costly grace” in The Cost of Discipleship. She lived a life of voluntary poverty and hardship, forsaking material comfort and opting to live among the poor whom she served. Just as Jesus befriended the tax collector and the prostitute, Dorothy Day embraced the drug addict and the disenfranchised. She saw Christ in everyone—especially in the downtrodden and the oppressed people accordingly. In short, she lived the Gospel.

In 1933, Dorothy Day and Peter Maurin joined to found the Catholic Worker Movement and the Catholic Worker newspaper to realize in the individual and society the express and implied teachings of Christ. That same year, they opened the first Catholic Worker House in Manhattan’s Lower East Side. The country was, by then, in the throes of the Great Depression, a period of suffering unknown to this country before or since. Dorothy Day ministered to the physical and spiritual needs of the legion of poor who knocked on the doorstep at St. Joseph House. Today, some 64 years after its creation, the Catholic Worker Movement remains a vibrant legacy to her life. There are now more than 125 Catholic Worker “Houses of Hospitality” in the United States and around the world.

Perhaps Dorothy Day’s life was summed up best by those at the University of Notre Dame who bestowed the Laetare Medal upon her in 1972 for “comforting the afflicted and afflicting the comfortable virtually all of her life.” Indeed she did and we are all the better for it.

I ask unanimous consent that the text of a tribute by Patrick Jordan, who knew Dorothy Day from his days living at the Catholic Worker, from Commonweal and the text of the Resolution be printed into the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Commonweal, Oct. 24, 1997] AN APPETITE FOR GOD

(By Patrick Jordan)

Dorothy Day was born on Pineapple Street in Brooklyn Heights on November 8, 1897. On the hundredth anniversary of her birth, her spirit is alive in the Catholic Worker movement she and Peter Maurin founded in 1933. The movement is still building, a rather remarkable feat in the history of American religious communities, now with over 125 houses and farming communities in the United States and in seven other countries. There are a variety of Catholic worker publications that display strong writing and intellectual vitality: critical voices in the midst of the capitalist state, and lively antipodes to the spirit of bourgeois Christianity. Day and Maurin would be pleased.

In a real sense, Day was an Augustinian figure. She was a captivating, commanding presence, full of personal paradoxes (vulnerability and yet steel) and inconsistencies (patient but fretful), who nonetheless cohered and remained consistently stalwart. She had been around (as she attests in her classic spiritual autobiography, The Long Loneliness), knew the full joys and sorrows of life from her harsh experience, and had gone through a life-searing conversion. She left behind a marvelous legacy of words and wrote with uncommon beauty and alacrity about her times: describing the challenge of
living good, and yes, holy lives in an era of warring empires. She loved heroic figures, and aspired to be one. She hoped that her books would be read by millions and would lead others to talk to her. She had a sense of humor about herself and her work, and told the story of having been asked to join a faculty on the topic of "Saints and Heroes." She was greatly surprised (and delighted) when she found the lecture hall packed. Only later did she discover that she had been mistakenly billed "Saints and Eros."

For me, Dorothy Day was the most engaging and engaged person I have ever met. Even though we never conversed after her death in 1980, I think of her almost daily, with deep affection. What would she have thought of this most recent political drama? Was this the church teaching? How would she have approached a related crisis, dealt with that obnoxious persons? If the problem happens to be several-sided and particularly dicey, I can be sure her response would be challenging, distinct, and unpredictable. Not that it would necessarily come as a surprise (she used to say, "You never know what you get from her on the phone."")

Dorothy Day's mind, while not that of a trained intellectual, was one of the most acute and supple I have seen at work; she was highly intuitive, and could see foundations that are secure: God, truth, and love. She seemed to know herself with perfect clarity, the fruit of a lifetime of self-examination; Cleanse us of our unknowledge, the Gospels charge. She was keenly aware of the Catholic Worker movement and its weekly, Catholic Worker, which is still a potent force in the left wing of the American society. She did this almost daily, year in and year out. She was unfailingly modest, and almost painfully shy in public.

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possible catastrophe the Fall) by taking on our human flesh, suffering our fate, and re-deeming us.

Unlike many birthright Catholics, Day did not feel encumbered by the institution. She took as her own Saint Paul’s phrase—“You are no longer foreigners and aliens, but fellow citizens with the saints” (Ephesians 2:19)—rather than the fruit of motherhood, toodling with the Parthians? When it came to “this business of ‘asking Father’ what to do about something” which she loved and which is itself held accountable to the Gospels. For encouragement, Day looked to the lives of the saints, whom “were certainly of a kind I have never had before...”

At Vatican II, she noted her admiration for John Courtney Murray. She felt grateful for “the council, she loved and which is itself held accountable to the Gospels. For encouragement, Day looked to the lives of the saints, whom “were certainly of a kind I have never had before...”

Dorothy Day’s own approach was twofold. First, there was a line she repeated often from the Cross: “Whoever has no love, put love, and you will find love.” And second, cultivate a life of detachment and the joy of our vocation assures us we are on the right path.” According to Kate Hennessy, Day’s granddaughter, “she turned the charity of sitting through nights of threatened violence in the racially divided South in the 1960s, it is prayer that “gives courage.”

Dorothy did not like to fast (she said her bones ached during the few days of a fast, but she did know for sure) “Because we have seen his hands and his feet in the poor around us. . . . We start by loving them for him, as if they were our brothers and sisters, and we let them stay on an equilateral triangle, the ancient Christian, poverty is not only a matter of the soul—it is a social concern. It entails not only personal spiritual obligations, but matters of strict justice and compassion.

We begin by looking at our own lives. When asked to address the relations between individuals, Day said, Jesus always emphasized the wealth and poverty of the community, the sacraments. The ancient Christian...”

Poverty. As noted above, Maurin brought with him Kropotkin and Francis. For the Christian, poverty is not only a matter of the soul—it is a social concern. It entails not only personal spiritual obligations, but matters of strict justice and compassion.

“At Vatican II, she noted her admiration for John Courtney Murray. She felt grateful for...”

2:19)—and placed her trust in the church, which she loved and which is itself held accountable to the Gospels. For encouragement, Day looked to the lives of the saints, whom “were certainly of a kind I have never had before...”

Dorothy Day’s own approach was twofold. First, there was a line she repeated often from the Cross: “Whoever has no love, put love, and you will find love.” And second, cultivate a life of detachment and the joy of our vocation assures us we are on the right path.” According to Kate Hennessy, Day’s granddaughter, “she turned the...”

For Day, to live poorly meant to share the life of the poor: “Let us love to live with the poor because they are especially loved by Christ.” Each person who presents himself or herself to us—rich, middle class, or poor—"we are not going to put God and country on an equality." Fi..."

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noted, was “faithfulness to the means to overcome it: recitation of the psalms each day, prayer and solitude, and by these means arriving—or hoping to arrive—at a state of well-being she found particularly helpful in this regard: “I have stilled and quieted my soul” (Ps. 131), and “Relieve the troubles of my heart” (Ps. 26). She would also quote Lettre a Charles de Foucauld: chapter 8—“Nothing can separate us from the love of Christ”—and his advice not to judge others or even oneself, for Christunderstood “as a friend” he was, after all, the world’s greatest failure.

Among contemporary spiritual writings, she recommended in this regard Dom Hubert van Zeller in a letter to Culvy: “Awoke at 5:30,” she penned in 1965. “Usual depression over failures, inefficiency, incapacity to cope. Van Zeller’s book invaluable, teaching on how to accept all this discouragement, which he says will increase with age. . . . One must just keep going.”

And that connects with the matter of perseverance, a subject on which she corresponded sporadically with Thomas Merton: “I am often full of fear about my final perseverance in 1960. But then, during his own long struggles with the problem, she advised: Your work “is the work God wants of you, no matter how much you want to run away from it.”

She eventually came to terms with the fact that her difficulties were not going to end in this life. In the last book she gave me, Spiritual Life and Death, Charles de Foucauld (she was always giving gifts and books, prayer books and Bibles especially) she had underlined the following passage from de Foucauld’s autobiography: "Do you not know that the difficulties are not a transitory state of affairs. . . . No, they are the normal state of affairs and we should reckon on being in angustia temporum [‘in straits’] Dan. 9:21 all our lives, so far as the good we want to do is concerned."

In 1960, Dorothy Day commented favorably on a then-current appraisal of the state of the American Catholic church, rendered by the Jesuit theologian, Gustave Weigel. Three things were most needed in the U.S. church, he maintained, if the difficulties are not a transitory state of affairs. . . . No, they are the normal state of affairs and we should reckon on being in angustia temporum [‘in straits’] Dan. 9:21 all our lives, so far as the good we want to do is concerned.

As Dorothy Day improved the lives of countless people and that her example has inspired others to follow her in a life of solidarity with the poor;

(3) encourages all Americans to reflect on how they might learn from Dorothy Day’s example and continue her work of ministering to the needy; and

(4) designates the week of November 8, 1997, through November 14, 1997, as the “National Week of Recognition for Dorothy Day and Those Whose Work She Served.”

CORRECTING THE ENROLLMENT OF S. 830

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Concurrent Resolution 69 submitted earlier by Senator Jeffords.

I further ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 69) was agreed to.

The concurrent resolution is as follows:

S. CON. RES. 69
Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 119(b) of the bill: (A) strike paragraph (2) (relating to conforming amendments).

(2) Strike “(b) section 505(j)”—and all that follows through “(5)(A) The Secretary shall”—and insert the following: “(b) section 505(j)”—Section 505(j) (21 U.S.C. 355(j)) is amended by adding at the end the following paragraph: “(5)(A) The Secretary shall”:

(3) In section 125(d)(2) of the bill, in the matter preceding subparagraph (A), insert after “antibiotic drug” the second place such term appears the following: “(including any salt or ester of the antibiotic drug)”. (4) In section 127(a) of the bill: In section 506A of the Federal Food, Drug, and Cosmetic Act (as proposed to be inserted by such section 127(a)), in the second sentence of subsection (d), strike “or other criteria” and insert “or other criteria”.

(1) Expresses deep admiration and respect for the life and work of Dorothy Day;

(2) Recognizes that the work of Dorothy Day provided an enrolled copy of this resolution to—

(2) St. Joseph House, 36 East First Street, New York City, New York; and

(3) His Eminence John Cardinal O’Connor of the Archdiocese of New York, New York City, New York.

CONCORDING OF TECHNICAL ERROR IN ENROLLMENT OF S. 1026

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Concurrent Resolution 70 submitted earlier by Senator D’Amato. I further ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 70) was agreed to.

The concurrent resolution is as follows:
AMENDING SECTION 13031 OF THE OMNIBUS RECONCILIATION ACT OF 1985

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3034, which is at the desk.

The PRESIDING OFFICER. The Senate will be in order.

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the Record at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2796) was read a third time and passed.

REQUIRING THE ATTORNEY GENERAL TO ESTABLISH A PROGRAM IN LOCAL PRISONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1493, and further that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

Mr. NICKLES. 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 thereto be placed in the Record at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1493) was read a third time, and passed.

THE GUN ACT OF 1997

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 266, Senate bill 191.

The PRESIDING OFFICER. The clerk will report.

Mr. NICKLES. 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 thereto be placed in the Record at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 191) was read a third time, and passed.

A bill (H.R. 2796) to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by members during the period beginning on October 1, 1996 and ending on May 31, 1997.

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. NICKLES. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the Record at the appropriate place.
to strike all after the enacting clause and inserting in lieu thereof the following:

S. 191

Be it enacted by the Senate and House of Representatıves of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended by inserting “firearms possession (as described in section 926(c));” after “firearms use;” and

(b) CONFORMING AMENDMENT.—Section 3559(c)(2)(P)(I) of title 18, United States Code, is amended by inserting “firearms possession (as described in section 926(c));” after “firearms use;”

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PROGRAM

Mr. LOTT. Mr. President, on Tuesday, January 27, when the Senate reconvenes the 105th Congress, second session, following a live quorum, the Senate will proceed to morning business then until 2 p.m.

Tuesday night at 9 p.m. is the President’s State of the Union Address. Therefore, the Senate will reconvene Tuesday evening at approximately 8:30 p.m. in order to proceed as a body to the Hall of the House of Representatives to hear the address of the President. There will be no legislative business on the 27th except for those items that may be cleared for action by unanimous consent. Therefore, no votes will occur during the session of the Senate on Tuesday, January 27.

Senators should be aware that following that day, on the 28th and after, we will be expected to call up early in the session the ISTEA transportation bill, juvenile justice, the nomination of Margaret Morrow, and the nomination of Ann Aiken, both to be considered for judicial positions, and the nomination of Ann Aiken will be taken up prior to the end of the first week.

Again, I thank my colleagues for their cooperation during this session of Congress.

S. 1566 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 “Military Voting Rights Act of 1997”.

SEC. 2. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

“SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

(1) be deemed to have lost a residence or domicile in that State;

(2) be deemed to have acquired a residence or domicile in any other State; or

(3) be deemed to have become resident in or a resident of any other State.

(b) In this section, the term ‘State’ includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.”.

SEC. 3. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by inserting “(a) ELECTIONS FOR FEDERAL OFFICES.—” before “Each State shall—”;

and

(2) by adding at the end the following:

“(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.”.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out “FOR FEDERAL OFFICE”.

MEASURE READ THE FIRST TIME—H.R. 2709

Mr. LOTT. I understand H.R. 2709 has arrived from the House, and I ask for its first reading.

The PRESIDING OFFICER. The bill was read.

The assistant legislative clerk read as follows:

A bill (H.R. 2709) to impose certain sanctions on foreign persons who transfer items contributing to Iran’s efforts to acquire, develop, or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

Mr. LOTT. I would now ask for its second reading, and I object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

CONDITIONAL ADJOURNMENT SINE DIE

Mr. LOTT. Now, Mr. President, before any other bills come to our attention, I ask unanimous consent that the Senate stand in adjournment sine die of the 1st session of the 105th Congress under the provisions of S. Con Res. 68 and S. J. Res. 39 until Tuesday, January 27, 1998, provided that the House adopts S. Con. Res. 68 and does not alter the text of the State-Justice-Commerce Appropriations Conference Report.

If either action occurs, I ask unanimous consent that the Senate reconvene on Friday, November 14, 1997, at 10 a.m.

There being no objection, at 7:56 p.m., the Senate adjourned sine die.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 13, 1997:

EXECUTIVE OFFICE OF THE PRESIDENT

RITA D. HAYES, OF SOUTH CAROLINA, TO BE DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GAIL W. LASTOW, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF DEFENSE

WILLIAM J. LYNN, III, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER). THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES’ COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DUTY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

RAYMOND C. FISHER, OF CALIFORNIA, TO BE ASSOCIATE ATTORNEY GENERAL.

THE JUDICIARY

LYNN S. ADELMAN, OF WISCONSIN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN.

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE RANK INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

TO BE REAR ADMIRAL (LOWER HALF)
CAPT. BERNY G. ULRICH, III, 6000.
IN HONOR OF VETERANS DAY

HON. CAROLYN MCCARTHY
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today with my fellow Americans to demonstrate my pride in all the men and women who have served in our Armed Forces by observing Veterans Day. Officially designated in 1938 as “A National Day of Remembrance,” commemorating the end of World War I, this special day is now deeply embedded in our Nation’s tradition and culture. It is a day that generates a myriad of feelings and activities. Many of us will make a special effort to say “thank you” to our fathers and mothers, uncles and aunts, brothers and sisters, sons and daughters, friends and colleagues for their service in America’s Armed Forces. Others of us will make a sacred pilgrimage to a national cemetery in order to give thanks for the lives of our beloved soldiers, sailors, airmen and Marines who have died in service to America.

These are appropriate and important ways to recognize Veterans Day—because all of these choices are available to us only because of the commitment and sacrifice of the millions of men and women who have, with great pride and honor, worn the uniform of the United States of America. They, more than any of us, know that they served so that the rest of us can fully enjoy the fruits of their sacrifice and endeavors—so that the rest of us can live and thrive in a country deeply and securely grounded in freedom and liberty.

Americans have traditionally remembered all the men and women who have served in our Armed Forces by building majestic and moving monuments in their honor. These impressive structures stand as strong symbols of our national appreciation for the courage and heroism of our Armed Forces. But these magnificent memorials and statues are not enough to fulfill our Nation’s commitment to our veterans. In order to carry out our national responsibility, America has, since the earliest days of our republic, given life to the many impressive memorials by also providing programs and benefits designed to touch and enhance the lives of our veterans.

We remember and honor our veterans when we assist them in their transition to the civilian community by offering GI bill education benefits and job-search assistance; when we provide compensation payments to those with service-connected disabilities and when we provide health care for sick and injured veterans through the VA medical care system.

These programs and benefits, which give life to our national commitment to veterans, must be maintained and perfected. They are tangible symbols of our respect for, and gratitude to, those who serve on our behalf in the armed services. Accordingly, we must ensure that veterans’ programs and benefits continue to effectively fulfill their purposes—and to ensure that the funding necessary to accomplish this goal is provided.

Perhaps the best way to show our appreciation to our veterans, who have sustained and protected us during times of both war and peace, is by exercising our most precious freedoms—voting, worshipping, traveling where and when we want, and expressing our opinions freely. We owe all these freedoms to our veterans. I would like to take this opportunity to thank our veterans and encourage the rest of the nation to do the same.

TRIBUTE TO JOE CASTILLO

HON. JOSE E. SERRANO
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Joe Castillo of Fort Collins, CO, a Vietnam Veteran who undertook a meaningful journey from August 14 to November 11. He traveled on horseback from Fort Collins to the Vietnam Veterans Memorial in Washington, DC, in honor of his friends and comrades who lost their lives in Vietnam. He planned his trip for 2 years.

Joe was born on July 14, 1950 in Texas. He enlisted in the Armed Forces and went to Vietnam at the tender age of 18 along with several of his friends. He was the only one of his group to return home.

Mr. Speaker, on Saturday, November 8, Joe and his little troupe of horses and friends were stuck in the mountains of West Virginia in a cold downpour. They were running out of trail and the regular roads are too dangerous so they were worried they might not make it to Washington on time after all. They decided to go by boat to the Baltimore Harbor, where they were able to get out of the mountains and hook up with other VFW members in Cumberland, MD.

But Joe and his horse, Indio, were on time and were part of the official Vietnam Memorial ceremonies Tuesday. The Park Service agreed to allow Joe to ride Indio to the Wall and the Vietnam Memorial Foundation allowed Joe to present his flag at the official ceremonies and say a few words. How fitting it was, Mr. Speaker, that Joe Castillo, who has grown into such an outstanding citizen, spoke at this event.

We owe Joe Castillo our encouragement and praise for such a long journey to honor those who died for our country. He has shown greater character, integrity, and selflessness for embarking on this incredible pilgrimage to the Vietnam Wall. The total estimated mileage is 1,986 and 90 days of travel on horseback.

Mr. Speaker, I ask my colleagues to join me and the veterans community in praise of Joe Castillo for the shining example he sets for all Americans.

FAST TRACK—TOO EARLY FOR AN OBITUARY

HON. RON PAUL
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. PAUL. Mr. Speaker, is fast track dead? Hardly. This 25-year-old process is ingrained in the political process and will not soon disappear. The imperial presidency is alive and well as Congress continues the process of acceding power to the executive branch through such processes as the line item veto, administrative law, War Powers Act, Executive orders, and trade negotiations. The attempt at devolution, which is now ongoing, does little to attach the ever growing power of the Presidency. As Congress—and especially the House—negates its responsibility under the concept of the separation of powers, the people suffer by losing their most important conduit to the Federal Government.

Members opposed fast track for various reasons, some sensible, some less so. Serious arguments in favor of consistent support came from their convictions regarding free trade. However, political deals, threats and pressure from financial supporters influenced less serious supporters. This process is nothing new, but in the recent efforts to pass fast track, record offers to persuade Members of Congress to change their vote were made on both sides of the debate. The President and the congressional leaders had a lot to offer and the unions and environmentalists were not bashful about their use of intimidation.

In spite of the bipartisan politics of it all, there were among us principled free traders, true believers in U.S. sovereignty, serious concerns for domestic labor, and environmental laws and dedicated populist protectionists.

And then there were the laissez-faire capitalists, individual liberty, U.S. sovereignty and low tariff proponents, positions held by a scant few. The supporters of fast track cavalierly dismissed all thoughtful opposition. The delivery of power to the Presidency argument was said to be bogus; the treaty versus agreement argument was argued to be nothing more than designed by those wanting to hide behind the Constitution and those concerned about NAFTA boards, world trade organizations, or the multilateral agreement on investments were all just conspiracy nuts the same group of individuals who are concerned about who is flying the unmarked black helicopters around the country. So much for serious debate. A few points worth noting:

First, most members of the coalition, who pushed fast track, have in the past, promoted war under the U.N. banner, bailouts by the IMF, foreign aid, corporate welfare, secret components of the World Bank? Is there any wonder that a populist backlash, from Nadar to Buchanan, blossomed and actually won this round?

Second, the chief corporate supporters of the fast track process who claimed to be defending freedom and free trade have essentially no record of ever promoting free market

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
economics or any organization dedicated to capitalism and sound money. They are all experts in understanding the corporate welfare state and are promoters of the Export/Import Bank, Overseas Private Investment Corporation, foreign aid, the military industrial complex, fractional reserve banking, public housing, all types of guaranteed loans and much more. So why this sudden loyalty to freedom of trade and low tariff taxes? This is a question worth pondering. Could it possibly be that fast track, NAFTA and the WTO have nothing to do with real free trade? Could it be that corporate America is enshrined in modern-day corporatism that see fast track as a vehicle toward a managed trade system that serves the powerful at the expense of the weak? Certainly the ready willingness to grant exemptions to various industries and commodities during the negotiations suggests less than a principled effort to promote free and unhampered trade.

Third, this current debate has entirely ignored the nature of modern-day protectionism. Already, in recent years, sanctions have been applied through international governmental bodies 61 times. These originate from complaints from industries that claim they are being subject to unfair competition from those who are selling their products at a lower price. Currently, there are still pending 27 proposals for more sanctions.

Fourth, since the breakdown of the Bretton Woods Agreement, trade has been manipulated by the various countries through competitive currency devaluations. This is ongoing and is currently driving the bailout in Southeast Asia, just as was done 2 years ago in Mexico. All this currency and IMF activity is to promote trade in one direction or another and to bail out the powerful special interests who invested in countries when the times were good but want help once the markets turned against them.

There is no reason why free trade agreements can't be drawn up much more simply and in a bilateral fashion with Congress fully participating. Low tariffs and free trade with any country can be accomplished with an agreement less than one page in length. This whole debate ignores the fact that countries that impose high tariffs on their people suffer much more so than the countries hoping to export products to them.

This whole debate on fast track was designed to obscure the definition and process of real freedom in trade. Fortunately further casual endorsement of this process, first started by Richard Nixon, was met with a setback, by the Carter administration, and is currently driving the bailout in South-East Asia, just as was done 2 years ago in Mexico. All this currency and IMF activity is to promote trade in one direction or another and to bail out the powerful special interests who invested in countries when the times were good but want help once the markets turned against them.

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our working people along with us in a rapidly changing economy involved in global trade. This includes education and worker training programs rather than merely giving trade adjustment assistance that is more similar to temporary welfare.

Rather than expanding a bad trade policy like NAFTA, we should strengthen existing trade policies with tougher enforcement provisions like Super 301, which is used to force our trading partners to open their markets to American goods. So-called Super 301 gives the President the authority to challenge foreign barrier to our exports, and helps us fight unjustifiable and unreasonable foreign trade practices. The Federal Maritime Commission recently invoked Super 301 to impose $100,000 entry fee sanctions on each ship entering a United State port from Japan, the second largest supplier of United States imports. These sanctions were promptly delivered in response to Japan’s failure to address anti-competitive maritime practices. This needs to be used more often.

Section 301 has also helped stifle China’s aggressive trade practices, particularly with respect to intellectual property piracy. We should also use Super 301 against Korea, which has violated the 1995 automotive trade pact by imposing more restrictive policies, including new taxes on imports and even the threat of conducting tax audits of anyone who buys or leases an imported automobile. We should require that more trade agreements are enforced under Super 301. It is a proven weapon in the U.S. trade arsenal to open markets in the most forceful manner provided by U.S. law.

Additionally, we should offset the side-effects of our trade deals with education and training for our workers. These trade deals need to provide more job retraining and community-preserving programs. For example, this fast-track bill should have included pilot projects establishing new education and employment programs for displaced workers and tax relief for displaced workers. We cannot be satisfied with training adjustment assistance programs which simply treat workers like temporary welfare recipients. We should also be more forceful in arguing that our trading partners provide assistance to development banks to pay for their own job training for women, anti-child labor programs and environmental cleanup.

Since NAFTA was enacted, we have entered into 200 new trade agreements without fast track. We must consider the merits of each new trade agreement and its impact on our workers, consumers, and taxpayers. Each trade deal should be considered with careful oversight to fair trade but also include opportunity for free trade. And we should search out new markets to help American farmers, workers, and businesses to compete fairly in order to sell their products abroad. But we should not tie our hands to fair-reaching trade agreements pushed by international interests. Rather, we should ensure that fair trade and sound agreements are at the heart of our trade policy. Our prosperity and our ability to benefit from trade agreements will depend not just on the quantity of that trade, but the quality and enforcement of the agreement.

I support free trade and I know that the United States needs to trade to be competitive in the global economy. More important, I want U.S. businesses to enjoy greater access to foreign markets. But free trade must be a two-way street. The trade agreements we enter into must ensure that foreign tariff barriers are removed in addition to opening our markets. Currently, our trade policy focuses too much on providing access to our markets. This is not reciprocal trade, as the name of this fast-track bill implies.

As some new Democrats profess, we need a new trade policy. Many on the Republican side are free traders. We must establish the rules of fair trade, and those who give priority to more vigorous enforcement of super 301 provisions and penalties against countries which practice unfair trade. Our trade deals must encourage, but not mandate, other countries to comply with child labor standards, minimum wage requirements, and anti-pollution laws as they compete with foreign producers who do not. U.S. trade policy must reflect compliance with standards we know to be reasonable and fair. This should probably be a goal, not something we dictate and demand from other countries before we even negotiate with them.

In conclusion, Mr. Speaker, fast-track does not go far enough to encourage fair trade, but it does open our markets. This bill does not help our workers get education and training for new career opportunities. I do not think this is a trade policy, and I would encourage my colleagues to vote against this authorization.

CLINTON’S CLIMATE COMPACT CRUSHES COLORADO

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. SCHAFFER of Colorado. Mr. Speaker, this December in Kyoto, Japan, the United Nations will consider adopting a treaty regarding greenhouse gases. The treaty seeks to commit the United States to binding international agreements that would severely limit greenhouse gas emissions. Remarkably, the treaty would mean that 166 of the world’s nations, leaving the developed and industrialized countries like the United States holding the bag.

If this plan goes through, residents of our State will feel the pinch in a big way. According to the Colorado Association of Commerce and Industry (CACI), natural gas prices would likely double, gasoline prices could increase $.50 a gallon, and household energy bills would see a jump of $900 to $1,100 annually. In addition, nearly 30,000 jobs could be lost, including about 7,000 in the manufacturing industries.

When fossil fuels, such as coal, natural gas, and petroleum are burned, they emit so-called greenhouse gases—carbon dioxide, methane, and nitrous oxide. Some scientists have theorized that emissions of these greenhouse gases trap heat in the atmosphere and cause the planet to warm, melting glaciers and potentially threatening health and life as we know it. There is, however, no current consensus among scientists that the Earth’s temperature is actually on the rise. In fact, the Government’s own satellites and balloons, measuring the entire Earth at all altitudes, reveal a slight cooling trend of about one-third of a degree per century.

Unfortunately for the American people, the Clinton administration has embraced the highly disputed theory of global warming without question. Consequently, President Clinton and Vice President Gore have recently unveiled their plan to limit greenhouse gas emissions to 1990 levels by 2010 to combat global warming.

The burden of all this seems to fall disproportionately on Coloradans. Each Colorado resident has the potential to lose more than $430 in personal income in the year 2010, if these emissions are scaled back to 1990 levels by then. Also, housing prices would be .3 percent higher, medical costs could rise by 13 percent, and food prices would go up 9.5 percent.

Recently, in an attempt to gain steam for the global warming movement, and to curry favor for an administration plan to cut greenhouse gas emissions, Vice President Gore visited Glacier National Park in Montana. He blamed the shrinking of the icefields there on an increase in global temperature. The fact is, those icefields have been rolling back since the end of the Little Ice Age in the 1850’s, and are self-cooling with a long period of low solar activity.

It should be kept in mind that global warming proponents are dealing in theory, not fact. Even if their theory is cogent, there is still no way to know for certain whether manmade conditions cause global temperatures to rise. Nor is there any way to know for certain the extent to which the consequences of a global temperature increase will be bad or good.

The American people clearly, cannot afford to remain silent while the Clinton administration risks the well-being of our citizens by proceeding at Kyoto, on what amounts to an uneducated guess.

TRIBUTE TO JUAN VENÉ

HON. JOSÉ E. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Mr. Juan Vené, one of the most knowledgeable and experienced sports reporters and writers about baseball in the history of this sport. Mr. Vené was honored for his achievements and dedication to writing about baseball by the organization Latino Sports. The banquet dinner in his honor was held at the Grand Hyatt, better known by his pen name of Juan Vené, was born in Caracas, Venezuela, in 1929. His career as a reporter started in 1947, and since then he has dedicated every single day of his life to his profession as a director, editor, investigative reporter, columnist, sports writer, radio and TV commentator. The Spanish newspaper El Diario/La Prensa in New York City has honored him for each of the past 11 years as the most distinguished reporter who writes about the Yankees and the Mets.

Mr. Vené holds the record as the only sports reporter in the United States and Latin America who has covered every World Series for the past 37 years. He was born with the passion for writing and reporting about the sport of baseball. Mr.
Vené went to Cuba in 1948 to study journalism at the School of Marques Sterling. University of Havana, because during those years Venezuela did not have an institution of higher education that taught this field. He graduated from the university in Cuba in 1952. His interest in journalism, however, motivated him to attend specialized seminars in the field. He also obtained a designation as a historian of baseball and has taught 73 courses on this field.

Mr. Vené writes a daily syndicated column on baseball for numerous newspapers in the United States, Puerto Rico, the Dominican Republic, Mexico, and Venezuela. He was a sports commentator for the Voice of America. He is also credited with being the first to launch a Spanish-language radio network in the United States to provide detailed coverage of the history of baseball, the training of baseball players, and all the games of the major leagues. The program aired in 11 countries.

He has produced many TV shows on baseball including, "Play Ball", "El Mundo en su Pueblo", "La Historia del Beisbol", "Magazine", and "Juan Vené en Acción". He also belongs to the team of producers and writers of Major League Baseball Productions.

Mr. Vené is a member of the baseball Writer’s Association of America and the Society for American Baseball Research. He is married and has four children and one grandchild.

At age 68, Mr. Vené talks about covering baseball with the same excitement and passion that he has more than a few years of his life. According to an interview conducted by Bob Shannon, which was published in News World in London, when he was asked what he would do next in his life, Mr. Vené responded that he will probably write an encyclopedia on the history of baseball in Latin America and Spain. When he was asked what sports he likes other than baseball, he responded: "As Babe Ruth once said, 'Is there any other sport?'".

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. José Rafael Machado Yanes, writing as Juan Vené, for his great contributions to reporting and recording the history of our beloved national sport—baseball.

REMARKS ON THE FOREIGN OPERATIONS APPROPRIATIONS CONFERENCE REPORT REGARDING THE INTERNATIONAL MONETARY FUND [IMF]

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. PAUL. Mr. Speaker, Congress wisely did not vote to appropriate $3.5 billion appropriation for the IMF which will be used to help finance the new arrangements to borrow (NAB). These funds will not be used much differently than previous funds allocated to the IMF over the years under the GAB, or general arrangements to borrow. Regardless of what we are told and how this funding is described, these funds are used for more bailouts to countries in trouble and present a burden to the U.S. taxpayer.

The IMF has a poor track record of preventing financial crises. "All of the major currency and banking crises of the last five years have occurred under conditions of heightened surveillance by the IMF," according to Gregory Fosseddal, a leading expert on the subject, reports William Simon, the former Secretary of the Treasury and the current president of the Olin Foundation. Olin, "Forensic Journal". This article clearly explains why the IMF "may actually promote crises, because governments often resist sound economic and financial policies . . . because they know that the IMF will be there to bail them out in the event of a crisis." We should assume that the IMF will be bailing them out with U.S. taxpayers’ money if we fail to follow the sound judgment of the House and reject any additional IMF funding.

Such moral hazard fears are widespread and well founded. "[With outside assistance], governments may be encouraged to delay necessary policy reforms and investors may be tempted to continue putting money into recklessly run economies on the assumption that they will be bailed out if things go wrong," writes Robert Chotea in the Financial Times. In the last 10 years, on under the IMF, countries are limited to 150 percent of their respective quota. Thailand will get $3.9 billion from the IMF or 505 percent of its quota, and Indonesia will get $10.1 billion or 490 percent of its quota. While these allotments are larger than the IMF’s rules normally would allow, Mexico was offered $17.8 billion or 688 percent of its quota in 1995. What was the lesson Thailand and Indonesia learned from the IMF’s treatment of Mexico?

The generosity of some governments and international institutions towards Indonesia is likely to cause more problems than it resolves . . . Investors will be encouraged to take even bigger risks in other emerging economies, confident that they too will be bailed out. This may already be happening: when word came on October 31st that an agreement had been reached with Indonesia, share prices rose in Brazil, another country where investors are worried about a currency collapse. If the IMF, and especially the Americans, stand ready to help the Indonesians, the markets seem to have concluded that it will not help the aid of Brazil . . . . The structure and size of the Indonesian loans package create worrying precedents," writes The Economist in the current issue.

Although it is assumed that only Third World nations are bailed out, the United States has been a recipient of such funds when the dollar was under attack in the late 1970’s. For every benefit there is a cost. One of the costs to those who receive funds will be the acceptance of conditionalities placed on them by the IMF which will promote certain policies for those countries receiving the money. Generally, this deals with directives on taxes, spending , and deficits. Although currently our dollar and economy seem strong, we are nevertheless setting the stage for the day when the U.S. dollar will once again need to be bailed out along IMF surveillance and conditionalities on how to manage our own economy.***HD***History

The IMF was set up by the Bretton Woods Agreement in 1944 and came into operation shortly after World War II. The original intent of the IMF was to permit short-term loans to prop up those currencies whose issuing countries had negative balance of payments under the pseudo fixed-exchange rates of the Bretton Woods Agreement. However, this entire system collapsed in the early 1970’s, and the IMF has since then had to create a new job for itself. It now supports the economies of weaker nations by making structural long-term loans and bailouts of currencies that have come under attack such as in Mexico, Russia, Thailand, and most recently in Korea.

ECONOMICS OF THE IMF

This whole process is doomed to failure. Some knowledgeable economists, even in the 1940’s, predicted that the concept of the IMF would not work and they were vindicated in 1971 when the fixed exchange rates established under Bretton Woods collapsed. Bretton Woods institutionalized the notion that the IMF could be made of the lender of last resort to all the countries of the world by bailing out the weaker currencies, just as the Federal Reserve portends to be the lender of last resort to our domestic banks. The problem is that this type of insurance encourages a reckless monetary idea.

The floating rates, which have existed since the breakdown of Bretton Woods in 1971, have functioned only with the assistance of the free-market floating rate system. Nevertheless, the floating flat currency has lead to chaos as we currently see in the Asian markets. Worldwide currency and financial conditions today are exactly opposite of what a market determined single hard currency would produce. To the extent governments manipulate the value of their currencies at will, we can expect sharp and sudden adjustments in the economies of the world.

The IMF’s policies resulted in international inflationsm with the use of the special drawing rights (SDR’s) and its guarantee that the weak currencies will bail out the even weaker currencies. It is through the IMF, along with the World Bank, that international economic planning is pursued while enhancing the concept of international government. The IMF, through the manipulation and bailing out of certain currencies, serves as a welfare tool of transferring real wealth from the developed nations to the poorer countries. The mechanism of the IMF, over the years, has also served to bail out banks which overextended themselves investing poor nations but do not want to be left holding the bag. Likewise, corporations which are encouraged to invest overseas through our inappropriate loan subsidies, such as the Overseas Private Investment Corporation and the Export-Import Bank, are also able to socialize the cost of risky ventures when these weaker economies predictably threaten a default.

The IMF comes to the rescue of the banker and the corporations as well as the wealthy individuals of the particular countries being bailed out. For the most part the real cost falls on the United States’ taxpayers because they pay a disproportionate share of the IMF funding. Thus, the American taxpayer suffers through a lower standard of living. If we were to put purple dye on the bills that we were sending to Indonesia today, the bankers and investors on Wall Street would be walking around with purple pockets tomorrow.

LEGISLATIVE SITUATION

The $3.5 billion new appropriation for the IMF was not brought to the House floor in the Conference Report of Foreign Operations Appropriations bill. It was not funded in the House version of the foreign ops bill but did appear fully funded in the Senate version. The
exact reason why it was not in the House version is not clear, but quite possibly it was to avoid open discussion about this new funding program that we are about to embark on at the U.S. taxpayer’s expense. Because of this process, we have had no House debate on this issue, and no expression of any interest in the House and certainly only a minimum understanding regarding this new funding. There are many powerful special interests that influence complicated legislation like this and easily skirt the attention of most Members of Congress.

The most facetious argument made by the political supporters of this appropriation, as has been the case over the decades, is that there is no cost for it. Although it requires an appropriation, the claim is that this is merely a transfer of assets between the United States and the IMF. The argument goes that if we give the IMF $3.5 billion, it, in turn, will give us a financial instrument indicating that we are entitled to the $3.5 billion the IMF pays interest on the funds they hold. The fallacy, of course, is that this money is taken out of the economy, removed from available sources of credit and is no longer available to the American citizen. Just because the CBO calls this a transfer of assets and is not counted in the budget deficit does not make it harmless, to say the least. These funds are justified in the name of protecting the international monetary system which is nothing more than bailing out countries which have spent and inflated more than others and hope to receive their salvation at U.S. taxpayer expense.

No additional funding should be given to the IMF. The IMF is no longer fulfilling its original intent and is now actually involved in projects which were never authorized. Even Bill Simon and George Schultz, both former Secretaries of the Treasury, advocate abolishing the IMF. The development institution mission that the IMF now claims to have converted itself into a transfer of assets and is not counted in the deficit. The least that can be done is that if we feel compelled to pour more money into the IMF, we should devalue our currency or do something that cannot be avoided or ignored.

There is no economic nor political benefit to the United States to continue participating in the IMF. Financial conditions around the world are now as precarious as they have ever been and a financial bubble built on the inflationary nature of all fiat currencies, alongside with IMF monetary mischief, warrants immediate and serious discussion regarding the need for a sound currency based on real value.

All financial bubbles and all inflations require corrections by recessions or depressions. These unwise central bank policies always result in these conditions. Although it might be tempting to divert blame from the central bankers of the world, including our Federal Reserve and the IMF, the responsibility truly lies with the U.S. government which permits these policies to exist by abdicating responsibility over monetary policy and appropriates funds to the IMF every time it is asked.

In time, the dollar will surely be on the receiving end of negative market forces. The dollar as a reserve currency has enjoyed the benefit of foreign central banks willing to hold that currency. If that is true, why are we merrily marching on with our inflationary policy and deficit financing. However, no country can pursue a policy that perpetuates huge negative balance of payments and negative balances of trade for extended periods of time. Eventually those dollars must return to their origin and devalue its existing currency. If one is concerned about the seriousness of the recent crises in Mexico, Indonesia, Thailand and elsewhere in the Far East, one should be that much more concerned about what will happen when the target becomes the United States dollar. This will probably occur after there is a definite downturn in our economy. There is a mirage of low deficits that some claim for the U.S. Federal budget will be replaced by the reality that we are spending our children’s future by borrowing hundreds of billions of dollars each year from the various trust funds. Today, inflating the dollar to bail out a weaker currency may give the appearance of working, but once the tables are turned, dollar inflation, in order to bail out the dollar or the U.S. economy, will do exactly the opposite.

The time to correct this problem is now. The U.S. House should vote down funding $3.5 billion to perpetuate an international monetary system of finance which is doomed to fail, which is unfair, and which serves the powerful special interests at the expense of the American taxpayer—if it ever comes up for a vote. Unfortunately though, economic and financial chaos around the world will only serve as an excuse for the believers in strong international government to further intervene and pursue a series of policies which promote government, less inflation and less international management of our currencies and our economy and more emphasis on a sound currency, free markets, and individual liberty.

TRIBUTE TO DEAN GORDON D. SCHABER

HON. ROBERT T. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. MATSUI. Mr. Speaker, I rise to pay tribute to the late Dean Gordon D. Schaber of the University of the Pacific, McGeorge School of Law. Today, as Dean Schaber is remembered by his family and many friends at a memorial service in Sacramento, CA, I ask my colleagues to join me in saluting this extraordinary giant in the fields of law, politics, and community service.

Gordon Duane Schaber was born 70 years ago today in Ashley, ND. Dean Schaber overcame a childhood bout with polio to excel at his academic pursuits. In 1938, he moved to Sacramento where he graduated from Lincoln High School. President Franklin Roosevelt appointed him to the U.S. House as a House Committeeman in 1945. He went on to graduate second in his class at Sacramento State College in 1949.

Gordon Schaber found his calling in the legal profession early on. By 1952, he had graduated with honors from the University of California, Hastings College of the Law. In a remarkable 5 years, Gordon Schaber became dean of McGeorge School of Law in Sacramento, making him the youngest law school dean in the nation at the age of 29.

For the next 34 years, Dean Schaber served as the driving force behind McGeorge’s transformation from a small, unaccredited night school to an internationally recognized leader in the field of legal education. This evolution of McGeorge from an institution with a local academic profile to world prominence is owed to the tenacity and dynamism of Gordon Schaber.

While fulfilling his duties at McGeorge as an energetic administrator, teacher, and mentor to scores of law students, Dean Schaber also served as the presiding judge of the Sacramento Superior Court from 1965 to 1970, the youngest person to ever hold that post. During this same time, he guided McGeorge through its accreditation from the California Bar in 1964, and its historic merging with the University of the Pacific in 1969.

McGeorge’s 9,000 alumni include 160 judges, many members of the California Legislature, district attorneys, city attorneys, and a member of this House. Dean Schaber’s proteges represent the very best in the American legal community, including the Honorable Associate Justice of the United States Supreme Court, Anthony M. Kennedy.

Yet Dean Schaber’s influence extended far beyond our nation’s lawyers and legal scholars to include a bi-partisan collection of five governors of the State of California, as well as Presidents John F. Kennedy and Ronald Reagan. His intelligence, deft political abilities, and wit made him a friend and confidant to many of our nation’s greatest leaders.

As the dean of McGeorge’s 9,000 alumni, Dean Schaber was always committed to nurturing the fabric of his own family. He had a very special relationship with his nephew, Randall Schaber, for whom he became a surrogate father after his own brother’s untimely passing. Of course, Dean Schaber’s circle of friends as family members: his 100th birthday celebration in 1992 drew over 800 people in a living tribute to the breadth of his influence and community involvement.
At that time, he was named “Man of the Year” by the Sacramento Metropolitan Chamber of Commerce, the same organization which had recognized him as “Young Man of the Year” some 30 years earlier. In 1991, Dean Schaber received the American Bar Association’s highest honor for service in legal education, the Kutnick Award.

Mr. Speaker, Gordon Schaber’s intellect, generosity, and good will made him one of Sacramento’s most respected and loved citizens. His selfless devotion to McGeorge School of Law, his family, and friends has set the standard for community service in our State and in our Nation. As Dean Schaber is remembered at today’s memorial service, I ask each of my colleagues to join me in recognizing his exceptional life’s work and tremendous spirit of purpose in the community he loved so well.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER
OF OREGON

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. BLUMENAUER. Mr. Speaker, due to obligations in my district, I missed rollcall votes 614 through 621, which occurred on November 7, 1997. I wish to be recorded as follows:

Yes on rollcall 614
Yes on rollcall 615
Yes on rollcall 616
Yes on rollcall 617
Yes on rollcall 618
Yes on rollcall 619
Yes on rollcall 620
Yes on rollcall 621

HONORING THE MILLION WOMAN MARCH

HON. DALE E. KILDEE
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the women that participated in the Million Woman March held in Philadelphia on October 15, 1997. I am particularly proud to acknowledge those participants from my hometown of Flint, MI.

The first ever Million Woman March brought together women from all walks of life who, with a sense of duty and commitment, gathered on the day to address the issues and concerns that affect their homes, their families, and their communities.

From all walks of life they came. They arrived by plane or by train. Some drove their cars overnight, while others stationed busses to get to their destination. Regardless of how they arrived, the women who attended the Million Woman March all came with similar goals: to interact with one another, to empower themselves and each other, to devise strategies to take back their neighborhoods, and to instill in our young people the power of collective efforts.

Nearly 500 of the participants in the Million Woman March made the journey from Flint, MI. In my role as a Member of this body, I consider it my duty to work toward enhancing the quality and dignity of life for all my constituents. I am very fortunate to have these women as allies in this effort. I also would like to commend these women on the organization of the local Thousand Woman March in Flint, which allowed the women to share what they learned in Philadelphia with those who were unable to attend.

On November 15, an appreciation reception will be held for the participants of both the Million Woman March and the Thousand Woman March. It will serve as a time to reflect on their collective goals of equity, unity, and love.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in expressing our gratitude to the women who participated in the Million Woman March and the Thousand Woman March. I am proud to represent them in Congress for they are shining examples of what coalitions can accomplish.

IN SUPPORT OF CONTINUED CONSTRUCTIVE ENGAGEMENT WITH CHINA

HON. TIM ROEMER
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. ROEMER. Mr. Speaker, I rise to submit an insightful editorial article published in the November 14, 1997 edition of Indiana’s LaPorte Herald-Argus newspaper. This article thoughtfully and accurately reflects many of my views in support of continued constructive engagement with China as a method of improving our critically important bilateral relationship and pursuing our foreign policy goals regarding human rights. While progress is at times too slow and painful, talks and diplomacy are key aspects of this bilateral relationship.

President Jiang Zemin’s recent visit to the United States to participate in the United States-China Summit is the first step in achieving these goals through constructive engagement. While President Jiang conceded less than we had hoped for with respect to ongoing human rights abuses, religious persecution, and exporting nuclear materials, it is still very important to recognize that we now have opened a new dialogue with the People’s Republic of China. I am confident that this will result in more talks and serious negotiations and hopefully, more progress on these critically important issues.

I am encouraged that President Clinton admitted that China was on the wrong side of history regarding Tiananmen Square. Moreover, I am pleased that President Clinton told President Jiang that continuing reluctance to tolerate political dissent has prevented China from achieving economic and social progress at the same rate as the developing nations and the rest of the world. This kind of exchange and mutual recognition fosters constructive engagement.

Without question, the summit talks are more useful than continued diplomatic tensions and certainly more productive than no dialog at all. Case in point: in 1989, the United States and the Soviet Union began to open diplomatic channels. Our much improved relations with Russia and the new republics clearly demonstrate that constructive engagement helps advance our foreign policy goals. This has helped end the war in Chechnya, dismantle weapons of mass destruction, and contributed to our sense of stability in the region. I am confident that this positive shift can be achieved with respect to our foreign policy toward China.

The United States-China Summit concluded with President Jiang’s approval of the Intermediate Range Nuclear Forces Treaty. This is how the United States benefits from constructive engagement with China. I am pleased that Congress extended MFN status to China again this year, and I am hopeful that we can continue to improve our mutually beneficial trading relationship. This is critical to our business interests and future relations with the world’s most populous nation. Trade is among the most useful tools in constructive engagement with China, and fair trade should be implemented and enforced by the United States in every possible way.

Mr. Speaker, I am hopeful that constructive engagement with China will advance our interests and our foreign policy goals. I encourage my colleagues to review the LaPorte Herald-Argus opinion which follows.

ON CHINA, WEAK ADMONITIONS ARE BETTER THAN NO TALKS AT ALL

Not much of substance emerged from last week’s meetings between Chinese leader Jiang Zemin and President Clinton.

The only concrete news was that Boeing will sell $3 billion worth of airplanes to China and that other firms will be allowed to sell nuclear power technology to the nation, and that Jiang promised China will no longer sell nuclear materials and other weaponry to countries such as Iran.

The first bit of news angered those who feel Jiang’s visit revolved more around big bucks and business than on how China treats its people. Indeed, guests at the state dinner for Jiang were mostly Fortune 500 leaders representing firms such as General Motors, IBM, AT&T and Eastman Kodak.

The second bit of news is tenuous at best. Jiang has promised before that China will not sell weapons to third-world nations and has kept the promise.

U.S. business leaders are chomping at the bit to capitalize on China’s emerging role in the world trade world. But protesters chastise the United States and Clinton for having any thing to do with Jiang and his country’s record on human rights.

During his eight-day visit, Jiang shrugged off such critics, even when they questioned him face-to-face. Remarks by Jiang on the massacre of students at Tiananmen Square in 1989, the most Jiang could muster was that “naturally, we may have some mistakes, even when they questioned us, we would try not to make some mistakes in our work.” Quite a belittlement of a country’s bloody attack on its own people.

To his credit, Clinton met with Jiang to talk about the human-rights issue. He even stated publicly at a joint press conference with Jiang that China was “on the wrong side of history” regarding Tiananmen Square.

Critics thought, though, that Jiang—the first Chinese leader to visit the U.S. in 12 years—shouldn’t have been allowed to set foot in this country, much less gain more business with the U.S.—until the persecution stops.

But Clinton’s weak admonitions are better than opening no dialogue whatsoever with
Jiang. There are two words that prove this: Cold War. Not until U.S. and Soviet Union leaders began talking did that war begin to thaw.

With that approach in mind, perhaps Clinton's hope is that as China becomes less isolated and more of a global participant, a Gorbachev-type leader will succeed Jiang, and China's appalling treatment of some of its citizens will improve.

A TRIBUTE TO FRANCIS E. DYER, SR.

HON. CURT WELDON
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to Francis Dyer, a close friend and great man, who recently passed away.

A longtime resident of Pennsylvania and the Seventh Congressional District, I have known Francis Dyer for many years and am proud to claim him as a friend. He was a true American hero, a World War II veteran, and a prisoner of war. I will miss him very much and I share the grief felt by his entire family, especially his loving wife, Terese, his friends and all the people of Upper Darby.

Francis E. Dyer, Sr. was born on September 29, 1922. The son of the late Francis W. and Frances P. McFate Dyer, Francis E. Dyer, Sr. graduated in 1940 from Darby High School and entered Temple University on a scholarship that same year. Two years later he enlisted in the Army and was stationed overseas in February 1944 with the 782d bomb squad, 465th bomb group of the 15th Air Force, based in Italy.

When flying a mission to Freidrichshafen, Germany on August 3, 1944, his plane was one of eight from the 465th group that was shot down and Francis Dyer was only 1 of 3 survivors of the 10-man crew on his aircraft. He was captured the next day while trying to get to Switzerland and became a German prisoner of war. On February 6, 1945, when the Russian Army was approaching Stalag Luft IV, where he was imprisoned, the camp was evacuated and the prisoners began a march that lasted 86 days. Francis Dyer was liberated by the British Army on May 1, 1945, 6 days before the war in Europe ended on May 8.

Upon his return to the United States, Francis was married and subsequently discharged from the Army in October 1945. He returned to Temple University and was graduated in 1948. He never forgot his past, however, and became a great fighting force in veteran affairs. He was a life member and past commander of a number of notable veterans groups such as the Tri-State Chapter of American Ex-Prisoners of War, the Prisoner of War Memorial Post 5999, Veterans of Foreign Wars, the Colonel A.J. Campbell Chapter 19, and the Disabled American Veterans. He also belonged to the Delaware County Veterans Council for 12 years and served a year as commander of that unit.

Several generations have benefited from his undeniable strength and compassion. My heart goes out to his 7 children, 2 stepchildren, 19 grandchildren, and 2 stepgrandchildren. Mr. Speaker, I am proud to rise today to honor this great man. My district has lost a tremendous human being and a great contributor to veteran's affairs. His life was lived to its fullest and he will be remembered by all who were fortunate to have known him.

HONORING DR. DAVID KESSLER

HON. NITA M. LOWEY
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mrs. LOWEY. Mr. Speaker, I rise today to recognize the extraordinary accomplishments of Dr. David Kessler. Dr. Kessler is known to many of us through his service as Commissioner of the Food and Drug Administration. By almost every account, he transformed that once moribund agency into a dynamo of public health leadership and policy development. Quite simply, Dr. Kessler redefined the role of FDA Commissioner, setting a standard that his successors will surely admire and strive to attain.

Dr. Kessler's courageous efforts to identify the dangers of smoking and to encourage a broad public dialog on tobacco usage may prove to be his most lasting legacy. His authoritative presentation of medical fact and resolute defiance of those who would deny the grave effects of tobacco smoke made him a familiar figure to millions of Americans. And his efforts, in particular, to protect children from tobacco smoke, may potentially save thousands of lives. Smoking remains an urgent public health challenge, but Dr. Kessler's work undoubtedly established a strong foundation on which future efforts to curb smoking can be built.

Of course, Dr. Kessler's accomplishments do not end with tobacco. Under this leadership, the FDA streamlined the approval process for life-saving and life-improving drugs. He helped make possible a revolution in the treatment of HIV and other illnesses. And he boosted the morale and professionalism of an organization too long adrift.

Since leaving the FDA, Dr. Kessler has continued his distinguished career at Yale, where he serves as the dean of the school of medicine.

Mr. Speaker, on November 19, Dr. Kessler is to be honored by the League of Women Voters of New York State with the prestigious Carrier Chapman Catt Award. I am very pleased to join the league and so many other grateful citizens from my district and State in expressing our collective appreciation of Dr. Kessler's profound contribution to our Nation's health and future.

TRIBUTE TO HAROLD M. WILLIAMS

HON. BRAD SHERMAN
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Harold M. Williams for his leadership and involvement not only in our community but also on a national and international level.

For months now, the citizens of Los Angeles have been anticipating the opening of the J. Paul Getty Center. As president and chief executive officer of the J. Paul Getty Trust, the wealthiest art institution in the world, Harold has played a prominent role in bringing culture to our community. Since 1981, Harold has worked to ensure that the trust makes a significant contribution to awareness and long-term appreciation of the visual arts in the areas of conservation, scholarship, and education. The work Harold has done for the arts has earned him praise at both a national and international level. He was appointed by President Clinton to serve as a member of the President's Commission on the Arts and Humanities, which is recognized by the French Government as an "Officer dans L'Ordre des Arts et des Lettres."

Most recently, Harold has been working with President James Wolfensohn of the World Bank to develop a partnership which would preserve and promote the cultural heritage of developing countries. In Harold's own words, "Historically the World Bank and a lot of others have tended to think of sustainable development in social and economic terms, and this really amounts to a redefinition of what is sustainable development. You really cannot have sustainable development without recognizing the cultural heritage of a country."

President Kennedy once said that "... Art establishes the basic human truths which must serve as the touchstone of our judgment." Harold has worked for over a decade to ensure that no country's art history or cultural heritage will be lost to future generations. His awareness of the importance of a rich heritage has made him a champion of the arts in our community and around the world, and he has used his position as president of this trust to bring these issues to the forefront of the international agenda.

As a leader in the educational, cultural and political arenas, Harold has worked to improve the standard of living for our community, our country and the world. Though he will be officially retiring in January, the work he has done will be appreciated by many future generations. Mr. Speaker, distinguished colleagues, please join me in honoring Harold Williams for his distinguished portfolio of accomplishments.

ASIAN PACIFIC AMERICAN MEMBERS ARE SEPARATE FROM OUTSIDE GROUP

HON. ROBERT T. MATSUI
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MATSUI. Mr. Speaker, I would like to draw the attention of my colleagues to an organization that calls itself the Congressional Asian Pacific American Caucus Institute (CAPACI).

It is my understanding that this group was formed in the Spring of 1995 to promote Asian-American involvement in politics, and members of the Asian Pacific American Caucus were put on the board of directors without their knowledge or permission. Realizing this, in March 1996, nearly every member of the Asian Pacific American Caucus signed a letter to Ms. Franey Lim Youngberg, executive director of the institute, requesting that as board members and clarifying that, while we may share the goals of the institute in promoting political involvement by Asian Pacific
Americans, we are not affiliated with the organization, nor are we in any way responsible for their actions or statements.

I point this out to my colleagues because it is reasonable to assume that an organization that calls itself a congressional caucus institute would be associated with or attributable to the congressional caucus or its members. In fact, I have had many conversations both on and off Capitol Hill in which people refer to this group as your institute, meaning mine.

It is obvious to me that the most effective way for this group to avoid this kind of confusion in the future is to change its name—dropping any stated affiliation to the Congress or the Congressional Asian Pacific American Caucus. Indeed, the caucus’ chair, our colleague Representative PATSY MINK, has requested such a name change both verbally and in writing. Yet to this day the organization continues to use the misleading name creating more confusion.

Mr. Speaker, as I stated earlier, I wish to do no harm to any outside organization pursuing laudable goals such as those espoused by this particular group. However, in light of the fact that this group continues to represent itself in a misleading manner, I feel it necessary to state for the record that the Congressional Asian Pacific American Caucus Institute, despite what the name would indicate, is not affiliated with the Congressional Asian Pacific American Caucus or the Congress in any way.

INTRODUCTION OF THE DIGITAL ERA COPYRIGHT ENHANCEMENT ACT

HON. RICK BOUCHER OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BOUCHER. Mr. Speaker, I rise today with my distinguished colleague the gentleman from California, Mr. CAMPBELL, to introduce the Digital Era Copyright Enhancement Act. We believe this legislation best advances the interests of holders and users of copyrighted works in the digital era by modernizing the Copyright Act in a way that will preserve the fundamental balance built into the act by our predecessors throughout the analog era.

We offer this measure as an appropriate starting point for congressional discussion of a range of copyright changes which the advent of digital technology will require in the belief that the legislation will serve as a solid foundation for the debate on these matters next year. We look forward to participating with the administration, other Members of Congress and interested external parties as next year’s discussions commence.

At the request of the administration, legislation was introduced earlier this year to implement two treaties negotiated by more than 100 nations under the auspices of the World Intellectual Property Organization [WIPO]. The matters raised by introduction of the administration’s WIPO implementing legislation certainly are important, but these issues should not be addressed in isolation.

I believe that we should address other compelling matters as part of a comprehensive measure revising the Copyright Act for the digital era. Moreover, I have serious concerns regarding the approach taken in the administration’s legislation in addressing so-called circumvention devices.

As more fully explained in the section-by-section analysis that accompanies this statement, our comprehensive legislative addressess matters of concern not only to copyright proprietors, but also to consumers, educators, librarians, archivists, device manufacturers, and other groups concerned about maintaining a proper balance in the Copyright Act. For the benefit of my colleagues, I thought it would be helpful to describe the provisions of our legislation, focusing in particular on proposed section 1201.

Section 1201. Because I have serious reservations about the implications for digital technologies of the administration’s device-oriented approach, I have crafted an alternative that is more proper and closely tailored to our WIPO treaty obligations.

Last December, when the U.S. Government and the representatives of more than 100 nations under the auspices of the World Intellectual Property Organization [WIPO] met in Geneva, they initially considered a draft text prepared by the chairman of the drafting committee, Mr. Liedes of Finland. That provision would have essentially outlawed the manufacturing of any device the primary purpose or effect of which was to avoid any anticopying technology. Perhaps not surprisingly, opposition to this device-oriented approach was expressed by numerous countries based upon a concern that such a provision could sweep within its reach legitimate and useful technology and inhibit the willingness of manufacturers to bring new products to market. As a result of that strong opposition, the device-oriented approach was dropped.

Instead, the delegates adopted an alternative formulation that closely followed language I had proposed to the administration prior to the diplomatic conference.

And yet, the device-oriented approach having been rejected by the delegates in Geneva, the administration nonetheless has proposed an approach to negotiate the text of the two WIPO treaties, they initially considered a draft text prepared by the chairman of the drafting committee, Mr. Liedes of Finland. That provision would have essentially outlawed the manufacturing of any device the primary purpose or effect of which was to avoid any anticopying technology. Perhaps not surprisingly, opposition to this device-oriented approach was expressed by numerous countries based upon a concern that such a provision could sweep within its reach legitimate and useful technology and inhibit the willingness of manufacturers to bring new products to market.

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During the hearings held this fall before the Judiciary Committee’s Courts and Intellectual Property Subcommittee, the Commissioner of Patents and Trademarks confirmed what many testified to in their testimony, namely that the adoption of legislation that essentially would punish the manufacturers of devices, such as general purpose computers and recorders, is not necessary for the implementation of the WIPO treaties. Commissioner Lehman correctly stated that the United States could take an entirely different and I think more positive approach by adopting legislation that does not punish the manufacturer of devices but instead punishes circumvention conduct tied to the act of infringement.

The subcommittee heard compelling testimony that the approach of the administration’s bill would stifle the introduction of new technology and would effectively overturn the long-settled law of the United States as an- ticipated by the WIPO convention that rejected the de-

That case is the state of our law today with respect to devices which have both infringing and non-infringing uses. It is that settled law which the administration’s proposed treaty implementing legislation would effectively overturn.

In that measure were to become law, equipment manufacturers would be liable when their devices have legitimate, non-infringing uses. The consequences, I fear, will be a reluctance to bring pioneering new technology to market or even to continue the manufacturing of existing technology that has potential infringing uses.

Mr. Speaker, what is needed is a more thoughtful approach, one clearly contemplated by the WIPO convention that rejected the de-

vice-oriented approach, one consistent with well-settled American law, and one that will not stifle the development of new technology. We have proposed that alternative.

Section 1201 of our legislation would create liability for a person who, for purposes of facilitating or engaging in an act of infringement, knowingly removes, deactivates, or otherwise circumvents the application of an effective technological measure used by a copyright owner to preclude or limit reproduction of a work in a digital format. Our legislation appropriately puts the focus on conduct, not on devices.

Let me now briefly describe the other elements of our legislation.

Section 1202. We have taken as our starting point the administration’s proposed section 1202, but have revised it in part to ensure protection of the privacy interests of users of new technology. Our legislation would create liabil-

ity for a person who knowingly provides false copyright management information or removes or alters copyright management information without the authority of the copyright owner, and with the intent to mislead or induce or facilitate infringement. In order to assure privacy protection, the measure explicitly excludes from the definition of copyright management information any personally identifiable information relating to the user of a work.

Fair Use. The legislation makes clear that the First Sale doctrine will be retained in the United States, which generally preserves the ability of users, including libraries, teachers and scholars, to make limited, noncommercial use of copyrighted works—continues to apply with full force in a digital networked environment.

Distance Learning. The legislation fully au-

thorizes educators to use data networks for distance learning in the same way they now use broadcast and closed-circuit television for that purpose.

Ephemeral Copying. The legislation amends the Copyright Act to make explicit that it is not an infringement for a person to make a digital copy of a work when copying such copying is incidental to the operation of a computer in the course of the use of the work in a way that is otherwise lawful.
Preemption. Finally, the measure includes a measure to address the increasing practice by which copyright owners use non-negotiated terms in "shrink-wrap" or "click-on" licenses in ways that can abrogate or narrow federal rights consumers otherwise would enjoy under the federal Copyright Act.

With this bill, Mr. CAMPBELL and I have proposed the only comprehensive legislation offered in this body to date that addresses the fundamental issues raised by the transition from the analog era to the digital era. I look forward to working with the gentleman from California and my colleagues in the Judiciary Committee, the administration, and external interested parties as we preserve the balance that will be necessary to advance the progress of science and useful arts in the 21st century.

Digital Era Copyright Enhancement Act

SECTION-BY-SECTION ANALYSIS

Short title. The "Digital Era Copyright Enhancement Act."

Fair Use. Section 2 makes clear that the fair use doctrine continues to apply with full force in the digital networked environment. As initially proposed, the World Intellectual Property Organization (WIPO) Treaty would have expanded the rights of information owners while arguably narrowing the exceptions to those rights which have long been recognized as appropriate for limited copying by libraries and similar entities for public information purposes. At the insistence of the United States, the delegates adopted the following Agreement to clarify the meaning of the treaty in this respect: "It is understood that the provisions of Article 10 permit Contracting Parties to carry forward and appropriately extend into the digital environment limitations and exceptions in their national laws which have been considered acceptable under the Berne Convention. Similarly, these provisions should be understood to permit Contracting Parties to devise new exceptions and limitations that are appropriate in the digital network environment."

Consistent with this Agreement, Section 2 of the proposed bill would amend section 107 of the Copyright Act to reaffirm that a finding of "fair use" may be made where appropriate, without regard to theotechnical manner in which a work has been performed, displayed or distributed or whether an effective technological protection measure has been applied to it. This language makes it clear that the fair use doctrine would remain technology neutral, applying to all copyrighted works, regardless of the manner in which they are distributed or used.

Library/Archive Exemptions. In 1976, the Copyright Act was expressly amended to facilitate the preservation of decay or otherwise conditionally exempt educational institutions might be willing to forego these perpetual rights for the sake of new digital libraries and archives to use new forms of technology by deploring the phrase "in facsimile form." In addition, Section 3 would permit the making of three rather than just one ephemeral copy of a work in the course of the reproduction by exempting qualifying television transmissions designed to be received in traditional classroom-like settings. At the time, broadcast and closed-circuit television was the "state of the art" distance learning technology.

Section 5 of the proposed bill would amend sections 110(2) and 110(2) of the Copyright Act to ensure that educators can use personal computers and new technology in the same way they now use television to foster distance learning. Students today enjoy the benefits of distance education in large part because section 110(2) allows for the "performance or display" of certain works delivered by means of "transmission" (principally television) in non-profit educational settings. It is generally understood, however, that transmission of a work over a digital network may constitute a "distribution" as well as (or even instead of) a "performance" or "display." Section 5 of the proposed bill would thus specifically add "distribution" to the list of conditionally exempt educational uses.

In addition, Section 5 would broaden the range of courses in which that may be performed, displayed or distributed to include the various kinds of works that might be included in a multimedia lesson. It also would broaden the educational settings subject to the exemption to include the various no-classroom settings (including the home) in which pupils could receive distance learning lessons.

To guard against the potential for abuse, Section 5 stipulates that the performance, display, or distribution of the work must occur as part of "the systematic instructional activities of a governmental body or nonprofit educational institution," must be "directly related and of material assistance to the teaching content of the transmission," and must be provided to "students officially enrolled in the course in connection with which [the work] is provided." Moreover, like existing section 110(2), the act would impose strict limitations on the exemption, confining it only to teachers and their institutions, and for only materials used to illustrate particular lessons. It would not extend to companies or classrooms learning from books and other materials for use by educators; they would be required to obtain copyright licenses, as appropriate, for the incorporation of pre-existing works in such materials.

Ephemeral Copying. Given the architecture of computers and data transmission networks, the simple act of viewing a downloaded image or sending an e-mail message creates an incidental or ephemeral reproduction (e.g., in RAM or cache memory). Although such "ephemeral copies" are not stored permanently, content owners last year sought to get the same rights to control ephemeral reproductions as they regard analog "hard" copies (or digital ROM copies) today. In fact, as originally drafted, Article 7 of the WIPO Copyright Treaty provides that treaty parties shall consider temporary reproductions should be considered the equivalent of hard copies and thus subject to proprietors' control. In response to strong opposition from both developed and developing countries at the Diplomatic Conference in Geneva in December, Article 7 was dropped from the treaty in its entirety.

Section 6 of the proposed bill would amend section 117 of the Copyright Act to make explicit that it is not an infringement for a person to make a digital copy of a work with such copying is made incidental to the fair use of a work, or to the repair or alteration of a work, or to provide a temporary copy to another person who has obtained a book or video cassette may physically transfer it to another person without permission of the copyright owner. Given the general ability to reproduce and distribute libraries, scholars, educators, and consumers of transferring to others lawfully acquired copier, Section 4 would permit electronic copying. Section 4 would expressly reserve the right to electronically redistribute a digital copy of a work as long as the person making the transfer eliminates (e.g., erases or destroys) that copy of the work from his or her system whenever the person ceases to use the digital material, and thus is unable to access or display the work.

With respect to anti-circumvention, the WIPO Treaty requires only that contracting parties "provide adequate legal protection and effective legal remedies against circumvention of effective technological measures. Adopting a conduct-oriented approach fully compliant with this mandate, new section 1201 would create liability for a person who, for purposes of facilitating or controlling access to a copyrighted work on the World Wide Web simply because ephemeral copies of the work would have been made in the normal course of the operation of the technology. This measure would not comport with the WIPO Treaty Implementation. Section 8 would implement the anti-circumvention and copyright management information protection provisions of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

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effective technological measure used by a copyright owner to preclude or limit reproduction of a work in a digital format. Con- duct governed by a separate chapter (e.g., chapter 10—the Audio Home Recording Act of 1992) would not be governed by this new provision. The provision does not apply to technological protection measures applied to a work in an analog format.

New section 1202 would create liability for a person who knowingly provides false copy- right management information or removes or alters copyright management information without the authority of the copyright owner, and with the intent to mislead or in- duce or facilitate infringement. In order to assure prosecution, this provision ex- plicitly excludes from the definition of copy- right management information “any personally identifiable information relating to the user of a work, including but not limited to the name, address, or other contact information of or pertaining to the user.”

New section 1203 establishes civil penalties for violations of sections 1201 and 1202. Un- like the Administration’s treaty implementa- tion bill, no criminal penalties would be imposed for violations of either section 1201 or 1202.

Conforming Amendments. Section 9 mer- ely makes conforming amendments to the table of sections for chapter 1 of title 17 and the table of chapters for title 17.

Effective Dates. Section 10 sets forth two separate effective dates. Those provisions unrelated to the WIPO treaties would be ef- fective on the date of enactment. The WIPO implementation provisions would take effect when both treaties have entered into force.

ASIAN FINANCIAL CRISIS

HON. RON PAUL
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PAUL. Mr. Speaker, the Asian financial markets are unstable, and for good reasons. Many have correctly anticipated the ongoing fi- nancial collapse and recognized a natural consequence of a sustained worldwide credit expansion of un-precedented proportions. According to free market/sound money economics, all credit ex- pansions set the stage for the correction. These corrections are undesired by the dreamers of perpetual prosperity generated by loose central bank monetary policy.

The source of the problem, the world finan- cial markets currently face, is unwise mone- tary policy—plain and simple. Although the business cycle has been fully understood by the Austrian free market economists through- out most of this century, they have been ig- nored by our government-run universities, the major media, and the politicians. And since the now-collapsing financial bubble was the largest ever, due to an unprecedented globalization of credit expansion, the implica- tions that the world economy should gain the attention of everyone concerned about public policy.

The world has been functioning with total flat currencies for more than a quarter cen- tury—a first. Even with continuous adjustment in the international exchange markets, artificial regulation and development between subject to market forces, demanding new exchange rates, and as we are witnessing, they occur with shocks to the entire financial system. More huge IMF bailouts as are currently planned will not solve the problems.

The suspension of standard lending limits only sends the wrong signal of fiscal and mon- etary irresponsibility and sets the stage for a larger financial crisis. According to normal IMF lending standards, a country can only borrow up to 150 percent of its quota with the fund. However, the Mexican peso crisis created a new precedent and allowed a country to bor- row more than the rules allowed. Thailand will get $3.9 billion from the IMF which is 505 per- cent of its quota while Indonesia will receive $10.1 billion amounting to 490 percent of its quota. Mexico’s quota was $17.8 billion, 688 percent of its quota, in 1995.

Governments can instill value in a paper currency only temporarily; but markets ulti- mately dictate real worth at great cost to the currency stability the money managers pre- tend to achieve. More bailouts at the expense of the American taxpayers are wrong.

Monetary inflation and credit expansion of paper currencies mislead all financial partici- pants. Fictitious interest rates promote mal-in- vestment, over capacity, excessive debt, false confidence and rampant speculation. The longer the misdirected economy functions, the more widespread the credit expansions and the bigger the bubble and unfortunately the more serious the correction. And this current expansion has been 50 years long. The principal engine of this inflation has been the Federal Reserve, fueled by its misperception about the dollar’s influence on worldwide credit expansion. Without the bene- fit of a commodity standard of money and with a fiat dollar being retained as the reserve cur- rency of the world, our excesses have been paid for by foreigners willing to sell us goods for our paper, buy our treasury bills, hold them in reserve and use them to expand their own currencies and credit, thus feeding their own domestic booms.

Congress does have a role in and respon- sibility for all of this. Instead of conceding monetary policy to a highly secretive, unaccountable, unanswerable, central bank, our responsibility, under the Constitution, is to guarantee a sound convert- ible currency. There is no authority whatsoever for reckless credit expansion to be used as a tool for managing the economy. This ille- gal power to do so has given us everything from the Great Depression to the inflation of the 1970’s and all the recessions in between. Inflationism has permitted excessive welfare spending and the accumulation of a $5.4 tril- lion national debt, by a central bank’s ever- willingness to monetize the debt generated by the Congress.

As financial conditions continue to adjust, and probably worsen, we here in the Con- gress must give serious consideration to mon- etary policy, our constitutional responsibilities to maintain a sound economy and assume rigid oversight of the Federal Reserve. Placing blame elsewhere for the turmoil would be a re- jection of our responsibilities.

If we fail to address this problem correctly, the dollar and the U.S. economy will one day come under siege similar to what is currently happening in Asia. We should work diligently to prevent that from happening.

TRIBUTE TO LUIS CARLOS MEYER

HON. JOSÉ E. SERRANO
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Luis Carlos Meyer for his contribu- tions to this Nation and to Latin America as one of the most talented composers of folk- loric Colombian music. Mr. Meyer is one of the most famous exponents of “cumbia” of this century. He is cred- ited with being one of the pioneers who intro- duced “cumbia,” a dancing rhythm from the seashores of Colombia, in the United States, Canada, and Latin America.

Mr. Meyer, now 81, has been living in the Laconia Nursing Home, in the Bronx, for the past 5 years.

Reporter Javier Castaño recently wrote a series of articles on Mr. Meyer which were published in the Spanish newspaper El Diario/ La Prensa, in New York, after a Puerto Rican nurse who tended Mr. Meyer informed him that the famous musician was living in the nursing home. Mr. Meyer has recovered his zest for life since friends and other members of the community started to visit him again and paid tribute to him after they learned of his whereabouts from the newspaper articles.

Mr. Meyer was born in 1916 in Barranquilla, Colombia. His talent for singing and playing the guitar was evident at a very young age. Already a renowned musician in his home town, he left for the capital city of Bogota, where his career continued to bloom.

In 1945, at the age of 29, Mr. Meyer de- cided to bring his music to other Latin Amer- ican countries, the United States, and Canada. In Latin America, he enjoyed enormous suc- cess with his many compositions. “Micaela,” “El Hijo de Mi Mujer,” “Linda Jorachita,” and “Trópico” were immediate successes in Mex- ico, Venezuela, and Panama. He also per- formed various roles on the large screen in Mexico.

According to some accounts, Mr. Meyer came to New York City in 1958. He sang with the Xavier Cugat Orchestra and performed on the stages of “El Chico,” “Chateau Madrid,” and “Fantasy” in New York City. His music was acclaimed by the audiences of that time and continues to be in demand in many com- munities in the United States. He has been liv- ing in New York City over the past 30 to 40 years.

Mr. Speaker, I ask my colleagues to join me in recognizing Luis Carlos Meyer for his life of artistic achievements and for sharing his music with the peoples of this Nation. His gift to our country and to our people has not gone unnoticed.

THE LAYMEN’S RETREAT LEAGUE

HON. CURT WELDON
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to pay tribute to and recognize and congratulate the Laymen’s Retreat League as we celebrate the 75th anniversary of the opening of their re- treat center St. Joseph’s-in-the-Hills in Mal- vern, PA.
Located on 125 wooded acres in beautiful Malvern, PA, St. Joseph’s-in-the-Hills is owned and operated by the Laymen’s Retreat League and is the United States’ oldest and largest lay-owned retreat center. Since its gates first opened 75 years ago, more than one million people—individuals of every race, creed, and walk of life—have visited St. Joseph’s-in-the-Down.

With its peaceful and serene woodland shrines, St. Joseph’s-in-the-Hills, or Malvern as the retreat house is commonly called, provides a unique atmosphere for spiritual reflection. At a time when an increasing number of Americans are seeking moral guidance, St. Joseph’s-in-the-Hills is providing and important service, helping people to renew and strengthen themselves spiritually. This year, more than twenty thousand people will visit Malvern and I know that in the future the Laymen’s Retreat League will continue to expand its mission for the American people.

Mr. Speaker, I ask my colleagues to join me in congratulating the Laymen’s Retreat League as they mark the 75th anniversary of St. Joseph’s-in-the-Hills and in extending this fine organization our best wishes for another successful 75 years.

HON. BRAD SHERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Rafer Johnson, who is being honored by the Namaste Interfaith Center. The Namasté Award was created to honor those individuals who have contributed to improving the human condition and uplifting the human spirit. I cannot think of an individual more deserving of this recognition than Rafer Johnson. Throughout his life, Rafer’s motto has been “to be the best that you can be.” In 1960, he won three gold medals at the Olympic Games in Rome. Building on that success, he has served as the president of the board of directors of the California Special Olympics for almost 10 years and is currently the chairman of the board of governors. Rafer is also the national head coach for Special Olympics International, which is headquartered in Washington, DC. He works as sports announcer, actor, and commercial and public spokesperson, and serves on a variety of special boards and committees for community service organizations. However, I think it is Rafer’s compassion and dedication to aspiring young athletes that is his greatest contribution to our community. Senator Robert Kennedy once said, “Every time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope . . . and crossing each other from a million different centers of energy and dashing those ripples build a current that can sweep down the mightiest walls of oppression.” For three decades, Rafer has been working with mentally and physically handicapped children and adults to start the California Special Olympics and has played a vital role in ensuring its success. As a program which began with only a few participants competing in two sports, it has evolved to include thousands of competitors in 20 sports. This event has helped assuage the prejudice faced by disabled individuals throughout our community.

Rafer inspires in others the courage to pursue their dreams, and is a living example of how one individual can positively influence the lives of hundreds. Through a world-renowned athlete and champion, Rafer Johnson has shown us that winning isn’t everything; rather, the important thing is the way in which you choose to live your life and how you can positively impact the lives of others.

Mr. Speaker, distinguished colleagues, please join me in honoring Rafer Johnson. He is truly a role model for our community.

HONORING RABBI NORTON AND BAILA SHARGEL
HON. NITA M. LOWEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mrs. LOWEY. Mr. Speaker, I rise today to pay tribute to my dear friends, Rabbi Norton and Baily Shargel, the spiritual leaders of the Jewish Community Center of Harrison, NY.

On December 7, the extended family of JCC of Harrison will host a gala brunch honoring Rabbi and Mrs. Shargel and benefiting the Jewish Theological Seminary of America. It is entirely fitting that the Shargels and the seminary be recognized together for their shared values and for their profound contribution to the Jewish community.

I have had the great pleasure of knowing Rabbi and Mrs. Shargel since moving to Westchester County and joining their congregation more than a decade ago. But their inspiring leadership predated our acquaintance. Indeed, for 25 years, the Shargels have enriched Harrison with their thoughtful philosophical insights and immense personal warmth.

Rabbi and Mrs. Shargel are pillars of the community. They are as giving of their time and effort to broad and numerous causes as they are quick with wise counsel for the members of their temple. Their activities evidence a deep commitment to humanitarian ideals and to the spirit of compassion and generosity at the very heart of Jewish teaching.

The Shargels’ commitment to the Jewish Theological Seminary is every bit as powerful. Indeed, JCC of Harrison has spearheaded several events of great importance to the seminary, including the seminary’s conferring of the Herbert Lehman Award, a special occasion for leaders of Judaism’s conservative movement.

Personally, I have always valued the advance and spiritual guidance of the rabbi and his wife. I hope and believe that their example has made me a better public servant.

Rabbi and Mrs. Shargel honor us with their deeds and their work. I am delighted that JCC of Harrison has chosen to celebrate this wonderful couple and so pleased to record my adoration in this record of the Congress of the United States of America.
Mr. Speaker, I will give you many vivid examples which illustrate why the current situation is not working. The Bureau of Indian Affairs pledged to local irrigators that it would set aside funding in 1994, 1995, and 1996 for repairs of a decaying siphon. This never happened. What was the result? The siphon failed at the end of 1996, resulting in water damage to 1,200 acres of cropland and causing damages in the tens of thousands of dollars in lost grain production. The siphon was then replaced with funds that were supposed to be spent on the Flathead River pumps, other project needs and emergency funds, creating an even greater economic problem. Mr. Speaker, here are other examples:

Examples of Bureau of Indian Affairs mismanagement at the Flathead Irrigation Project included:

First, the Flathead Irrigation Project has regularly overtopped a canal running through a Ronan farm, preventing several acres of potato from being harvested. This is a recurring problem that cost the farm $4,000 to $5,000 per year. In addition, the canal has washed out over the last 5 years, transporting water through the farm to other irrigators.

Second, the Flathead Irrigation Project has regularly flooded several acres of an alfalfa field in Ronan, leading to $3,000 to $4,000 of damage per year for the past several years. The landowner has repeatedly asked for corrective action, but to no avail.

Third, a farmer from St. Ignatius has been complaining about water overflows from project ditches for the past 4 years. Poor water management by the irrigation project caused a section ditch to be flooded, resulting in $2,000 to $3,000 of crop loss each year.

Fourth, another St. Ignatius farmer allows the irrigation project to exercise a right of way to access the headworks of a project canal. The irrigation project has failed to secure the gates through the right of way and the farmer has had trash dumped on his property.

Fifth, a rancher from Arlee pastures registered Charlois cattle throughout the Mission Valley. In the farmer’s pasture near Pablo, a BIA irrigation project employee was observed driving a rancher’s truck, causing two bulls in the pasture. The gate led to Highway 93, one of the most heavily traveled roads in the State of Montana. Quick action from a passer-by prevented a potential tragedy when the gate was secured by the passer-by.

Sixth, a farmer-rancher from Hot Springs notified BIA of a ditch overtopping on his ranch. After being ignored by BIA, the farmer notified an irrigation district commissioner who attempted to intervene on the farmers behalf with BIA. The district commissioner called was also ignored until the ditch failed, damaging the farmer’s crops, and causing extensive damage to his land.

Seventh, Little Bitterroot Reservoir, May and June 1997. At the peak of the runoff, 4,000 acre-feet of water was dumped into an already flooded swollen river. The stored water was lost to irrigation. Downriver ranchers sustained loss of fields due to floods.

Eighth, a rancher from Ronan filed complaints in June, July, and September 1997 of having land flooded by BIA dumping water onto his land. To date BIA has not responded. The rancher has lost access to his corrals and has had pastures flooded.

Ninth, Pablo Feeder Canal, 1991. A washout of the Pablo Feeder Canal led to breaching nearly 300 feet long, dumping 350 cubic feet per second of water, along with 18 inches of gravel and sand on 20 acres of prime to potato land. No settlement was planned by BIA. No ditch rider had been assigned to patrol this section ditch. The ditch was benign, despite known geologic problems in the area. A farmer was assessed $2 to $3 thousand per acre.

10. BIA’s control to control weeds on ditchbanks led to a local association of farmers and ranchers to approach BIA with a cooperative weed control plan, allowing individual farmers and ranchers to patrol along the ditch banks of their own property. BIA initially pledged cooperation and then ignored the problem, which was first identified in 1994, for the next 3 years. This has led to an increase in weed infestations in the area and finally forced the local farmers and ranchers to simply address the problems of BIA’s ditchbanks unilaterally.

Finally, water shutoff. Despite being unable to provide any accounting of money, BIA unilaterally shut off water deliveries to all non-tribal farmers in the Flathead Irrigation Project in May 1997. Service was shut off over an alleged nonpayment of a BIA billing and was subsequently restored, with BIA admitting that it does not provide an accurate billing, or an accurate accounting of irrigator funds.

High cost management are also not fair, considering the serious economic pressures Montana’s family farmers and ranchers now face. This legislation will help eliminate high and unfair costs that continue to compromise the financial stakes of hard-working farmers and ranchers.

Responsible local management of this irrigation project would provide for lower costs and increased accountability of the money collected and used in the operation of the Flathead Irrigation Project. At the current time the BIA is unable, or unwilling, to prove basic financial information to the local irrigation district. This despite the fact that the local farmers and ranchers pay 100 percent of the costs to operate and maintain the project. At the same, the current management cannot even deliver a guaranteed balance of funds pair by the local irrigation users.

Local management will also will generate savings over the current management. These savings could be used to restore the Flathead Irrigation Project to a fully functioning, efficiently operating unit. Without this legislation, residents face an uncertain future. This irrigation project is located in one of the most beautiful valleys in western Montana. Preservation of family farms and ranches in the Mission, Jocko, and Camas, valleys in Montana is dependent upon local management, which will ultimately be torn up by BIA. This bill builds on the procedural and administrative safeguards enacted as part of the tax laws of 1997.

This bill gives local citizens the opportunity to control their futures. It also keeps the negotiation of water rights between the Federal Government, the State of Montana, and the affected tribes and does not infringe upon tribal sovereignty.

Mr. Speaker, I am proud to introduce this measure today with the support of my colleagues and locally elected officials, and I look forward to moving this bill forward on behalf of those communities which depend on the Flathead Irrigation Project for their way of living.
The Internal Revenue Service Restricting and Reform Act of 1997 will help ensure that the IRS administers the tax laws as Congress intended. Enactment of the new safeguards included in H.R. 2292 will help the IRS become the customer-friendly agency it was meant to be, and will help the IRS to apply the tax laws of our country in a just manner.

Mr. Speaker, I thank my colleagues for their exceptional work on H.R. 2292 and look forward to continuing to work with them to enact that legislation into law when Congress reconvenes.

Mr. Speaker, I rise today in support of the recent efforts by the Congress to address an important matter of equity that will ensure that local communities throughout the nation will be able to protect the environment without jeopardizing limited, local government taxpayer dollars committed to water quality improvements. This year marks the 25th anniversary of the Clean Water Act. We can see the evidence of the Federal, State and local commitment to improving our Nation's lakes rivers and coastal waters. Public awareness of the importance and benefited of sound environmental stewardship exists today that clearly was not evident 20 years ago.

Mr. PAYNE. Mr. Speaker, I rise today to honor the 40th anniversary of Essex Catholic High School. In 1957 this school was founded by Archbishop Thomas A. Boland with an enrollment of 225 students and a faculty of 7. The school was the first regional high school in the Archdiocese of Newark and has served the young men of the Newark area since that time.

The ability of Essex Catholic to grow and change with the times is perhaps the most important aspect of this school. They moved from the original location at the former Mutual Benefit Life Building on Broadway in North Newark to a larger campus on Glenwood Avenue in East Orange in 1980. At this new facility, the school continues to meet the challenges of serving an area that is consistently changing and progressing. Their ability to meet these challenges stems from the strong moral and religious foundation the school is built upon. This foundation also consists of teaching students to set high standards and goals for themselves. The school continues to emphasize the spiritual and emotional growth of students that is needed to ensure a well rounded education.

The commitment of the Congregation of Christian Brothers and especially the commitment of the Most Reverend Theodore M. McCarrick to Essex Catholic and to our entire community is also to be commended. Their contributions to the school and our area are positive examples to the young men they teach and the community as a whole. This love and dedication to teaching and Essex Catholic is surely one of the school's most valued assets.

Mr. Speaker, without schools such as Essex Catholic many of our young men would not have important educational opportunities available to them. In this year of their 40th anniversary, I would like to congratulate and praise the long-term devotion the Christian Brothers, religious sisters, priests, lay teachers, students, alumni, and parents have for Essex Catholic and the education of our area's young men.

Mr. SHERMAN. Mr. Speaker, I rise today to thank the Acting VA Secretary Hershel Gober, who has worked closely with me these past 10 months to make the dream of easier access to health care for veterans in south Texas become a reality. When I took office back in January, one anxiety I heard voiced time and time again was that veterans in the south Texas/Rio Grande Valley area felt the services they received were less than adequate, and also the distances they had to travel to receive quality care were far too great. At that time I pledged to ensure that the level of care afforded veterans in our communities is second to none. To see what could be done I met with the Acting Secretary. He heard my concerns. He looked at our needs. He took action.

The result: In 1998 the veterans of the 15th District of Texas can expect to begin receiving significantly improved and expanded health care services. The counties of Bee (Beeville), Jim Wells (Alice), and Kleberg (Kingsville) have all been approved as future sites for primary care community-based outpatient clinics. Equally as important, a plan has also been developed, which will lead to expanded inpatient services. This pilot program will establish a process for the contracting of routine, non-urgent, nonspecialty inpatient care for stays for 3 days or less.

This is, indeed, a satisfying resolution. To say the least, I am elated.

It is because of the assistance and guidance of Secretary Gober that we will be able to implement innovative programs that provide much needed assistance to countless men and women who have protected our freedoms and who have made our Nation the great country it is. What the Secretary's efforts mean is that there will be real, effective changes for the veterans of south Texas. This is an example of what can be accomplished when everyone joins together and channels their energy toward a common goal.

Mr. Speaker, I could certainly never have done this alone. I want to sincerely thank you for sharing my vision.
serves as district 5 school board trustee. Dr. Roark attends home education activities and is actively interested in the accomplishments of homeschool students.

Dr. Roark is a past president of the Northeast Civic Club and past district governor for the Great Southwest District of Civic Inter-

national. He is also a past president of the Northeast Civic Leaders Council. Dr. Roark continues with his active involvement in boys' baseball and other youth activities in North-

east El Paso. He received the highest certifi-
cation that can be obtained in the health care administration as a Fellow American College of Health Executives. Dr. Roark is also active in his local church community.

Dr. Roark is a man of integrity, honesty, and dedication. His love of El Paso and his willingness to give himself should be a model for all El Pasanos to follow. I am proud to recognize Dr. Roark as the Northeast El Pasano of the Year 1997. He shines as bright as the star on our mountain.

CONGRATULATIONS, REVEREND EDWARD ALLEN

HON. DONALD M. PAYNE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. PAYNE Mr. Speaker, I would like my colleagues here in the House of Representa-
tives to join me in honoring a man of remark-
able dedication to the community he serves in my home city of Newark. Rev. Edward Allen, Sr., pastor of the Philemon Missionary Baptist Church.

On November 21, Reverend Allen will be honored by his many friends at a special event to celebrate 20 years in the ministry. It is fitting that we offer our congratulations and appreciation for his many contributions.

During the 10 years that I served as a coun-
cilman representing the South Ward in New-
ark, I often held town meetings to give local residents the opportunity to speak out about issues of concern. Because Reverend Allen always encouraged community involvement and participation, a town meeting that I hosted at his church was highly successful and well-attended. Philemon Missionary Baptist Church also hosted one of the most famous African-
American women in modern history, the former Member of Congress and candidate for the President who was on the ballot in 12 pri-
maries in 1972, the Honorable Shirley Chisholm.

Reverend Allen shared with Mrs. Chisholm a passion for justice and equality in our soci-
ety. In fact, at a breakfast sponsored by a member of the Newark Municipal Council and candidate for the New Jersey General As-
sembly, the Honorable Donald Tucker on No-

vember 2 of this year, Reverend Allen spoke out with dedication and eloquence and inspiration about ensuring that residents of Newark share in the economic development efforts underway in our State, so that the urban center could become a catalyst for positive change.

Reverend Allen cares deeply about improv-
ing the quality of life in our community and en-
suring that all people are treated with fairness and dignity.

Among his many accomplishments and con-
tributions to the community are: founding board member, Rainbow/Push Coalition chap-
ter, Operation Push; lecturer and teacher of urban education and equal education opportu-
nity; active involvement in the Jersey City community; cochair of the Clergy for Jesse Jackson for President in 1984 and 1988; counselor to join in distress. A graduate of my Alma Mater, Seton Hall University, Reverend Allen also pursued stud-
ies at Jersey City State College, New York Theological Seminary, Union Professional School of Business, and Saint Peter's College.

His professional career includes service as the director of the office of affirmative action compliance at the Jersey City Board of Edu-
cation; college administrator, assistant to the educational opportunity fund director, and adj-
unct professor of the Afro-American Studies Program at Saint Peter's College.

Mr. Speaker, Reverend Allen is a man who has truly made a difference in many lives in our community. Let us join in honoring him for his two decades of dedicated service and in wishing him many more productive and suc-
sessful years ahead.

DISTORTING SUBSIDIES
LIMITATION ACT OF 1997

HON. DONALD DAVISON
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MINGE. Mr. Speaker, I rise today to in-

troduce the Distorting Subsidies Limitation Act of 1997 [DSLAA]. The DSLA is a comprehen-
sive legislative initiative which will attempt to curb the use of economic subsidies by state and local governments to lure or retain new or existing businesses. These governmental enti-
ties have engaged in the use of targeted sub-
sidies which include grants, below market loans or rent, and tax deferrals, aimed at a partic-
ular private business entity in an attempt to entice a business to a particular municipality. State and local governments are being forced to compete against one another using scarce tax dollars that would otherwise be used for essential public goods and services such as schools, police and fire protection and road improvements. When this state and local competition takes the form of preferential treatment for a specific business, it interferes with interstate commerce, distorts the allocation of resources, and leaves states to provide too few public goods and services. This bill will encourage economic competition among states based on factors such as quality of services, reasonable and efficient regulatory policies and fair tax structures.

Specifically, the legislation will do the follow-
ing:

TAXABILITY OF SUBSIDIES

The bill creates a federal excise tax on busi-
nesses benefitting from these special targeted economic subsidies. If a business accepts the economic subsidy offered by the state or local government, the subsidy will be subject to the excise tax which will be computed on the ag-
gregate value of the subsidy for calendar year in which it was received. The rate of the tax will be the same that applies in determin-
ing the regular income tax of a corporation. The excise tax on the subsidy is part of the long-term taxing and spending policies of the governmental unit or if the subsidy is available to all business entities.

The economic subsidies which will be sub-
ject to the excise tax will include: any grants; any contribution of property or services; any right to use property or services; any loan made available to a business at rates below those commercially available to others; any tax deferrals or payment of any tax or fee; any guarantee of any loan or lease; or any reduction for fees or other charges for the use of governmental facilities such as roads, sewage treatment facilities and the like.

There will be no excise tax rendered on the value of an economic subsidy which is pro-
vided for employee training or other edu-
cational programs. The legislation shall apply to any economic subsidy provided to a busi-
ness 30 days after the date that this bill is en-
acted.

The DSLA will also deny the exemption from tax for interest on bonds providing tar-
gested state or local government development subsidies for a specific business entity. The legislation shall apply to bond obligations is-
sued after the enactment of this bill.

The legislation will prohibit the use of fed-
eral funds by a state or local governmental unit for any targeted subsidies. The DSLA is not intended to deny the use of federal pro-
gram dollars for economic development if the federal program dollars are available to all businesses or are used for an established fed-
al economic development program such as an enterprise zone. If it is determined that fed-
eral funds have been used for targeted sub-
sidies, the bill provides for recovery of those funds from the governmental unit or the busi-
ness entity. The legislation shall apply to funds provided after the enactment of this bill.

The Distorting Subsidies Limitation Act of 1997, would reduce the ever-increasing finan-
cial burdens placed on the citizenry of various taxing jurisdictions who are exploited by the race for business development. When en-
acted, it will allow state and local officials, who face competition by competitors who are able to relocate, the ability to negotiate with businesses on a level playing field. The ever-increasing practice of giving targeted subsidies to de-
manding businesses is having a very det-
imental effect on both the employment stabil-
ity and fiscal stability of cities and states. We cannot allow the this short-term, targeted fa-
voritism for a particular business to continue to skew the long term economic health of our communities.

A TRIBUTE TO HENRY B. GON-
ZALEZ, AN EXEMPLARY LEADER FOR ENSUING GENERATIONS

HON. XAVIER BECERRA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BECERRA. Mr. Speaker, the Honorable HENRY B. GONZALEZ, Dean of the Texas Dele-
gation and the Congressional Hispanic Cau-
cus, will be honored by his community on No-

evember 23 at the Henry B. Gonzalez Archival Library Dinner in San Antonio, TX. Although I will not be able to join his family and friends
at this gathering, I take this opportunity to pay high tribute to his 44 years of public service and thank him for blazing a path for subsequent generations of Americans, especially Hispanics, pursuing the noblest ideals of public office.

The accomplishments of the Honorable HENRY B. GONZALEZ in public office, particularly in the last 36 years in Congress, are substantial. He shepherded 71 bills through enactment, ranging from abolishing the poll tax, which was still in effect in the early 1960's, to restoring the strength of our Nation's deposit insurance systems. And he was chairman of the House Banking, Finance, and Urban Affairs Committee held more than 500 hearings on financial issues that affected consumers, small businesses, and banks. Through his investigative powers Chairman GONZALEZ wielded substantial influence in combating financial crimes. Chairman GONZALEZ championed legislation enabling small businesses to secure credit essential to the prosperity of their enterprises. And let us not forget that Dean GONZALEZ was instrumental in reauthorizing Federal housing laws, providing shelter for thousands of families throughout the country. Always doing what he believed to be right rather than what was popular, Dean GONZALEZ made superlative use of special orders in the House Chamber. He alerted all of us to the impending savings and loan crisis years before the industry collapsed; he educated the Nation about the culture and contributions of Mexican-Americans. In recent years, his most popular special orders were about history: his own, the history of San Antonio and Texas, and the history of the founding of our Federal Government.

The Honorable HENRY B. GONZALEZ' accomplishments are many and his legacy is an inspiration to us all, but especially our youth. As the chairman of the Congressional Hispanic Caucus, I thank Dean GONZALEZ, for blazing a path for ensuing generations of Hispanic leaders. His dedication to public service and the many contributions to his community, the State of Texas and our Nation were accomplished with tenacity, passion, and a tireless energy. His dedication to public service and the many contributions to his community, the State of Texas and our Nation were accomplished with tenacity, passion, and a tireless energy. His dedication to public service and the many contributions to his community, the State of Texas and our Nation were accomplished with tenacity, passion, and a tireless energy. His dedication to public service and the many contributions to his community, the State of Texas and our Nation were accomplished with tenacity, passion, and a tireless energy. His dedication to public service and the many contributions to his community, the State of Texas and our Nation were accomplished with tenacity, passion, and a tireless energy. His dedication to public service and the many contributions to his community, the State of Texas and our Nation were accomplished with tenacity, passion, and a tireless energy.

In 1953, Walt moved to Morris Plains and immediately became an integral part of this close-knit community of 5,000 inhabitants, ap, called the community of caring. No one in Morris Plains epitomized this more than Walt Greffe. Upon his death, one Morris Plains resident remarked, "Walt was a kind and considerate man who was always willing to do everything for anybody." That is the Walt Greffe I knew as well and the Walt Greffe that is greatly missed but fondly remembered.

Aside from his involvement with veterans organizations, Walt worked for United Parcel Service in Parsippany for 27 years, and was a graduate of the Stafford Hall of Business. He also dedicated untold hours to the Morris Plains Seniors Monday Group, the Rotary Club of Morris Plains, and the Presbyterian Church of Morris Plains. As you see, Walt touched every part of the community.

Mr. Speaker, I would ask all of my colleagues to join me as we remember Walt in our prayers; Mae, his wife of many years; his many friends; his close family and friends Walt leaves behind. Walt was truly a selfless citizen and an outstanding veteran.

OHIO STATE TREASURER J. KENNETH BLACKWELL ADDRESSES PROPOSED GLOBAL CLIMATE TREATY

HON. STEVE CHABOT
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. CHABOT. Mr. Speaker, I want to insert in the RECORD today an insightful speech delivered at the recent Global Change Conference here in Washington by Ohio's State Treasurer J. Kenneth Blackwell.

As my colleagues know, despite considerable uncertainty about the significance of global warming, this Clinton administration is moving ahead with plans to reduce carbon emissions, or greenhouse gases in the United States to 1990 levels by the year 2010. The costs of achieving that goal, of course, will be absorbed by the American people in the form of higher energy costs and higher taxes. Mr. Blackwell very eloquently addresses the global warming issue and the fundamental flaws in the Kyoto Climate Change Treaty. I commend his speech to my colleagues.

The Climate Treaty—The Right Answer to the Wrong Question

As I began preparing for my part in today's discussion, I was attributed to J. Pierpont Morgan. A woman is said to have approached him at a social gathering rough-
taxes take more of an average household’s income than food, clothing and shelter. The Climate Treaty will address that complaint in several ways.

Given the mission caps which would be required by the year 2010, and using mainstream economic assumptions, personal incomes will go down. In my home state of Ohio, real incomes will drop almost 10 percent, so with no change in our income tax rates, taxpayers will pay less. This will squeeze the State, but we should be able to make up the roughly two percent shortfall in tax revenues.

The good news does not stop with the reduction in income, and therefore income taxes. Fuel prices will go up about 10 percent, and the cost of clothing will go up along with all other manufactured goods. Some skeptics will argue that the increased cost of the necessities should be accounted for as taxes, but we will at least have the appearance of a change in the relationship of taxes versus basics.

Third, we should see some public health benefits from this proposal. Service jobs are usually less hazardous than manufacturing jobs, so those among the 34,000 Ohioans who lose their manufacturing jobs but exchange them for service jobs may thereby find work where they are less likely to suffer on-the-job injuries. This may not compute, because total employment is projected to fail by more than 58,000 jobs, but even so, workers are surely safer sitting at home than going into the perilous workplace.

And these fortunate Ohioans will be encouraged to improve their health in other ways. Many will almost certainly choose to exercise more, at least during the winter, because their household energy bills will be nine hundred to eleven hundred dollars higher, so they will have to keep moving to stay warm. The cost of food will go up nearly ten percent, meat consumption should go down, still another benefit.

Fourth, increasing the cost of gasoline by fifty cents a gallon will surely reduce exposure to highway accidents. If people cannot afford to drive, they are less likely to be hurt as long as they do not walk on the road.

I would like to wrap up my remarks with a political comment. With the benefit of 20-20 hindsight, it is clear that President George Bush made at least two mistakes in his position, both having to do with the timing of major events. First, he should not have won the Gulf War so long before he had gone on to respond to the economic recession that began that year. The company has undergone significant expansions over the years, but its essential mission—protecting the lives and property of the citizens of Harford County—has not changed.

Mr. Speaker, the Joppa-Magnolia Volunteer Fire Co. is a welcome, permanent institution in Harford County. The fanfare surrounding the most recent groundbreaking indicates that, while the fire company has a rich history of accomplishment, its greatest contributions are yet to come. These fine volunteer firefighters will continue to serve the citizens of Harford County, just as their predecessors have done for four decades. Mr. Speaker, we can all profit by their example. I offer the men and women of the Joppa-Magnolia Volunteer Fire Co. may very best wishes and congratulations upon reaching this happy milestone.

IN MEMORY OF THE IRISH FAMINE
HON. MARGE ROUKEMA OF NEW JERSEY IN THE HOUSE OF REPRESENTATIVES Thursday, November 13, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to recall the millions of Irish men, women, and children lost to the tragic Irish famine of 1845–50. This was one of the darkest chapters in modern history, and one that changed the face of the United Kingdom and the United States as a result.

The Irish famine took as many as 1 million lives from hunger and disease. It sparked a huge wave of immigration as another 2 million Irish fled, most of them to the United States. Numbers such as these, however, are often difficult to comprehend. I find that some of the personal stories of the famine bring it closer to home. Consider these tragic deaths reported in the Cork Reporter of January 11, 1847:

Catherine Sheehan, a 2-year-old girl who died the day after Christmas 1846 after eating nothing but seaweed that last several days of her life. John Driscoll, who fell dead of starvation walking home from his job at a public works project after 2 days of nothing but boiled wheat. Michael Linehan, who died on his way home from an adjoining town, where he had gone to purchase food for his ailing mother and brother. Mr. Linehan had only turnip peels to eat.

These are but a few of the stories of the famine. Many such stories will be recalled as the Bergen County Council of Irish Association holds a ceremony in solemn remembrance of those killed during the famine. The event will be at the Bergen County Court House in Hackensack, N.J. Remarks will be offered by Bishop Charles J. McDonnell, Father Donald Sheehan, and Bergen County Executive William “Pat” Schuber, and others at the Great Hunger Monument located next to the courthouse. This ceremony will serve as a reminder that the disaster created by famines still haunts the world.

During the Irish famine, a blight turned Ireland’s staple crop of potatoes into mush. Over 1 million people died and millions others were forced to leave their homeland to escape starvation. In 1847—the year known to Irish around the world as “Black ’47”—the famine took its worst toll. As thousands died that year, nearly 100,000 Irish immigrants left their homeland and arrived to the land of freedom.

The failure of the British Government in London to provide immediate assistance has been acknowledged as one of the factors in the extent of the famine. Prime Minister Tony Blair this summer offered this apology:

Those who governed in London at the time failed their people through standing by while a crop failure turned into a massive human tragedy. * * * That 1 million people should have died in what was then part of the richest and most powerful nation in the world is something that still causes pain as we reflect on it today.

As I have noted, millions of Irish came to the United States, known as the land of plenty—to escape the famine. Those who came made up one of the greatest waves of immigration in our history and permanently enriched our society and culture. Their hard work, determination, and resilience helped fuel the tremendous growth of our country. The Irish quickly adjusted to their new home and started to move up in society. From tough, long hours in labor intensive jobs, Irish-Americans entered professions such as education, politics, and government service by the turn of the century. They sent much of their hard-earned money home to help families or to pay for passage to America.

One area where Irish-Americans proved themselves quickly was in service to their new country. Many new Irish-Americans fought bravely during the Civil War. In fact, 283 Contra Costa County Medal of Honor were awarded to Irish-born servicemen, by far the largest number of any ethnic group. Subsequent generations carried this tradition into the Nation’s other wars.

The hard work, determination, patriotism, and valor of Irish-Americans has made a distinguished mark on American history. Their contribution to our Nation will never be forgotten. We only wish that it might have been better circumstances that brought them here.

TRIBUTE TO DOUG SCOTT
HON. JACK METCALF OF WASHINGTON IN THE HOUSE OF REPRESENTATIVES Thursday, November 13, 1997

Mr. METCALF. Mr. Speaker, I join Senator MURRAY in this evening in recognizing Doug Scott, a San Juan Islander who was recently presented the Sierra Club’s highest tribute—John Muir Award. Despite differing with him and the Sierra Club on a number of issues, I really appreciate his willingness to work with all interest groups and beliefs to solve environment problems.

His work with the Northwest Straits Advisory Commission, which Senator MURRAY and I
CONGRESSIONAL RECORD — Extensions of Remarks

November 13, 1997

HON. DONALD M. PAYNE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. PAYNE. Mr. Speaker, on Sunday, November 16, the Civic Service Committee of Christ Church will honor the workers of East Orange, NJ, in my congressional district and will also bid a fond farewell to the former mayor of East Orange, Cardell Cooper, and his family.

It is indeed fitting that we offer our appreciation to the hardworking men and women who serve the city of East Orange. These unsung heroes are a dedicated group of professionals who strive each and every day to deliver outstanding service to the residents of the city they serve. Positive changes are occurring in East Orange because of their efforts.

I am pleased to have the opportunity to honor the workers of East Orange as well as my good friend Cardell Cooper, whom I have long admired and respected. His life has been an inspiring success story of one who rose from humble beginnings, as one of 13 brothers, to move ahead with steadfast determination to reach for the stars.

His many accomplishments include holding positions as business administrator of Irvington; freeholder of Essex County, one of the most populous counties in the State of New Jersey; Essex County Administrator and major of East Orange. His crowning achievement is that he has now been nominated by President Clinton to serve in one of the highest ranking positions at the Department of Environmental Protection.

As the representative of the 10th Congressional District, I have had the pleasure of working with Cardell Cooper on many issues and have found him to be a dedicated public service with tremendous energy and commitment.

Among his peers throughout the nation, Cardell Cooper has gained a reputation as an outstanding public official. He is widely respected by members of the National Association of Counties, the National League of Cities, the Conference of Mayors and other national civic and professional organizations to which he belongs.

I know that my colleagues here in the House of Representatives join me in wishing the very best to Cardell Cooper, his devoted wife Sandy, and as they move on to exciting new challenges. Let us also say a special thank you to the workers of the city of East Orange for a job well done.

RECOGNITION OF STAN AND JETTA ROBERTS AS NORTHEAST EL PASO FAMILY OF THE YEAR FOR 1997

HON. SILVestre REYES
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. REYES. Mr. Speaker, I am pleased to recognize Stan and Jetta Roberts as the Northeast El Paso Family of the Year for 1997. Since first arriving in El Paso more than 42 years ago, Stan and Jetta have contributed to the development of the El Paso community in every imaginable way. The Roberts are members of the 7th Ward of the Church of Jesus Christ of Latter Day Saints where they have worshiped and prayed with their four children Mike, Jetta Lynn, Beverly, and Stan and their seven grandchildren.

After 28 years in the Army, Stan decided to serve his county and his community in another way—he and his father organized, with others, the Northeast El Paso Civic Association to work toward the improvement of the Northeast area and the city of El Paso.

In addition to being a life member of the Veterans of Foreign Wars Local 8919, Stan is a member of the Coast Guard as a life member of the Disabled American Veterans Chapter 187, American Legion, Association of the United States Army, NAUS, Moose Lodge No. 554, American Association of Retired Persons, and the Northeast El Paso Civic Association. Stan was recently re-elected to his fourth term on the El Paso City Council, and has been the alternate mayor pro tem for the past 2 years.

Throughout their lives, Jetta has always been supportive of Stan’s endeavors throughout his Army career and civilian life. Jetta has been an active member of the Silver-Haired Legislature in Austin, TX and is an alternate on the National Silver-Haired Legislature in Washington, DC. Jetta was the Relief Society president for 5 years and was also an employment specialist for 2 years helping people on welfare find jobs.

The outstanding accomplishments of both Stan and Jetta Roberts have been many and they are both committed to helping and serving their community whenever they can. I’ve had the opportunity to work with both Stan and Jetta while trying to improve our communities. We can all learn from the sacrifices they have made to benefit others and both shine as bright as our star on the mountain.

MOVING FORWARD FOR MONTANANS

HON. RICK HILL
OF MONTANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. HILL. Mr. Speaker, today I join with my Montana colleague, U.S. Senator CONRAD BURNS, in introducing much needed legislation which will help complete the Gallatin Land Conservation Act. As Congress completes its business in the last hours of this session, it is important to let Montanans know that its congressional delegation is committed to resolving this situation.

The proposed land exchange agreement between Big Sky Lumber and the U.S. Forest Service is a well-intentioned proposal that I support. However, like all general agreements, there are always specific addresses. As these issues remain pending, this legislation will show that Congress is committed to completing the exchange and eliminating the uncertainties that Big Sky Lumber, other businesses, and many landowners may have.

For example, the protection of the Taylors Fork is extremely important since it provides a critical migration corridor for wildlife. Many of the area’s landowners face uncertain futures and deserve to know that the Montana delegation will act on their behalf to complete the exchange. Our legislation moves forward on meeting landowner’s goals and protecting the environment. Other issues that need resolution, such as access concerns in the Bridger-Bangtail area and small business timber set aside, will also be advanced by this legislation.

Mr. Speaker, one major difference in my legislation is a provision guaranteeing that any land which will be exchanged to the Federal Government must continue to maintain and maximize historical recreational access and use. This is a very important item that I will continue to champion for Montanans as this process moves forward.

This bill provides the initial legislative phase for eventual completion of the Gallatin Land Conservation Act. There are many details that need to be included, but this legislation will hopefully satisfy the December 31 deadline under the current option. Moreover, this bill will present a forum for Montanans to begin to comment on the details of the package.

Mr. Speaker, this is important to my home State of Montana. I look forward to moving ahead with the rest of the Montana delegation in completing the exchange in the next session of Congress.

PERSONAL EXPLANATION

HON. BOB RILEY
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. RILEY. Mr. Speaker, for medical reasons, I was absent during the following rollcall.
votes. Had I been present, I would have been recorded in the following manner.

On rollcall No. 622, on a motion to table a measure, I would have voted “aye.”

On rollcall No. 623, a bill to provide for increased international broadcasting activities to China and the Soviet Union, I would have voted “aye.”

On rollcall No. 624, a bill to establish a program to provide assistance for programs of credit and other assistance for microenterprises in developing countries, and for other purposes, I would have voted “aye.”

On rollcall No. 625, expressing the sense of Congress with respect to the discrimination by the German Government against members of minority religious groups, I would have voted “nay.”

On rollcall No. 626, expressing the sense of Congress that the Government should fully participate in EXPO 2000 in the year 2000, I would have voted “aye.”

On rollcall No. 627, a bill to amend the Illegal忧虑 and Immigration Responsibility Act, I would have voted “aye.”

On rollcall No. 628, a bill providing for consideration of certain resolutions in preparation for the adjournment of the first session, I would have voted “aye.”

On rollcall No. 629, a bill concerning the statute of limitations on tax liability, I would have voted “aye.”

On rollcall No. 630, on agreeing to the rule, I would have voted “aye.”

On rollcall No. 631, on agreeing to the conference report for Foreign Operations, I would have voted “nay.”

On rollcall No. 632, on agreeing to the resolution House Resolution 301, I would have voted “aye.”

On rollcall No. 633, on ordering the previous question, I would have voted “aye.”

On rollcall No. 634, on agreeing to the resolution House Resolution 326, I would have voted “aye.”

On rollcall No. 635, a bill providing for the consideration of the bill H.R. 867, and the Senate amendment thereto, I would have voted “aye.”

On rollcall No. 636, a rule to consider the Commerce, State, Justice Appropriations Act, H.R. 2267, I would have voted “aye.”

On rollcall No. 637, passage of House Concurrent Resolution 137, I would have voted “aye.”

On rollcall No. 638, an adjournment resolution, Senate Concurrent Resolution 68, I would have voted “aye.”

On rollcall No. 639, a motion of recommittal of H.R. 2267, I would have voted “nay.”

On rollcall No. 640, passage of H.R. 2267, I would have voted “aye.”

TRIBUTE TO FORMER NEW HAVEN MAYOR BIAGIO DI LIETO

HON. ROSA L. DEAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Ms. DEAURO. Mr. Speaker, tonight, in New Haven, CT, Biagio DiLieto will join with close friends and family to celebrate his 75th birthday. I have respected and admired Ben DiLieto for years, and am grateful for the opportunity to recognize a man who has dedicated his life to the city of New Haven.

Ben DiLieto began his public career in 1952. Serving as a police officer and later as police chief, Ben quickly learned how to effectively address the needs of the city’s residents. He interacted with the community and embraced its diversity. Ben was determined to make local government work for average citizens by addressing their needs on a personal level. Residents of New Haven came to know Ben DiLieto as a service provider who would eagerly roll up his sleeves when hard work needed to be done. Ben earned the trust of New Haven’s citizens and they elected him mayor in 1979.

Mayor DiLieto served for five consecutive terms. During those years, he was dedicated to understanding and meeting the needs of his constituents, particularly those in the greatest need. Mayor DiLieto worked diligently to ensure funding for social service programs that benefited children, elderly, and the disabled. He fought to obtain funding for emergency services and education. He championed the interests of people with real needs and sought real solutions. Indeed, it is difficult to measure the magnitude of Ben DiLieto’s contributions to the city of New Haven, for he has played such a large role in our community. Ben DiLieto truly changed the face of our city.

On a personal note, Ben has always been a friend who is reliable and supportive, genuine and sincere. His commitment and diligence are the cornerstone of strong and effective local government, and his belief in public service has inspired me time and time again.

It is with great pleasure that I commend Ben DiLieto for a lifetime of achievement and service. I join his wife Rose, his family, and his many friends in wishing Ben a very happy ice. I join his wife Rose, his family, and his many friends in wishing Ben a very happy ice.
HONORING JOSEPHINE MARTIER
FOR 50 YEARS OF VOTING

HON. RON KLINK
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. KLINK. Mr. Speaker, I rise today to honor an outstanding citizen and good friend, Ms. Josephine Martier from Vandergrift, PA. “Aunt Jo” as she is affectionately called, has fulfilled a rare and honorable pledge to her country. She has participated in each primary and general election for the past 50 years.

I would like to recognize Ms. Martier for her contribution to our country and to the American democratic system of government. Without individuals such as Ms. Martier, our democracy would not be what it is today. Her conviction is to be commended and unlike so many, Aunt Jo has never taken for granted her right to actively participate and voice the values which she believes in.

In 1996, less than half of the eligible voters in the United States participated in the Presidential election. In light of this statistic, it is even more amazing to consider what Aunt Jo has achieved. Her invincible sense of civic duty is exemplary. Her efforts serve as a model for every resident of the United States, the Commonwealth of Pennsylvania and every American eligible to vote.

And so my fellow colleagues, it is with great pleasure that I rise and applaud Aunt Jo Martier and her amazing voting record. I hope that she will be able to participate in our democracy for years to come.

HONORARY KENNETH E. BEHRING AND FAMILY

HON. ELLEN O. TAUSCHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mrs. TAUSCHER. Mr. Speaker, I rise today to draw attention to an inspiring act of citizenship by my constituents, Kenneth E. Behring and his family. A week ago, Mr. Behring traveled to Washington to give a gift to the Smithsonian Institution; at a time when we have grown accustomed to people coming to Washington to ask for favors. Mr. Behring and his family have donated $20 million to the Smithsonian’s National Museum of Natural History to enable it to update its rotunda and its mammal hall to 21st century standards.

The Behring gift also will enable the Smithsonian’s National Museum of Natural History to enable it to update its rotunda and other public places so that Americans can with the means to do good. I am humbled by this generosity and hope that the rest of the House and the American people will take note of Mr. Behring’s great deed.

TRIBUTE TO JOSEPH S. STOLARZ

HON. BILL PASCRELL, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Joseph S. Stolarz of Passaic, NJ. In the week following Veterans Day, it seems appropriate that we would honor a man who has distinguished himself while serving his country in the armed services.

Joseph was born in a small mining community in Pennsylvania, moving shortly thereafter to a farm in Poland, his family’s native country. Returning to America in 1938, he settled in Passaic with his two sisters. Heeding the call to duty, Joe enlisted in the U.S. Army on December 12, 1940. He was stationed at Fort Dix when he received word of Japan’s attack on Pearl Harbor.

Joseph’s division was quickly broken up and used to defend the beaches of New York and Jersey from any German assault. He was finally sent abroad in May 1944, landing in Liverpool. Joe’s division, the 30th participated in the D-Day landings in France. After securing the beaches of Normandy, the 30th division participated in the allied drive across France, Belgium, and Germany.

Joe didn’t escape the battlefields of Europe unscathed. In January 1945, he was hit twice within 2 days, ultimately spending months in a VA hospital recuperating. Despite his injuries, Joe served our country with valor. In all, he received a Purple Heart, a Bronze Star, a World War Two Victory Medal, a European Medal, an Expert Infantry Badge, and a medal from the French city of St. Lo. He was honorably discharged from military service on November 12, 1945.

Upon his return to New Jersey, Joe became a civilian success. He completed his education, graduating from Passaic High School and ultimately attending Fairleigh Dickinson University. While visiting Poland in 1956, he met his wife and the future mother of his five children, Anna Brusik. In 1962, Joe fulfilled a lifelong dream when he purchased the Crystal Ballroom, where he continues to operate his tavern business with the aid of his wife and son, Joe Jr.

Joe has also been active in his community and is involved in a number of political and cultural associations including the American Legion, the Tavern Owner’s Association, the Central of Polish Organizations, the Holy Rosary Young Men’s Club, and the Veterans’ Alliance. Joe is also a regular on the parade circuit, marching in the annual Passaic Memorial Day event, as well as the Pulaski Day Parade.

Mr. Speaker, I would like to congratulate Mr. Stolarz, a man who has distinguished himself while serving his country in the armed services.

FAST TRACK FELL VICTIM TO POLITICAL DEMAGOGUERY

HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. CRANE. Mr. Speaker, I was deeply disappointed in the fact that this body was unable to consider and pass the fast-track trade legislation authored by Chairman Bill Archer and myself.

In particular, I was disappointed in the petty politics engaged in by fast-track opponents. I fear that, thanks to the campaign waged by big labor and their politician lackeys, the United States will lose its leadership position in world markets. Until now, trade agreements have been negotiated on our terms. My greatest fear is that the defeat of fast track in this session of the 105th Congress will effectively prohibit the consideration of this trade authority until the next millennium. I want to make the point to my colleagues that this will result in future trade agreements being negotiated on the terms of our trading partners. Given the increasingly global nature of markets, this Congress has put U.S. businesses and jobs at a significant economic disadvantage in the world economy.

To further illustrate the political demagoguery on this issue, I commend to the attention of my colleagues an article in today’s Washington Times by Donald Lambro entitled “Low Bridge for the Fast Track Flap.” I will not add to Mr. Lambro’s observations, instead I simply say—Amen.


(By Donald Lambro)

If we learned anything from the fast-track trade fight, it is that demagoguery is alive and well in Washington, economic ignorance runs deeper than ever in Congress and the news media, and the business community still doesn’t know how to sell the benefits of the global economy.

Even by past legislative battle standards, this one reached a new level of misleading and deceit. The tools of big labor, Democratic Leader Dick Gephardt and Reps. David Bonior and Bernie Sanders, a socialist, came up with every hyperbolic attack line they could muster. Mr. Gephardt even blamed increased drug trafficking in the United States on the North American Free Trade Agreement—not on its true cause, President Clinton’s abandonment of the war on drugs.

In the final weeks of debate, the AFL-CIO’s paid congressional army of trade protectionists waged one of the most dishonest lobbying campaigns that this reporter has seen in 30 years of covering Washington. In one of the battle’s most skillful bits of anti-trade demagoguery, aired on the CBS Evening News, Bonior and Sanders went down to Jurez, Mexico, with a CBS film crew in tow. Visiting one of its worst slums, which predates NAFTA, Mr. Bonior pointed to the shack’s and said, “This is the global economy.” It was a totally one-sided edit against trade by two veterans, big government leftists that could have been produced at the AFL-CIO, and probably was.

Similarly one-sided stories filled the news programs of the past 15 months—on publishing NAFTA and repeating big labor’s protectionist line. Nowhere was it reported that U.S. exports to NAFTA partners Mexico and Canada increased by 20% last year—an all-time record; that both have become America’s biggest export markets;
with Mexico's market bigger than Japan's; that the North American economy is forecast to grow by 3.5 percent this year, higher than the other industrialized countries of the world; and those predictions of a "giant sucking sound" of jobs leaving the United States have not come true.

Despite all the doom and gloom fears that trade will destroy jobs, the obvious fact is that trade has helped to create millions of new, higher-paying jobs, driving the U.S. unemployment rate to the lowest level in nearly a quarter of a century.

Last week's Labor Department unemployment report showed the jobless rate falling to 4.7 percent, the lowest level in 25 years. Half the 11 million jobs in this sector alone were in machinery, transportation and construction. Big U.S. companies like Boeing have hired 32,000 workers in the last 18 months and added another 11,000 jobs to its factory lines. Other companies like Caterpillar were expanding their payrolls to keep up with mounting exports.

Rather than worry about losing jobs, the biggest complaint among U.S. business leaders in the country today is the lack of labor for their payrolls to keep up with mounting exports.

The truth is we will begin losing jobs if we don't negotiate lower trade barriers abroad because that will move plans to move these factories to these countries to avoid paying import tariffs.

But the myth of U.S. deindustrialization goes on despite all the evidence against it. Our gross domestic product, the measure of all the goods and services we produce, stands at nearly $8 trillion, bigger than any nation on Earth. If you want to see what America makes, look at the New York Stock Exchange listings or the NASDAQ in your local newspaper. Billions of privately owned businesses are part of the country's growth rate, which was expanding at a 3.5 percent annualized rate in the third quarter—far faster than any other industrialized nation.

We are the biggest producer of food on the planet. We are the biggest producer of farm and industrial machinery, of airplanes, of computers and of software. At our present rate of growth, it is quite possible that our GDP will reach $10 trillion by the beginning of the next decade.

A majority of a century have produced this level of GDP. But because we produce more products and services than we possibly can buy ourselves, we sell the rest in global markets. And that has been a major factor in our robust job-creation rate that is higher than any industrialized nation on Earth.

Mr. Clinton complained this week that "this is no-brainer." Trade has not destroyed jobs, it has created them. U.S. leadership in the global economy is one of the great success stories of the 20th century. Sadly, the U.S. business community had done a very poor job of promoting this story to its workers, to Congress and to the media.

Mr. Clinton deserves a lot of the blame for not beginning early enough to get the votes needed to pass fast-track. But I think American business is also to blame for this week's setback. Until corporate America gets into the trenches and begins doing a better job of combating the demagogues and educating the country about the benefits of global trade, we're going to have more problems trouble getting trade bills through Congress in the future.

And contrary to the Gephardt-Bonior-Sanders disinformation campaign that the United States is losing higher-paying manufacturing jobs, the most robust job gains last month were in manufacturing. Half the 11 million jobs in this sector alone were in machinery, transportation and construction. Big U.S. companies like Boeing have hired 32,000 workers in the last 18 months and added another 11,000 jobs to its factory lines. Other companies like Caterpillar were expanding their payrolls to keep up with mounting exports.

But too little or none of this is getting reported to the American people. One reason is an American media that is in thrall to the news media and in Congress about trade and the global economy. An otherwise intelligent editor of a major newspaper recently told me that "America doesn't make much of anything anymore."

This common perception, wholly untrue, reflects what many Americans think of the U.S. economy. Combined with the belief that imports destroy jobs and a misunderstanding about the global economy's benefits, this is what is now driving so much of the public mistrust about NAFTA and other trade deals.

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A majority of a century have produced this level of GDP. But because we produce more products and services than we possibly can buy ourselves, we sell the rest in global markets. And that has been a major factor in our robust job-creation rate that is higher than any industrialized nation on Earth.
Mr. PASCRELL. Mr. Speaker, I would like to call your attention to Perez Council #262 of the Knights of Columbus in Passaic, NJ. The founders quickly became pillars of the religious and civic community. They provided leadership and dedication ever since. At the age of 86, the Perez Council #262 continues to serve, giving up their time to the Knights of Columbus as they celebrate their 100th year of promoting the ideals of Columbianism in Passaic, NJ. The entire community has benefitted from the principles of this order, namely charity, unity, fraternity, and patriotism.

On September 7, 1897, a small group of Catholic laymen met with the Reverend John A. Shephard to form what would eventually become the Perez Council #262, Knights of Columbus, Passaic, NJ. The founders quickly became pillars of the religious and civic community. The names Ryan, Bowes, Driscoll, Gallagher, Galvin, Whelan, Cogan, and Burgoynes still elicit fond memories from the older gentlemen of the Passaic members of the Knights of Columbus.

Through good times and bad, the Council has provided the moral leadership for the surrounding community. During the Depression era, the Passaic Knights of Columbus lost their home on Hoover Avenue and Washington Place. Yet, their spirit was kept alive by a number of dedicated members, who continued to meet regularly in the building they once called their own. Happily, in March 1947, with the help of His Excellency The Most Reverend Thomas H. McLaughlin, and our Chaplain, the Right Reverend Monsignor William V. Dunn, the Passaic Knights once again found themselves on firm financial footing, with a home of their own.

The Perez Council has much to celebrate, including a long and distinguished record of leadership in the field of religious activity. In 1912, the Council leapt into the fledgling field of the Retreat Movement, sponsoring trips to areas in New York and New Jersey for meditation. They have played a pioneering role in attempting to bridge the gap between the Roman Catholic and Eastern Orthodox Churches. In 1956, the Council held its Annual Communion Breakfast in the Parish Hall of the St. Nicholas Ukrainian Church of the Eastern Rite.

The members of the Council have also distinguished themselves in service to our country. During the First World War, sixty-eight brothers were in the Armed Forces. Twenty-eight answered the call during the Second World War. Others served during the Korean War and the conflict in Vietnam. Many brothers continue to serve, giving up their time to assist injured Catholic veterans and help these veterans attend mass in the East Orange Veteran's Hospital.

Mr. Speaker, I ask that you join me, our colleagues, and the entire Passaic area in congratulating Perez Council #262 of the Knights of Columbus on one hundred years of serving the spiritual needs of the community.
"Human beings are human beings," he declared. But it was his comments about Taiwan as an "independent" entity that seemed likely to draw the ire of Chinese leadership. Speaking in heavily accented English, several times referred to Taiwan as "independent." "When asked if he really intended to use a word that China considers provocative, he defended his characterization and repeated it.

While this has been Taiwan's position, Lee had kept a relatively low profile since his election in March 1996. Lee said he has been preoccupied with domestic concerns, but he showed no hesitation in speaking in clear, even blunt tones.

"Taiwan is Taiwan," he said. "We are an independent, sovereign country." At another point, he said, "Taiwan is already independent. To say so shows that they want us to say the ROC [Republic of China government] is a province of China. Twenty-one million people don't agree that Taiwan is a province of China."

China repeatedly has threatened to use force against Taiwan if its leaders formally declare independence. Beijing twice in the last this year has staged missile tests and military exercises in the narrow Taiwan Strait that separates the island and China. Since becoming the first native Taiwanese president, Lee has won the island's first democratic election last year. Lee has raised the specter of renewed military exercises in the wake of his remarks. Lee has rejected past suggestions that Taiwan is a separate entity.

"He has sent a message to Beijing that Taiwan is not going to negotiate with China," said David Auw of the Institute of International Relations and Policy Studies, a think tank.

Another academic who follows cross-strait relations, Dr. Han H Sieh, dismissed the idea that democracy is unsuited to Asia. "Asian people are, are human beings," he said. "They think about this problem? We have our own culture and heritageющуюBriefly, it not only devalues this budget tool, but it undermines the authority of the executive branch in making important decisions, and it reduces the effectiveness of the executive branch in serving the people.

Mr. THUNE. Mr. Speaker, I rise today in strong support of H.R. 2631. This bill is vital in correcting mistakes that were made in the President's line-item veto of the Military Construction Appropriations Act. I would also like to thank Mr. SKEEN for the introduction of this important resolution and Chairman PACKARD and Chairman HEFLY for their hard work in bringing H.R. 2631 to the floor. Both the National Security and Appropriations Committees worked diligently to provide for the proper defense of our nation with increasingly limited resources. In doing so, the House has made great strides in areas of quality of life, readiness, and military construction to support our Nation's military in spite of the current administration's national security policy.

The line-item veto power that the 104th Congress passed and the President signed is an important tool that, when used correctly, could serve to reduce our Nation's budget deficit. However, when that power is used carelessly, it not only devalues this budget tool, but also the use in the construction bill and the defense appropriations bill demonstrates, it threatens to undermine important national security objectives.
On October 6, 1997, the President struck 38 projects from the Military Construction Appropriations Act for fiscal year 1998. This occasion marked the third time the President exercised the authority granted in the Line-Item Veto Act and the single largest use of that power to date. Of all 72 line-item veto modifications to the bill, 38 projects were vetoed. This became the largest cry of concern from Congress. Failure to override these vetoes could erode the readiness or quality of life of our military personnel.

The concern that has come from Congress does not deal with the concept of the line-item veto. The concern instead stems from the seemingly haphazard manner in which it was applied to this bill. The President identified three new criteria establishing the worthiness of military construction projects that had never been used in the appropriations process.

The first criterion the President established was that the project must be in the President’s budget. Over 85 percent of the canceled projects are actually in the administration’s defense plan and each project was carefully screened by Congress. This criterion also attempts to invalidate Congress’ role in the defense of our Nation. Each year Congress must address shortfalls in the President’s budget for areas such as military housing and National Guard construction. Failure to correct these annual shortfalls could damage the capability of our military forces.

The President’s second criterion was more of a moving target. The second requirement initially was that the program must have completed all design specifications. Congress has historically used a 35 percent design completion criterion for inclusion in the appropriations process. This historical precedent was ignored by the President without consultation with or notification of Congress. When the administration realized appropriations typically include projects that are actually in the administration’s development plan, it is these 38 items which would begin work on the project happen in the same fiscal year as appropriated. Again, the administration erred in judgment. In testimony before the Senate, Chairman Breaux indicated that each of the 38 canceled items could begin work in fiscal year 1998. This further highlights the folly of any of the 38 line-item vetoes.

The final criterion, that the project must impact quality of life, is not only the most ambiguous, but also the most widely ignored. There were few, if any, projects that did not in some way impact the quality of life for our service personnel. Some of the projects were required for training and readiness, others for the operation and maintenance of military equipment, others to formulate dangerous working conditions that existed at military facilities around the Nation.

The President vetoed construction modifications to a dining hall in Montana where the current facility fails State health inspections. A facility at White Sands Missile Range in New Mexico was slated to have renovations completed with funds from the bill. This facility suffers documented safety hazards and is infested with rats. Despite these conditions, the President deleted the renovations from the bill. In my own State of South Dakota, the President vetoed $5 million for an air ambulance squadron of the National Guard. The administration’s actions would leave these helicopters and Guardsmen exposed to the same harsh weather that prompted three successive disaster declarations in the past year. Each of these projects are examples of mistakes caused by the President’s new criteria.

These criteria were not only confusing to the authorizing and appropriating committees, but also to the administration and Pentagon officials who were interpreting them. This became evident when stories appeared in the press— and were later confirmed by the administration—that several projects had been vetoed by mistake. Originally it was believed only a few projects were cut by mistake, but that number quickly grew to over 20. And now the Senate has indicated up to 28 projects were erroneously vetoed. This problem is compounded by the Office of Management and Budget’s inability to provide Congress with an exact accounting of errors that were made.

Should the President choose to reprogram funds this year to cover the mistakes, Government spending would not be reduced. The dollars Congress appropriated to the 38 vetoed items would go toward deficit reduction. At the same time, the President would fund projects with dollars with taken from other worthy projects. Should the President instead decide to make these items a part of the fiscal year 1999 budget, the funds Congress appropriated for these items in fiscal year 1998 would still be spent on deficit reduction. The next, year, we would have to pay for them again. If we wait for the President to take action, the taxpayers would not save a dime. In fact, we run the risk of either taking funds from other valuable national security projects or having to pay for these 38 projects twice.

Congress has a tool to correct these mistakes. That tool is H.R. 2631. This disapproval resolution is not a referendum on the line-item veto. Instead, we are using the process the line-item veto laws provides. If the legislative branch does not agree with the rationale for a veto, it is the body’s obligation to let that be known. The disapproval resolution ensures that Congress maintains an active voice in the appropriations process.

This is a bill that is important for our military forces. Our service men and women support our Nation every day, putting their lives on the line in the defense of our Nation. They do not deserve to work in cramped facilities or to repair aircraft in subzero wind chills. Without this bill, that is what will happen. We need to support our military personnel.

It is important to reiterate that this is not a referendum on the line-item veto law. It is not a referendum on the administration. A vote in favor of H.R. 2631 is however a vote for fiscal common sense and for correcting admitted mistakes. I urge my colleagues to support this resolution and support our Nation’s military personnel.

**Supporting the Corporation for Public Broadcasting**

**SPEECH OF HON. XAVIER BECERRA OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Friday, November 7, 1997**

Mr. BECERRA. Mr. Speaker, I rise today to add my voice to the already loud chorus of Members supporting the $300 million funding level included in this year’s Labor, Health and Human Services and Education appropriation bill for the Corporation for Public Broadcasting (CPB) for fiscal year 2000. This sum represents a $50 million increase over last year, but unfortunately an amount that only partially offsets the consecutive 3-year reduction in recent years.

However, while I am elated that the Congress has once again come to recognize the importance public broadcasting plays in our American life, we have neglected to properly and adequately fund programming dedicated to celebrating our multicultural country. In 1994, CPB committed to creating a formal partnership between the National Minority Public Broadcasting Consortium, television stations and other public broadcasting organizations to achieve this end, included in this effort is CPB’s initiative Diversity 2000. Unfortunately, our goal has not yet been realized.

My sincerest hope is that this year’s additional funding will enable CPB to endeavor toward creating the type of multicultural partnerships envisioned in the 1994 agreement. As its author in this body, I believe that measure sent an immediate signal to Congress has once again come to recognize the importance of the Corporation for Public Broadcasting as a strong advocate for our communities. That recognition must be translated into dollars Congress appropriated to the 38 vetoed items.

Mr. Speaker, a referendum was not placed before the American people on the merits of CPB’s constitutional mission of educational service. At its inception, the Corporation was tasked with the development of educational television and radio, and has received funds from Congress since its creation nearly 40 years ago.

Since then, CPB has used public funds to develop and fund educational television and radio programming available to all Americans. Through its partnership with educational television stations, CPB has fostered educational opportunities for all Americans.

But since 1994, CPB’s funding has been drastically reduced, and the Corporation has been forced to cut programming that has been a cornerstone of its mission. Today, the Corporation needs assistance in order to continue to play a vital role in providing educational programming to all communities, particularly our communities of color.

Congress has an opportunity to correct these annual shortfalls and protect a vital national asset. I urge my colleagues to support this legislation today.

**Iran Missile Proliferation Sanctions Act of 1997**

**SPEECH OF HON. JANE HARMAN OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Wednesday, November 12, 1997**

Ms. HARMAN. Mr. Speaker, I am pleased that last evening H.R. 2709, the Iran Missile Proliferation Sanctions Act of 1997 introduced by my colleagues Mr. GILMAN and Mr. BERNSTEIN, passed on the consent calendar. This legislation addresses a severely destabilizing threat to peace and security, proliferation of weapons of mass destruction to proliferators, to countries like Iran, and develops, in support of a Resolution urging the Administration to impose sanctions on Russian entities proliferation to Iran. As its author in this body, I believe that measure sent an immediate signal that continued cooperation between Russian entities and Iran in ballistic missile technology would not be tolerated.

This legislation does more. It adds a requirement that the President submit periodic reports to Congress identifying the entities providing Iran with missile technology. In so doing, the bill incorporates an uncontroversial basis for imposing sanctions.

H.R. 2709 also allows the President to waive sanctions if he determines that doing so is essential to U.S. national security. Thus, this legislation is the logical next step to the resolution adopted by both houses of
Congress last week. Where the first measure urged the Administration to consider sanctions, this bill specifies parameters for doing so.

Mr. Speaker, credible estimates indicate that Iran may be only one year away from fielding a missile of 800 mile range, the so-called Shahab-3, and less than three years away from a missile of 1,240 miles range, the Shahab-4. Even more troubling, these missiles could be armed with chemical, biological, or nuclear weapons—capable of wreaking mass destruction on wide areas.

If we thought Iraqi SCUD missiles posed a danger during the Persian Gulf war of 1991, we must show even greater concern regarding this new threat from Iran. We must use all the tools at our disposal to prevent it—and sanctions are one such tool. I commend my colleagues for authoring this legislation.

**HUMAN RIGHTS ISSUES IN NORTHERN IRELAND**

**HON. CHRISTOPHER H. SMITH**

**OF NEW JERSEY**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, November 13, 1997**

Mr. SMITH of New Jersey. Mr. Speaker, as everyone is aware, the British and Irish Governments face an unprecedented opportunity to achieve real peace in Northern Ireland. For the first time since the partition of Ireland in 1922, all parties are participating in peace talks while a cease-fire is in effect.

The Subcommittee on International Operations and Human Rights, which I chair, has held hearings on human rights abuses in Northern Ireland and on the prospects for improved human rights conditions as part of the current peace talks. At our hearings, international and American human rights experts, as well as victims and relatives of victims, provided compelling and eye-opening testimony about human rights abuses, the disregard for the rule of law, and the personal tragedies people in Northern Ireland have endured. All of our witnesses welcomed the interest and support of the U.S. Government and affirmed that American standards and ideals are critical to the success of the process.

After the first hearing, I led a human rights, peace mission to the north of Ireland. I met with leaders from political parties on all sides of the conflict and with key officials in the Government, including Secretary of State Mo Mowlam. I was pleased by Secretary Mowlam’s intimate understanding of the human rights concerns and remain hopeful that human rights protections will be afforded to members of all communities in Northern Ireland.

While optimistic, I remain cautiously optimistic.

Unfortunately, not even the best of intentions guarantee that the final agreement will genuinely protect human rights. In peace processes around the world, most recently in Bosnia, and Guatemala, we have seen that the atmosphere at these negotiations, the pressure to get an agreement, and the reluctance to reopen old wounds can have the unfortunate side effect of making human rights an afterthought rather than a central element to the agreement.

I submit for the RECORD today, Mr. Speaker, my bill as amended, House Concurrent Resolution 152 which condemns violence and urges the participants of the multiparty talks in Northern Ireland to fully integrate internationally recognized human rights standards as part of the peace process. This resolution, which has broad bipartisan support and has been endorsed by the Government Relations Committee, puts Congress on record supporting human rights reforms in Northern Ireland. The text of the resolution is a culmination of information gathered on the trip and at the hearings. It identifies abuses and problems with the current human rights conditions and threats to human rights and building a lasting peace in Northern Ireland.

In addition to condemning the violent crimes of paramilitary groups on both sides of the conflict, House Concurrent Resolution 152 addresses the failures of the British Government. Notwithstanding the abuses perpetrated by partisan paramilitary forces, or by the police for that matter, we must remember that the central responsibility for protecting rights and maintaining the rule of law belongs to the Government—which in this case, at this particular time, is the British Government. When governments resort to methods that are illegal, unjust, or inhumane, even when these methods are seemingly directed against the guilty or the dangerous, the effect is not to preserve law and order but to destroy it.

It is particularly saddening that the British Government, America’s trusted ally, is the object of serious and credible charges of disrespect for the rule of law in the north of Ireland. All of the human rights organizations, Amnesty International, Lawyers Committee for Human Rights, Human Rights Watch have been particularly critical of pervasive restrictions on the due process of law in Northern Ireland and they have testified that law enforcement officials of the United Kingdom, members of the Royal Ulster Constabulary, tolerate, and even perpetrate some of the gross abuses that have taken place in the north of Ireland.

Under emergency legislation applicable only to Northern Ireland, police have expansive powers to arrest and detain suspects and to search premises without a warrant. In addition, the Government can suspend the right to trial by jury—the much maligned Diplock Courts System—and the universally recognized right to be preserved from self-incrimination has been abridged.

It seems to me that the power to arbitrarily arrest, detain, intimidate; the power to deny timely and appropriate legal counsel; and the power to compel self-incrimination is an abuse of power normally associated with our adversaries, Mr. Speaker, not our allies.

Thus the resolution is a wake up call to our friends. Friends don’t let friends abuse human rights.

Witness after witness at our hearings expressed a fear that as political issues are addressed, universal human rights such as the right to silence, the right to jury trial, the right to attorneys, and the right to work free of discrimination, just to name a few, will be neglected.

My resolution, which has broad bipartisan support, notifies negotiators in Belfast that the U.S. Congress believes that there must be recognition of human rights abuses if genuine peace is to be achieved. The resolution condemns political violence and recommends:

- The establishment of a bill of rights for all citizens of the North;
- A "Truth Commission", with international input, to investigate outstanding human rights abuses;
- The repeal of the so-called “emergency legislation” which has limited human rights in Northern Ireland for over 25 years;
- The establishment of an independent complaints mechanism for citizen inquiries regarding the Royal Ulster Constabulary (RUC) and other security forces; and
- A ban on plastic bullets.

Mr. Speaker, House Concurrent Resolution 152 has been reviewed and endorsed by the major human rights groups, such as Amnesty International, Human Rights Watch, British Irish Rights Watch, the Committee on the Administration of Justice, and the Lawyers Committee for Human Rights. In addition, the Irish National Caucus, the Ancient Order of Hibernians, and the Hibernian Civil Rights Coalition have all urged swift passage of this Northern Ireland Human Rights Resolution.

We have an obligation to do all that we can to ensure that this historic opportunity for the permanent and establishment of human rights for everyone in Northern Ireland is not squandered. I have been advised by leadership staff that when Congress reconvenes in January, we will look to move House Concurrent Resolution 152. In the meantime, it is my sincerest hope that negotiators in Northern Ireland will heed our call for addressing outstanding human rights violations and fully integrating human rights standards as part of the peace process. Without a strong human rights foundation, it is unlikely that any proposed peace settlement will be just or lasting.

I ask that House Concurrent Resolution 152, as amended, a list of current cosponsors, and a fact sheet of comments made by human rights groups about the resolution be made part of the RECORD.

**HUMAN RIGHTS GROUPS ENDORSE H. CON. RES. 152**

Amnesty International, Human Rights Watch, British Irish Rights Watch, Committee on the Administration of Justice, Lawyers Committee for Human Rights and others, have passed the Northern Ireland Human Rights Resolution.

"Human Rights Watch fully supports the resolution now being considered for passage by the Congress regarding human rights in the Northern Ireland peace process. The resolution rightly recognizes the gravity of past violations and the role that such abuses have played in perpetuating the conflict. ... the resolution is a signal that Congress is eager to prevent the same lack of attention to human rights issues which has doomed other peace processes and may threaten the success of the Northern Ireland peace process if action is not taken now. ... We heartily endorse the resolution."—Human Rights Watch

"Amnesty International welcomes the resolution proposed by the Congress which situates the centrality of human rights within the peace process and raises a number of key concerns which are in line with many of our own concerns. The recommendations [in the resolution], if acted upon, would make a significant contribution towards developing a lasting peace in Northern Ireland."—Amnesty International

"We very much welcome this resolution. If the first document of its kind to be passed by Congress, it is hopefully the start of a kind that we have seen that does acknowledge the role that human rights must play in the Northern Ireland peace process. The individual issues that arise are all too much of burning concern to the people of Northern Ireland."—British Irish Rights Watch
"Any effort by Congress to raise these [human rights] issues is particularly wel-
come and deserves widespread support. In
that regard, the initiative taken by Chair-
man SADLER, supported by others, should
be raised with the British and Irish govern-
ments, Senator Mitchell, and with the U.S. ad-
mistration... We look to the resolution re-
cognizing human rights and the establishment of a mecha-
ism for independent investigations of threats and
from the political parties and chaired by
former United States Senator George Mitch-
ell, resumed on September 15, 1997;
Whereas the objectives of the United
States, which has contributed to the Inter-
national Peace Process; and
Whereas the government authorities have
failed to provide an effective means of inde-
dependent ‘‘Truth Commission’’, with
international input, to look into outstanding
cases of human rights abuses committed by
all sides of the conflict, giving special con-
consideration to those who have been unable to
obtain full disclosure about how their lives
may not be diminished.

Whereas approximately 3,000 people have
died and thousands more have been injured as
a result of human rights abuses in Northern
Ireland since 1969;
Whereas the denial of human rights has
been at the heart of the violence and the
conflict in Northern Ireland;
Whereas the Department of State's Coun-
try Reports on Human Rights Practices for
1996 states that both Republican and Loyal-
ist paramilitary groups have engaged in vigi-
lent punishment attacks and the exile of in-
formers by force;
Whereas the Department of State's Coun-
try Reports on Human Rights Practices for
1996 also states that members of the Royal
Ulster Constabulary (RUC), Northern Ire-
land’s police force, have committed human
rights abuses;
Whereas there is a lack of human rights
complaints mechanisms in Northern Ireland
that appear sectarian;
Whereas Catholic males are more than
twice as likely as Protestant males to be un-
employed, and a series of important propos-
als concerning employment equality await
serious attention by the government;
Whereas the 1985 Anglo-Irish Agreement,
the Good Friday Agreement (1998), and the (1998)
Framework Document were signed by the
British and Irish Governments and have led to
the multi-party peace talks aimed at facilitat-
ing justice, peace, stability, and an end to vi-
olence in Northern Ireland;
Whereas the multi-party talks, attended by
the representatives of the British and Irish
Governmental authorities, rejected the
principles, signed by all participants, rejecting
the multiparty negotiations should
be expedite through inclusive talks;
the Congress commends and supports
the process, Senator Mitchell, and with the U.S.
administration... We look to the resolution recog-
nized human rights and the establishment of a mecha-
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honors raised serious concerns about
Human Rights and the United States Depart-
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camera access. In his words, "** our opportunities to educate the public about the nature of our work are greatly enhanced by tele-
vision. Given the technological advances of video equipment and satellite communications, we now have the emergence of Court TV. ** we long ago established the principle of open courtrooms with trials in full public view. Cameras are simply the logical progression of the tradition. If we are truly sincere about our efforts and desire to make the public more aware about the work and role of our courts, cameras must be a part of the process."

Mr. Speaker, this Congress must commit itself to passing H.R. 1280 into law next session. Parts of this important legislation have already moved through Subcommittee, and I will be working hard to ensure that the bill continues to move forward, either as part of other legislation or as a stand alone bill. I con-
tinue to believe, along with many of my distin-
guished colleagues from both sides of the aisle, that cameras in Federal courts is key to the judicial branch being accountable and ac-
cessible to the American public.

The Sunshine in the Courtroom Act works to keep the American people informed about their Government, a government supported by their tax dollars. It is time to bring sunshine into our Federal courts. We have waited long enough.

THE SOCIAL SECURITY BENEFIT RESTORATION ACT

HON. MAX SANDLIN
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. SANDLIN. Mr. Speaker, I rise today to introduce legislation addressing a serious issue for retired teachers and government em-
ployees across America. These public serv-
ants, after a lifetime of educating our youth and working for the taxpayers of America, find that their reward is a significant reduction in their Social Security benefits. It is time to end this penalty and give these retirees the bene-
fits they are due.

Retirees drawing a benefit from a private pension fund do not have their Social Security benefits reduced. Why should we do this to civil servants? We should be encouraging able and intelligent people to teach our children and work for the government, not discouraging them by slashing their retirement benefits. We must bring equity to the Social Security bene-
fits of private sector and public sector retirees.

This legislation, the Social Security Benefit Restoration Act, will bring this equity to retire-
ment benefits. This bill will simply eliminate the public sector benefit penalty enacted in 1983 and allow all civil servants to draw full Social Security benefits.

I urge my colleagues to join me in cospon-
soring this legislation. For every retired gov-
ernment employee and retired teacher in your district experiencing reduced Social Security benefits, I urge your support for this bill.

20TH ANNIVERSARY OF LATINO YOUTH DEVELOPMENT, INC.

HON. ROSA L. DELAURO
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Ms. DeLAURO. Mr. Speaker, it is my great pleasure to recognize the 20th anniversary of Latino Youth Development [LYD], Inc., on Fri-
day, November 21, 1997. That evening, LYD is celebrating this milestone with a special dinner in New Haven, CT.

LYD began in 1977 as a small youth pro-
cram called Puerto Rican Youth Services. Now, 20 years later, LYD is widely considered the premier organization serving Latino youth in the city of New Haven. Latino Youth Development, Inc. plays a unique role in the New Haven community by reaching out to and serving as a support sys-
lem for Latino youth and their families. LYD provides educational, social, cultural, and rec-
reational programs to the Latino community in New Haven.

I come from a family of immigrants. I am a first generation Italian on my father's side and a second generation Italian on my mother's side. So, I have some personal experience with the challenges immigrants face in this country. The barriers of language and the prej-
udices of some members of the community can be discouraging to someone just trying to find a way to raise a family and make ends meet. I wholeheartedly support efforts to assist and support working families, and I find the ef-
forts of LYD to provide educational and em-
ployment opportunities to the Latino commu-
nity particularly commendable.

I would also like to personally commend the four individuals being honored at the LYD din-
ner: Andrea Jackson-Brooks, a longtime mem-
er and personal friend; Dennis Hart, director of the organization for 7 years; Judith Baldwin, who has been instrumental in assisting the agency in adult programming; and Alderman Jorge Perez, who represents the Hill area of New Haven.

I share LYD's goal of seeing Latino mem-
bers of our community prosper and become produc-
tive citizens of our community, able to assist others in positive development. I con-
gratulate LYD on its 20th anniversary and I wish its members the best of luck in all their future endeavors.

ON LIFTING THE ENCRYPTION EXPORT BAN

HON. ADAM SMITH
OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. ADAM SMITH of Washington. Mr. Speaker, I rise today to speak about an issue that is very important to me—lifting unfair ex-
port controls on encryption technology.
Mr. Speaker, protecting our National Security interests is among my highest priorities. If I thought controlling encryption exports worked toward this end, I would be its strongest proponent. Unfortunately, export controls on encryption software simply disadvantage the United States software industry.

Under current law the United States allows only 40 bit encryption codes to be exported, although software companies sell encryption codes of up to 128 bits everywhere in the United States. Forty bit encryption technology is so elementary, it took a graduate student a mere 3½ hours to break a code last January. Fifty-six bit encryption is 65,000 times more difficult to decode than 10 bit encryption and it only took students three months to break the encryption code. One hundred twenty eight bit encryption has not been broken yet.

Naturally, foreign companies do not want to buy 40 bit encryption software, because it is so vulnerable and insecure. The possibilities for "computer hackers" to break into the system and wreak havoc are enormous and dangerous. Therefore, foreign companies are purchasing encryption from foreign software providers instead of American ones.

The international demand for encryption software is growing exponentially because of the tremendous rise in electronic commerce. For instance, German Economics Minister, Guenther Rexrodt, said, "Users can only protect themselves against data manipulated, destroyed, or spied on by strong encryption procedures ***. That is why we have to use all of our powers to promote such procedures instead of blocking them."

Our country has not kept the technology from proliferating. It has merely allowed foreign producers of strong encryption technology to fill the vacuum. In fact, American companies are partnering with foreign firms to distribute their software—taking jobs and revenue with them.

American-owned Sun Computers has recently joined with a Russian software company to avoid the U.S. export ban and sell to foreign markets. Foreign companies can also purchase American-produced 40 bit encryption technology and use it in their own countries to 128 bit encryption technology. This "add-on" industry is among the fastest growing software industries in Europe today. Clearly, if someone wants high-level encryption technology, he or she can easily obtain it.

The ability to obtain both powerful and affordable encryption will now become easier with recent developments in Canada. The Canadian Government includes encryption software in decontrolling mass market software under the Generic Software Note. This means any software, whether "add-on," must be on the phone may be exported without limits. Entrust, a Canadian software company, is freely marketing and selling internationally a 128 bit encryption program right now. It sells for less than $50, and Entrust provides a version of the encryption technology free on the Internet. Everyone can only help stem the overwhelming demand and spread of unbreakable encryption.

Mr. Speaker, if the United States continues to impose these restrictive export bans on its own companies to break a code last January, unbreakable encryption could emerge at a level significant enough to damage the present U.S. world leadership in the software industry, according to the National Research Council's blue-ribbon panel on encryption policy. If our export ban continues, the United States will not be the worldwide leader on encryption technology for long, and that would be a true risk to our national security.

I strongly oppose any unilateral sanctions or regulations that put the United States at an unnecessary disadvantage. Our current export ban on encryption software is a perfect example, and I intend to continue the fight to change our policy and allow the United States to compete in the global software market.
THE RETIREMENT OF DEAN SMITH

HON. DAVID E. PRICE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. PRICE of North Carolina. Mr. Speaker, in March I stood before the House to honor Dean Smith for winning more games than any other coach in the history of college basketball. I stand again today to honor him in his retirement.

In his 36 years of coaching at the University of North Carolina, he has stressed academics and winning the right way. He has demanded that the game be played well. He is a teacher. And he has always given back to our community. I first knew him in my student days in the 1960’s as an active churchman and champion of racial justice. Throughout his career, he has remained humble in the face of overwhelming achievement—always sharing the credit with others and vigorously staying clear of the spotlight. It is with great pride that I rise today to shine that spotlight on the accomplishments of a remarkable man.

Dean Smith is a monument to coaching excellence: 879 victories, 2 national championships, 11 trips to the Final Four, 27 straight 20-victory seasons. At North Carolina, he has coached 30 All-Americans. However, his excellence goes beyond this impressive record. He enjoys the loyalty of fans and the devotion of his players. Michael Jordan thinks of his former coach as “a second father.” Indeed, Smith is the patriarch of an extended basketball family. In the weeks since his retirement, members of that family—the former players Smith touched and the fans to whom Smith brought so much joy—have been struck by mixed emotions.

We support his decision and wish him happiness in his retirement. Yet part of us wants him to stay forever. Hand-made signs hang in the storefronts and dorms of Chapel Hill begging Smith not to go. He is a legend that has the storefronts and dorms of Chapel Hill begging him to stay forever. Hand-made signs hang in the storefronts and dorms of Chapel Hill begging him to stay forever. Hand-made signs hang in the storefronts and dorms of Chapel Hill begging him to stay forever. Hand-made signs hang in the storefronts and dorms of Chapel Hill begging him to stay forever. Hand-made signs hang in the storefronts and dorms of Chapel Hill begging him to stay forever.

In the research and treatment of cancer, City of Hope is one of many along his career. We have all benefitted from Dr. Einhorn’s research, commitment and accomplishments in the fight against cancer. I am pleased to congratulate him on his most recent honor, as his professional peers have also recognized his contribution in the world in concert with his knowledge throughout America and the world. Not only has he accepted the highest honors from the American Association for Cancer Research and the American Society of Clinical Oncology, he also won the French Jacquillat Award.

We have all benefited from Dr. Einhorn’s research, commitment and accomplishments in the fight against cancer. I am pleased to congratulate him on his most recent honor, as his professional peers have also recognized his contribution in the world in concert with his knowledge throughout America and the world. Not only has he accepted the highest honors from the American Association for Cancer Research and the American Society of Clinical Oncology, he also won the French Jacquillat Award.

We are most proud of Dr. Einhorn and his successful endeavors in behalf of patients now and in the future.

F. JERRY F. COSTELLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. COSTELLO. Mr. Speaker, I am pleased that President Clinton and Speaker Gingrich have decided not to ask for a vote on fast track trade authority in 1997. I strongly opposed fast track authority. Fast track paves the way for trade agreements which would continue a disturbing trend in America: we used to make products in this country and export these superior goods abroad; but now, American companies use foreign labor in foreign countries to make the products they sell here. This legislation fails to address human rights, food safety, environmental regulations, or protect American workers. This, Mr. Speaker, is the worst kind of public policy.

Presumably, one of the main reasons for fast track authority is to expand the North American Free Trade Agreement (NAFTA). After 3 years, NAFTA has cost hundreds of thousands of American jobs and failed to improve environmental conditions along the Mexican border. I did not support NAFTA then, and I will not support expanding it now.

In light of recent cases of contaminated strawberries, raspberries, and beef, consumers are growing more concerned with the safety of the food we eat. Food-borne illness is on the rise around the world in part because of the globalization of the labor force. Imported food is over three times more likely to be contaminated with illegal pesticide residues than food grown in the United States. Stronger proconsumer language in any fast track legislation would correct this oversight, however, the provisions of the proposed fast track authority would have greatly restricted the United States’ ability to protect the public from unsafe food.

I believe that trade agreements should be subject to moral and ethical standards. There are 1.3 billion people around the world living on less than $1 a day. The proposed fast track legislation did not include provisions to reduce child labor or decrease poverty and inequity throughout the developing world. U.S. trade policies and negotiations should seek to change this reality.

This proposal also failed to address necessary environmental standards. Since the passage of NAFTA, the degradation of the environment along our border with Mexico has escalated. By not requiring other nations to increase their environmental standards, we are putting American products, which are subject to stronger environmental rules, at a disadvantage in the competitive marketplace.

Labor rights have been a primary U.S. trade negotiating objectives since the 1988 Omnibus Trade Act. Unfortunately, this proposal provided absolutely no protection for American workers. NAFTA resulted in a loss of almost 17,000 jobs in Illinois and 420,000 jobs nationwide. Workers have reduced bargaining power under this agreement as employers use threats of moving jobs to lower wage-paying nations in order to lower worker contract demands. Unlike fast track authority that has existed in the past, this fast track proposal actually limited the labor provisions a trade agreement can address. There is no doubt about it: this proposal would have hurt American workers.

HON. RON PACKARD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. PACKARD. Mr. Speaker, I rise today in support of an important initiative being developed by City of Hope National Medical Center in Duarte, CA. A nationally recognized leader in the research and treatment of cancer, City of Hope proposes to implement a demonstration of a combined Bone Marrow Transplantation/Radioimmunotherapy (BMT/RI) research and treatment program, dedicated to maximizing the effectiveness of BMT/RI therapy in curing cancer.
Today, one of the most effective treatments in the fight against cancer is Bone Marrow Transplantation. In the United States today, approximately 25,000 patients receive bone marrow transplants as curative treatment for diseases such as lymphoma, leukemia, breast cancer and ovarian cancer. That figure is expected to increase by 30 percent annually, as physicians and researchers learn more about how these debilitating and fatal diseases can be cured with aggressive transplant therapy. In addition, BMT therapy is also being actively explored as a means of conferring resistance to fatal viral infections, including HIV, and also for the amelioration of chronic disorders of the immune system such as multiple sclerosis.

The City of Hope National Medical Center and Beckman Research Institute is one of the advanced BMT and stem cell treatment and research centers in the world. Presently, City of Hope is the largest provider of BMT services in California, as well as the largest provider of BMT services to Hispanic Americans in the United States. Innovative research and development at City of Hope led to recent improvements in BMT technology which have resulted in a dramatic shift of therapy from the inpatient to the outpatient setting. This shift has produced significant savings in the cost of health care services and has increased patient access to this lifesaving technology. Complementing its BMT program, City of Hope has the premier Radio-immunotherapy program in the nation. The design, synthesis and production of reagent grade radio labelled smaller antibodies used in initial clinical trials have successfully demonstrated improved efficacy in targeting tumor cells. These synthetic molecules are now ready to be used to selectively deliver deadly radioactivity to cancer cells throughout the body with low toxicity as part of curative bone marrow transplantation.

The development of curative BMT/RI therapy is expected to lead to clear increases in cancer survivability rates and is expected to greatly reduce the pain experienced by cancer patients while tempering the often severe side effects of current therapy. Because the majority of BMT/RI therapy will be rendered in an outpatient setting, its development is consistent with the goal of achieving meaningful medical breakthroughs without a concomitant exorbitant cost.

Mr. Speaker, I commend the efforts of City of Hope National Medical Center to develop this cutting edge treatment for cancer patients and pledge to support their efforts to win Federal funding for this critical demonstration when Congress returns in January. It is my firm belief that such an investment would demonstrate critical support by the Federal Government for a much needed and valuable research and treatment program that could have a curative effect on many forms of cancer which affect American lives daily.

HONORING RUTH CALVERT FITZGERALD
HON. JERRY WELLER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor Ruth Calvert FitzGerald, the president and CEO of the Will County Chamber of Commerce in Joliet, Illinois as she resigns from her position of twelve years. Ruth is relocating to California with her husband, Joe, in pursuit of her passion to design jewelry.

Ruth made a decision in 1985 to leave her position in Spartanburg, South Carolina to take on the task of rebuilding a badly damaged BMT program in Will County, Illinois. Ruth has an uncanny ability to forge relationships with people, setting the foundation on which to build the alliance and networks necessary for progress. Solidifying a ring of support from local government officials, community leaders, and other Will County residents, Ruth engineered an economic recovery program which serves as a model for any community working to rebuild. Ruth has stressed the Joliet and Will County communities away from impending economic destruction to become what is now the fastest growing county in Illinois.

With Ruth at the helm, Will County has seen 1000 new businesses locate in Will County. In addition, 300 existing companies have expanded their operations, creating a net increase of 45,000 new jobs. Under Ruth’s leadership, the Will County Center for Economic Development has positioned itself as a major force both locally and nationally. Overseeing the largest privately funded economic development program over attempted in Illinois, Ruth has amassed quite a list of highlights for the Will County CED. While being named one of our nations top ten economic development groups by the Industrial Development Research Council, the Will County CED engineered efforts to pass local school referenda, launched a global marketing campaign, created Will County’s first comprehensive shelter for the homeless, and created the Will County Chamber of Commerce as a vehicle to impact public policy.

Our community is dearly indebted to Ruth and will benefit from her hard work and successes for many generations. Mr. Speaker, today I honor Ruth for her vision to believe in our community when many turned their backs, her ability to take an idea from conception to completion and most certainly for the honorable way in which she has conducted herself. I wish Ruth and her family all the best life can provide as she begins another chapter in her success story. Laguna Niguel, California is gaining a tremendous servant.

THE DEATH TAX RELIEF ACT
HON. MAX SANDLIN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. SANDLIN. Mr. Speaker, I rise today to introduce legislation that will improve the prospects of every family owned and operated farm, ranch, and business in America. These small family farms and businesses are the backbone of the American economy, and the estate tax, often called the death tax, threatens their continued existence. It is time to end this tax—and my bill does just that.

The U.S. Department of Agriculture estimates that farmers’ and ranchers’ estates are six times more likely to face estate taxes than family estates in other industries. The Internal Revenue Service provides the 19 counties of the First Congressional District, evidence of the accuracy of this estimation pours forth. At nearly every stop I make, I hear horror stories from family members who were forced to sell all or part of the family farm just to pay estate taxes.

The death tax represents 1 percent of the Federal tax revenues. However, the impact to the taxpayers is far from insignificant. Not only does this punitive tax cause financial problems for families who are forced to sell property that has been in the family for generations or businesses built over a lifetime, but also local economies feel the impact as jobs disappear and businesses close. Clearly, the social and economic costs of the estate tax far outweigh the revenue it provides for the Federal Government.

The time has come to end this ill conceived tax. The tax that was originally intended to break up huge family estates now inhibits the passage of 70 percent of family businesses from one generation to the next. We took meaningful steps to reduce the burden of death taxes on family farms and small businesses this year in the Taxpayer Relief Act. The next step is to completely eliminate it and free families from this burden forever.

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. SANDLIN. Mr. Speaker, I rise today to honor the legacy of Ernie Anderson, a beloved television personality in the city of Cleveland. During the 1960’s, Ghoulardi, a character created by Anderson, hosted Friday night horror movies on Cleveland’s Channel 8. The Friday night movie immediately succeeded and regularly drew a larger audience than Johnny Carson and Steve Allen combined. Ghoulardi also became a cult figure in Cleveland by entertaining thousands of people every week. Through mocking grade-Z horror movies and injecting himself onto the screen to shout at characters and join in the action, Ernie Anderson created a legacy of quality entertainment and humor that television personalities still strive to uphold today.

Ernie Anderson eventually moved to California, where he gained national recognition as the man with the golden throat. After acting and performing a comedy routine with Tim Conway, Ernie became ABC’s network announcer. During his time with ABC, Ernie’s credits ranged from “The Love Boat” to “Roots” and “The Winds of War.”

Throughout the years, Ernie Anderson’s distinctive and trailblazing style of entertainment brought joy and happiness to millions of individuals across the country. My fellow colleagues, please join me in remembering Ernie Anderson.

RECOGNITION OF JIMMY K. MELVER AS NORTHEAST EL PASOAN OF THE YEAR FOR 1996
HON. SILVESTRE REYES
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. REYES. Mr. Speaker, I am pleased to recognize Jimmy K. Melver as the Northeast
El Pasoan of the Year for 1996. Jimmy has served El Paso with unmatched dedication and desire while asking for nothing in return.

Jimmy is the current Chairman of the Board of the American Heart Association and was the past Development Chairman and Outstanding Regional Volunteer of the Year for West Texas. He has served the Boy Scouts of America for more than 28 years and is the current Chairman of the Troop Committee of Troop 222.

Jimmy has been a member of the Highland Presbyterian Church for more than 35 years. He currently serves the church in his capacity as co-music leader for Sunday School and Chairman of the 40th Anniversary celebration. He currently sits on the Board of Directors of the Northgate Optimist Club. His involvement in the community includes service to Andress High School as the past President of the Band Booster Club. He is also a Life Member of the Texas Parent Teacher Association.

I would like to thank Jimmy Melver for his years of dedication and service to El Paso. We can all learn a great deal from Jimmy and the service he has made to improve his community. He is typical of what El Paso has become known for in the Southwest, individuals that work long, hard, and unsellish hours on behalf of this community for no other reason than to create a community where everyone can feel welcome. He shines as bright as the star on our mountain.

TRIBUTE TO JUDGE IRVIN B. BOOKER

HON. DONALD M. PAYNE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. PAYNE. Mr. Speaker, I rise to pay tribute to an outstanding member of the Newark community on the occasion of his retirement after a long and distinguished judicial career, the Honorable Irvin B. Booker.

Judge Booker has contributed over two decades of service to our community. Appointed to the Newark Court in 1970, he served as presiding judge of the Newark Municipal Court from 1974 through 1980. He was then elevated by the Governor of the New Jersey to the position of Judge of the Essex County Juvenile and Domestic Relations Court. Most recently, he sat on the Superior Court of New Jersey, assigned to the Family Court part of Essex County.

Not only has Judge Booker gained great respect for his professional accomplishments, he has also won the admiration and gratitude of the community for his tireless volunteer work. Judge Booker, affectionately known as “Butch” by his close friends, is noted for his vision and creative ideas to benefit the community. Always thinking of ways to improve the community or to stimulate citizens’ awareness, he has been considered a fair, thoughtful, and even-handed judge. Judge Booker has increased the awareness of the judiciary by hosting an annual Black History Month program at the County Courts Building, which has continued to grow in size and stature.

He has also participated in the Celebrity Read Program for Newark Elementary School Students; an active supporter of Senior Citizens events for the James C. White Senior Citizen Complex; an organizer of Education Encouragement Day for the city of Newark; an advisor and Pro Bono Incorporating Attorney for New Community Corporation, which meets numerous needs in our community; an organizing member of the First Crispus Attucks Day Parade; a Founder and Coordinator of the Life Experience and Achievement Program; and a supporter of the Weequahic High School and Chancellor Annex Father’s Club.

He was also a founding member of the Bar-Sisters of New Jersey, the Concerned Legal Associates, and the Garden State Bar. Other professional affiliations include membership in: the American Bar Association, the New Jersey State Bar Association, the National Bar Association, the Essex County Bar Association, the Essex County Municipal Court Judges Association, the Criminal Justice Coordinating Counsel, the Seton Hall Moot Court-Visiting Instructor, the Legal Advisory Committee of Montclair State College, the New Jersey Supreme Court Committee on Municipal Courts, the Advisory Board of the New Jersey Center for Law and Related Education, and the National Council for Judicial Planning.

Mr. Speaker, I know my colleagues join me in offering congratulations and best wishes for the future to Judge Booker.

TRIBUTE TO LAWRENCE PERNICK

HON. SANDER M. LEVIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. LEVIN. Mr. Speaker, as we on the Federal legislative level finish our work on the floor for this year, I want to pay tribute to Lawrence Pernick, an outstanding legislator on the local level for 27 years.

Until his untimely and sudden death on November 6, Larry Pernick embodied the best in public service. While the Oakland County Board was supposed to be an avocation, Larry Pernick viewed his service as a county commissioner to be a vital part of his role in life.

It was marked by outstanding work, his sense of camaraderie beyond party lines, and his sense of human about his work.

There was little publicity about his valuable public efforts, but that never bothered Larry Pernick. He valued the respect of his colleagues and the integrity of his labors more than the beam of publicity. Good work was its own reward, not the limelight.

So he will be sorely missed, by colleagues, also by his long-time friends, and most of all by his loved and loving family, his wife of 48 years, Anne, his children, and his grandchildren.

THE 65TH ANNIVERSARY OF MORNING STAR MISSIONARY BAPTIST CHURCH

HON. CHARLES E. SCHUMER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. SCHUMER. Mr. Speaker, I’d like to offer my heartfelt congratulations to the congregation of the Morning Star Missionary Baptist Church and its pastor, the Reverend Dr. Charles E. Betts, Sr., for celebrating the 61st anniversary of the church.

Morning Star has provided spiritual guidance to thousands and has made a tremendous contribution to the community. I have been fortunate enough to visit Morning Star and to meet with Reverend Betts on many occasions, and I can attest to his dedication to children and to the community he serves. In a neighborhood which desperately needs people who care and who want honesty, fairness, and justice for those who live there, it is a true testament to Reverend Betts and to Morning Star Missionary Baptist Church that they have become the shining star of their community. Congratulations.

STUPAK & BERGMAN PC
HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. STUPAK. Mr. Speaker, I would like to call attention to a business development in Escanaba, a shore community in the 1st Congressional District of Michigan. In that city on December 13, my brother Frank Stupak and his long-time law partner, John Bergman, will dedicate their new business location, a new building on the waterfront in downtown Escanaba, next to the historic House of Ludington.

In December Frank will also mark his 25th year as an attorney, a quarter century of service to northern Michigan.

Frank began his legal career after graduating from the University of Toledo law school in 1972. He began with the firm of Hansley, Neiman, Peterson and Beauchamp PC, and later went into partnership with John Bergman.

Frank’s first year of practice, which included prosecuting cases for the city of Escanaba, coincided with my first year as a law enforcement officer in Escanaba. I would arrest people and Frank would prosecute them. We were an unbeatable team.

Before I was elected to the Michigan House of Representatives in 1988, I was a partner with Frank and John and worked out of their office in Escanaba and used to drive up to Marquette.

Frank had been the oldest brother in our large family, and we always looked up to him. Now, as a law partner I got to see first-hand his professional commitment.

I’ve watched my brother consistently handle some of the most important cases in northern Michigan. To those who ask how he has managed to land such good legal work, his standard answer is, “because I’ve worked hard on every case for 25 years.”

Mr. Speaker, today I wish the best for Frank; his wife Penny; his daughter Stefanie, a family services counselor and youth activities coordinator; and his son Trent, a student in pre-law at Michigan State University. I know that Frank hopes one day his son will follow him in service to northern Michigan. I also offer my congratulations to John, his wife Mary and his son John, a high school student. Good luck, too, to Martin Fittante, a junior associate at the firm of Stupak & Bergman PC.

I’m proud to have been part of their firm, and I continue to feel pride when we hear the respect with which people regard the quality of service the firm provides. In fact, the quality of the representation of that firm has only been a benefit to my political aspiration.
A SALUTE TO MICHAEL K. SIMPSON, PRESIDENT OF UTICA COLLEGE

HON. SHERWOOD L. BOEHLERT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. BOEHLERT. Mr. Speaker, I rise to extend my congratulations to my great friend, Michael K. Simpson, who will be retiring as the president of Utica College of Syracuse University this January to become the president of the American University in Paris.

Dr. Simpson has had a most distinguished career as both an academic and community leader. His contributions to Utica College and the surrounding community are countless. Throughout his very rich and rewarding life, President Simpson has never hesitated to share his time and abilities with the people of the Mohawk Valley. His contributions to the United Way of Greater Utica, the Oneida County School-Business Alliance, the Health and Hospital Council of the Mohawk Valley, and the Boy Scouts of America, among many others, exemplify a commitment to our community second to none.

But it is Utica College, my alma mater, that has benefited most notably from Mike’s creativity, leadership and intellectual firepower. Mike’s academic credentials are of the highest order. He holds degrees in international relations, business, law and diplomacy and has his doctorate in international politics from the Fletcher School at Tufts University. He has imparted his knowledge and love of international politics, diplomacy and economics for the past 21 years at Utica College and through the many study abroad programs that he has directed. He has been an inspiration to several generations of students.

As president, Mike has been able to expand programs and increase the college’s presence in our community while returning the institution to a sound financial footing. Under Mike’s tutelage, the physical therapy program received accreditation and a pathbreaking graduate program in economic crime investigation is being developed. The Young Scholars Program, which teams Utica College students with inner city youth, has received national acclaim. And the campus’s capital campaign is not only meeting its ambitious targets, but is moving toward ahead of schedule.

All this makes it clear why I am so proud to call Mike Simpson my friend. It also shows why I was upset, but not surprised to learn that Mike has been offered his new prestigious post in Paris. Mike indeed has all the requisite traits to thrive in that far corner of the Earth, but Utica, the Mohawk Valley and I will always hold Mike Simpson in our minds—and hearts—as a great educator, a valued citizen, and a true friend.

TRIBUTE TO TYREE COLEMAN, FROM INDIANAPOLIS, IN

HON. JULIA CARSON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Ms. CARSON. Mr. Speaker, I am proud to announce that Mr. Tyree Coleman, from Indianapolis, IN has been honored with the Ameritech Award for Excellence in Crime Prevention. The National Crime Prevention Council and Ameritech selected Mr. Coleman from over 140 nominations. Mr. Coleman has proven that he is wise beyond his years through his leadership, insight, empathy for others, and pioneering efforts.

Mr. Coleman was only 6 years old when he recognized the lack of constructive programs that were available at the Clearstream Gardens Public Housing Community in Indianapolis. Instead of participating in delinquent activities, Mr. Coleman and his peers walked through the community with poster board signs advocating for positive activity. This demonstration caught the attention of staff, community leaders, and the media. This attention resulted in the implementation of new activities and regular meetings involving youth.

At the young age of 9, Mr. Coleman witnessed his 17-year-old brother getting shot. Fortunately, unlike so many of his friends, Mr. Coleman’s brother survived the incident. But Mr. Coleman was motivated to continue developing alternatives to violent crime. He participated in the community’s first Youth as Resources Project. Youth as Resources is a community-based program that allows young people to display their resourcefulness through youth led, youth implemented community service projects.

At 12, while living at a homeless shelter, Mr. Coleman began a tutoring program with books donated from Ameritech and funds provided by a small Youth as Resources grant. He instituted an accountability system at the shelter that tracked students’ attendance, behavior, and completion of homework. He also recognized his peers’ commendable efforts with awards. After leaving the shelter he was active in the Near Eastside Community Organization Crime-Watch program. There, Mr. Coleman participated in the community’s first Youth as Resources Project. Youth as Resources is a community-based program that allows young people to display their resourcefulness through youth led, youth implemented community service projects.

When Joe Kozo was 7 years old, he became a member of the Boys Club in Bethlehem, PA. His membership gave him the opportunity to enjoy activities such as arts, crafts, games, sports, group clubs, and service groups. His leadership in the organization began when he was chosen to become a monitor by the club director.

After serving in the World War II, Mr. Kozo enrolled at Wayne State University. During his college years, he became the Boys Club of Detroit’s first intern. After earning his degree in education, Mr. Kozo was selected to be the full-time physical education director of the Boys Club’s Howard B. Bloomer Building in Detroit.

Mr. Kozo served in a variety of capacities before becoming executive director of the Boys and Girls Club of Southeastern Michigan. He has helped to develop new activities, secure funding, grants and scholarships while guiding volunteers and children through the many programs that the organization has to offer.

The Boys and Girls Clubs of America is a diverse organization that provides a safe outlet for children to participate in educational, physical and service activities. As a result of these programs, children learn decision making and leadership skills. But most importantly, they learn to value themselves and each other. Mr. Kozo’s vision and contributions have touched the lives of thousands of young boys and girls. I would like to thank Mr. Kozo for all he has done for the children involved in the Boys and Girls Clubs of Southeastern Michigan.

TRIBUTE TO JOSEPH KOZO

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. BONIOR. Mr. Speaker, today I rise to pay tribute to Mr. Joseph F. Kozo who has faithfully served the Boys and Girls Clubs of Southeastern Michigan for over 55 years. His friends and colleagues will recognize his achievements at the In Celebration Dinner on November 19, 1997, at the Ritz Carlton Hotel in Dearborn, MI.

Mr. Kozo was a driving force behind the creation of the Boys Club of Southeastern Michigan in 1942, and has been an active member of the Board of Directors ever since. Under his leadership, the organization has grown from a small group of volunteers to a multi-faceted organization serving thousands of youth each year.

Mr. Kozo has been honored with numerous awards and recognitions for his dedication and service to the Boys and Girls Clubs of Southeastern Michigan. He was presented with the Ameritech Award for Excellence in Crime Prevention in 1997, and was inducted into the Boys and Girls Clubs of America’s Hall of Fame in 2001.

Mr. Kozo’s contributions to the community have been immeasurable. He has been a valuable asset to the Boys and Girls Clubs and has provided a safe and nurturing environment for countless young people.

TRIBUTE TO ROBERT W. WORTHINGTON

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. BARCIA. Mr. Speaker, the greatest fear many people have is to find their homes and their loved ones attacked by a raging fire. Nothing can provide greater peace of mind for this concern than an effective, professionally installed fire suppression system. Robert W. Worthington, Sr., makes it his job to provide this security. For his efforts, Bob is the 1997 recipient of the Golden Sprinkler Award from the National Fire Sprinkler Association Awards Committee—the industry’s highest honor. The Golden Sprinkler Award was established in 1986 to honor an individual’s lifetime contributions to the fire sprinkler industry.

Bob has dedicated his life to fire prevention and public safety. He is currently President of the American National Fire Sprinkler Association and serves on the Board of Directors of the National Fire Protection Association.
become involved in politics. She eagerly par-
ered to help her party as much as possible, and
a model for all Democrats to follow. She want-
erness, from serving as local precinct
faithful Democrat who helped her party in nu-
way—engaging them one-on-one. The Macon
she got voters involved the old fashioned
of various campaign finance reform proposals,
body continues to debate the need and merits
of Professional Engineers, and the National
professional engineers, the Pennsylvania Society
umberous, and include the National Society of
Professional Engineers, the Central Sprinkler
Corporation, and the Globe Fire Sprinkler Corp.
Bob is recognized throughout the world as a
fire protection expert and has been a featured
speaker on life safety in several countries. Ad-
ditionally, Bob has represented his company
and the fire sprinkler industry on numerous
technical advisory committees, and has pro-
vided training in the use of the first mini com-
puters for pipeline hydraulics and grid sys-
tems.
Bob’s professional memberships are numer-
ous, and include the National Society of Pro-
fessional Engineers, the Pennsylvania Society of
Professional Engineers, and the National Fire
Sprinkler Association Board of Directors
and Manufacturer’s Council. Additionally, he is
a registered fire protection engineer in Californ-

Bob is most certainly a talented and capable
leader in his field, evidenced by the acclaim
he’s received from his peers with the Golden
Sprinkler Award. Only a select few in his pro-
fession have received this award before him.
Bob has been an inspiration to us all and es-
pecially to his two children who have both de-
cided to follow their father’s life work in the fire
 sprinkler industry.

Mr. Speaker, I urge you and all of our col-
leagues to join me in commending Bob Wor-
thington for his career choice, which blends
technical expertise and the desire to ensure
the personal safety of others, and in congratu-
lating him for this most deserved award.

A TRIBUTE TO MARJORIE A. NUDING

HON. GLENN POSHARD
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. POSHARD. Mr. Speaker, I rise today to
pay tribute to a dear friend, Mrs. Marjorie A.
Nuding of Decatur, IL who recently passed
away. Marjorie was born in Decatur and re-
main ed forever dedicated to that city, Macon
County, and the State of Illinois by providing
nearly six decades of public service. As our
citizens grow impatient with the excesses of
our campaign finance system, and as this
body continues to debate the need and merits
of various campaign finance reform proposals,
Marjorie represented a simpler, more straight-
forward approach to politics. As a lifelong
Democrat and a precinct committ ee woman,
she got voters involved the old fashioned
way—engaging them one-on-one. The Macon
County Democrats will certainly miss her pres-
erence, but will have her memory as a guide for
the future.

Marjorie was an honorable citizen and en-
thusiastic local government official. She was a
faithful Democrat who helped her party in nu-
merous ways, from serving as local precinct
committeewoman to county board district
champion. In all of these roles, Marjorie was
a model for all Democrats to follow. She want-
ed to help her party as much as possible, and
was active in recruiting her fellow citizens
to become involved in politics. She eagerly par-
ticipated in the registration and elective proc-
cess for her local Democrats and was ex-
tremely loyal to her party.

Moreover, Marjorie was also very active in
local tax issues. She wanted to make sure
that taxes were being assessed fairly in her
county. As former supervisor of assessments,
she was working for the current supervisor be-
fore her death. In addition, Marjorie was field
assessor for Long Creek Township and Macon
County, former field agent for Illinois Property
Tax Division, a member of both Riverside
Baptist Church and Decatur Moose Lodge
Auxiliary, and was an active participant in the
Decatur bowling leagues.

Her loss is ours, fellow Democrats, and Illi-
nois will miss her greatly. I will miss her dedi-
cation and her love of this great party.

Mr. Speaker, as you can see, Marjorie dedi-
cated her life to the community, and her party.
Now it is our turn to thank Marjorie for all of
the energy and love she expended for so
many years to make Decatur a better place. It
has been an honor to represent Marjorie in the
U.S. Congress.

MASON HIGH SCHOOL SOCCER
TEAM—DIVISION II MICHIGAN
STATE CHAMPIONS

HON. DEBBIE STABENOW
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Ms. STABENOW. Mr. Speaker, I rise today to
pay tribute to the Mason Bulldogs High
School Soccer Team. Last weekend, the
Bulldogs beat Petoskey High School, 2 to 1 in
overtime, to capture the Division II State title.

From the first touch of the ball to Cory Gil-
bert’s overtime goal, the Bulldogs never gave
up. They played with pride, they played for the
tradition of their soccer program, but most of
all, they played for the community of Mason.

This overtime victory is a symbol, of the de-
termination, teamwork, and resilience, the
Bulldogs have shown all season. When critics
said they were too young to compete through-
out the State, the team simply stuck together,
never gave up, and did their best.

I am so proud of the effort of these young
men. But beyond the trophy, the Bulldogs
have shown great character and sportsman-
ship throughout the year and these are the
true qualifications of a champion.

The Mason community is very proud of their
team and the example they have set for the
future.

In addition, what cannot go unnoticed is the
example the whole community has shown the
State of Michigan. Whether it be the attend-
ance at the home games or the car-pools to
the away games, the Mason community has
shown great spirit and support. My congratula-
tions go to the team, Mason High School, and
the many fans, young and old.

INTRODUCTION OF THE SMOK-
E-FREE AND HEALTHY CHILDREN
ACT

HON. ROSA L. DELAUR0
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Ms. DELAUR0. Mr. Speaker, for years, the
tobacco industry has blatantly targeted chil-
dren in their ads. Cigarette models, and
glamorous models have made cigarettes ap-
pear to be the key to popularity and happi-
ness.

Of course, these ads didn’t tell kids the
truth, which is that cigarettes kill more Ameri-
cans than AIDS, alcohol, car accidents, mur-
derers, suicides, illegal drugs, and fires com-
bined. But these ads were effective and every
day 3,000 kids under the age of 18 become
regular smokers. One out of every three of
these children will eventually die of a tobacco-
related illness like cancer or heart disease.

Yet studies show that if you don’t start
smoking as a teenager, you probably never
will—and you will lead a longer, healthier and
more productive life. That’s why we need to
take action now to stop America’s young peo-
ple from smoking.

Yesterday, I was proud to stand with 19 of
my colleagues to introduce a bill that will help
accomplish that goal—the Smoke-Free and
Healthy Children Act. Experts agree that the
best way to reduce teen smoking is to raise
the price of cigarettes. Teens with little pocket
money. This bill will do so by raising the to-
bacco tax by $1.50 per pack over 3 years.

This tax will raise $20 billion per year for the
Federal Government. But more importantly, it
will direct approximately $10 billion to the Na-
tional Institutes of Health—almost doubling the
NIH budget and allowing researchers to ex-
pand studies into cancer and addiction pre-
vention and treatment centers.

The bill will also direct approximately $10
billion per year to increase research and in-
vestment in early childhood development, in-
cluding initiatives for children aged 0–3 and
expanded Head Start and child care. We have
learned so much recently about the impor-
tance of the first three years in a child’s de vel-
opment; now more than ever we know that
giving a child a good start in life can help en-
sure they grow up to be healthy and produc-
tive members of society.

We need to take action now to protect our
children. We must work together to counteract
the tremendous ad campaigns of the tobacco
industry and teach our kids that smoking
doesn’t make you cool, and it won’t make you
happy. It will only make you sick.

I urge all of my colleagues to stand up for
America’s children and cosponsor the Smoke-
Free and Healthy Children Act.

THE 55TH ANNIVERSARY OF THE
UNITARIAN UNIVERSALIST FEL-
LOWSHIP OF STONY BROOK,
LONG ISLAND

HON. MICHAEL P. FORBES
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. FORBES. Mr. Speaker, it is with great
pleasure that I rise today to pay tribute the
Unitarian Universalist Fellowship at Stony Brook, Long Island on their 35th anniversary.

The name “Unitarian” was coined in the 16th century for Protestant dissenters who rejected the doctrine of the Trinity. In practice, the term is used to identify those who believed in a loving god who would not condemn any of his children. A Unitarian would believe that the Unitarian Fellowship strives to create a compassionate community founded on trust, love, forgiveness and acceptance, where people of all backgrounds and persuasions can come together for worship.

Members of the Unitarian Universalist Fellowship of Stony Brook have a variety of religious experiences and each offers their own intellectual, theological and spiritual stimulation to the group. Though the members are diverse in their background and experiences, they are uniform in their dedication and loyalty to the Lord. They are committed to achieving a world community with peace, liberty, and justice for all, and they believe that by encouraging spiritual growth and maintaining respect for one another this can be achieved.

I believe that an organization that honors human dignity, nurtures individual potential, and works for social justice and the common good deserves recognition. That is why, Mr. Speaker, I rise today in this hallowed Chamber and ask my colleagues for joining me today on the occasion of this special anniversary for the Unitarian Universalist Fellowship of Stony Brook.

SMALL BUSINESS LEADERS IN LA JOLLA, CA

HON. BRIAN P. BILRAY OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BILRAY. Mr. Speaker, it is with great pride and admiration that I rise to commend a group of small business owners in the downtown Village of La Jolla who have contributed thousands of hours to improve the economic vitality of this area.

Starting with a small group of local business owners in 1987, this business association named their group “Promote La Jolla, Inc.” The name identified their goal of developing, maintaining and promoting a healthy local business community. Capitalizing on the charming, picturesque nature of this 100-year-old seaside Village, they identified the visitor industry as a key element to long term economic strength and vitality. They worked with local tourism organization and developed special hosting days leading events to the lively Village by the sea along with a promotional program to build positive awareness of La Jolla as a very desirable visitor destination.

Over this ten year period, this small group of business owners recognized that achieving economic vitality in a downtown area would require a much more complex strategic plan and a broader membership base. In 1992, this group of pioneering business owners joined with the City of San Diego to form the “La Jolla Business Improvement District.”

Now, representing over 1,400 businesses covering a 30 block area, the La Jolla Business Improvement District is the largest in the State of California and one of the largest in the United States.

Combining the entrepreneurial energy of small business owners along with the leadership of this group of 15 dedicated Board members, the Promote La Jolla Business Improvement District has developed a comprehensive strategy of Promotions and Marketing, Beautification and Design, Economic Development and Restructuring.

This approach to improving economic vitality of the seaside Village of La Jolla has made Promote La Jolla Business Improvement District one of the leading business organizations in the City of San Diego.

The founding members of the board: Alexander Bende, Gerhard Klein, Robert Carlyle, David Brands and Friedhelm Worunn set the foundation for the latest group of board members who continue to donate hundreds of hours each year to improving the economic vitality of the historic 100-year-old downtown Village of La Jolla. This year, Mrs. Bende and Mrs. Klein celebrate ten years of dedicated service and executive director Christopher Stokes celebrates his fifth year.

I extend my best wishes to Bill Price, Alexander Bende, Jeff Stone, Gerhard Klein, Joost Bende, Gerhard Bender, John Wolfe, Steven Riddle, Patti Keyes, Beth Dunn, Ron Searfoss, and Mike Geaeth, the current Board of Directors who have shown the continued dedication to making the Village of La Jolla, the “Jewel of the California Coast” for now and many years to come.

A FAREWELL TO DR. DOWNING

HON. STEVE C. LATOURrette OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. LATOURrette. Mr. Speaker, on a December morning in 1996, Lake County Coroner William C. Downing walked into our district office in Painesville, OH, with a photograph taken 44 years earlier in Okinawa, Japan. The photograph showed a young Dr. Downing and a group of Americans in uniform.

Over the years, Dr. Downing married, had a family, and worked for 30 years as a general surgeon before becoming the Lake County Coroner in 1985. Over the years he thought about the little Okinawan girl, but never knew what became of her or her family. Shortly after leaving Okinawa, he had been transferred to Tokyo, where he served as Chief of Surgery in a M.A.S.H hospital for the tail end of the Korean war.

Although Dr. Downing had never forgotten Sachiko, she took the rape of a 12-year-old girl in Okinawa to prompt him to start his search for the child he had saved decades earlier. His wife, Jan, after much searching, found the photo in a box of old memorabilia.

Armed with nothing more than an aging photograph, our office set out to find the people in the picture. We contacted Army officials, the U.S. State Department, and the congresional assistant section of Japan. Dr. Downing believed if the people in the photograph were still alive, someone would be able to locate them. He never imagined it would happen so fast, however.

Within 2 weeks of receiving the photograph, our office was able to determine the whereabouts of all those in the photograph. Most of the folks in the photo had passed away, including Sachiko’s father, who had died in 1970. Sachiko’s mother, meanwhile, was alive and well and lived in Okinawa. The little girl in the kimono, then just 4 years old, was now a mother and grandmother. She lives in Opelica, AL, and works for the State of Alabama for the department of vocational rehabilitation. Her name is Sachiko I. Thompson.

The first time Dr. Downing called Sachiko she wept, as she had never been able to thank the kind American doctor who had saved her life. As it turned out, Sachiko had moved to the United States in 1973 and had never returned home to Okinawa in all those years. She had met an American while working in a photography studio in Okinawa, and was married, bearing his brother.

Sachiko said she often wondered what happened to the American doctor, and remembers trying to learn more about him when she was
about 13. All she had was a picture with what seemed like a hundred staff members from the Army hospital, plus the tall man in the white lab jacket.

Sachiko said she was so touched when she learned that Dr. Downing was looking for her after all this time. "I thought about it and wondered if he ever thought about me, but I never imagined this," she said.

Of course a few phone calls weren't enough for Dr. Downing, and he set out to complete the mission he'd begun when he walked into my office. Last year, at his own expense, Dr. Downing traveled to Okinawa to meet the little girl whose life he'd saved so many years before. It afforded both Sachiko and her mother, now 76 years old, with an opportunity to thank the man who changed their lives with his humanity and kindness.

Dr. Downing died today after a brief battle with cancer. I had the privilege of knowing him the last 18 of his 77 years, and considered him a dear, trusted friend and colleague. For many years we worked side by side, as our jobs often overlapped in the most unpleasant of circumstances—he was the county coroner, and I was the county prosecutor. I was always impressed by his professionalism and his up-lifting spirit. He was a man of great, legendary humor and great humanity.

Dr. Downing spent many years of his life surrounded by death, but always reveled in the life around him. I have to believe it was his love of life and his love for our country that led him on his journey to Okinawa. It is fitting that in the final year of his life he was able to meet a woman whose life he had forever changed. The rest of us, meanwhile, will forever be changed and blessed for having known this wonderful, caring man.

Tribute to Lewis and Judy Eisenberg

Hon. Michael Pappas

Of New Jersey

In the House of Representatives

Thursday, November 13, 1997

Mr. PAPPAS. Mr. Speaker, one of the greatest qualities which has allowed our Nation to grow so strong over the years is that every day, all over our country thousands of people take time out of their schedules to help others. Today, I rise to pay tribute to two individuals in my district who time and time again have given of themselves for the betterment of others. For many years now, Lewis and Judy Eisenberg of Rumson, NJ, have generously given their time, talent, and knowledge to work with numerous charitable causes. Their work within these organizations has seen no boundaries. Whether it be educational, healthcare related, religious, or governmental in nature, they have always found the time to lend a hand.

This evening the Center for Holocaust Studies at Brookdale Community College will be hosting a testimonial dinner to honor Lewis and Judy Eisenberg for their tireless and long-standing community leadership. The effects of their involvement are far reaching, affecting the Jewish community, the residents of Monmouth County and of New Jersey, New York, and, indeed, the Nation. I have heard about power neckties, power lunches, and even of power naps. Today I have a new one to add to the list: power couples.

Lew, who was elected as the chairman of the board of commissioners of the Port Authority of New York and New Jersey in 1995, has served as a trustee or board member to countless organizations and institutions. He has been a trustee of Monmouth Health Care Foundation, a trustee and chairman of the Children's Psychiatric Center Foundation, a member of the Advisory Council of the Samuel Johnson School of Graduate Management at Cornell University, on the board of trustees of Monmouth Medical Center, a member of the planning board of the Handicapped, Monmouth in Medical Center Auxiliary, and the Kennedy Center's National Committee for the Performing Arts.

Each of us has some talent or knowledge that if shared, could enrich the lives of others. Recognizing those talents and putting them into action is what will continue to make our Nation great. Mr. Speaker, as you can see from the list of organizations that these two citizens have been involved with, they have reached into so many areas of society and have made the lives of so many people better and brighter.

And so, Mr. Speaker, today I join the Center for Holocaust Studies in recognizing the work of Lew and Judy Eisenberg. It is efforts of people in our community selflessly helping to solve the problems of our community and Nation that will guide America into the next century.

Gadsden-Etowah Patriots Association

Hon. Robert B. Adenholt

Of Alabama

In the House of Representatives

Thursday, November 13, 1997

Mr. ADENHOLT. Mr. Speaker, I rise today in support of Col. Andrew Chaffin, chairman of the Selection Committee of the Gadsden-Etowah Patriots Association, as well those who are members of this association, and those who participated in the induction ceremonies yesterday, November 12, 1997.

I salute the great American patriots, Lt. Gen. Clark, Prince of Wales, Peter Gregory, Charles Nelson, John Udaka, and Hazel Brannon Smith who were inducted into the Patriots Hall of Honor. I add my voice to yours in gratitude to these people for their lives of service.

Last week we celebrated the contributions that veterans have made for our country. Veterans Day, with its related events, means many things. It is an opportunity to say thank you to those who are presently serving in our Armed Forces, and an opportunity to honor both the veterans who are with us and those who have passed away. Finally, it is an opportunity to celebrate the contributions of all our Nation, a time to thank God for our past, our present, and to ask His guidance and blessing on our future.

Memorials are important. When times are good, it is easy for us to forget that our present peace comes at a price. If it were not for the sacrifices made by veterans, we would not now be free. The same values and goals that were fought for in the past are still worth fighting for today.

In Washington, we have recently passed legislation that honors and protects veterans. The House of Representatives passed the Veterans' Cemetery Protection Act of 1997. It significantly increases penalties for persons convicted of vandalism at a veterans cemetery. This has been signed by the President's desk for his signature, and I urge him to sign this important legislation.

The House also passed a bill to create a constitutional amendment protecting the flag from physical desecration. We are now waiting for the Senate to take action. I feel very strongly about free speech, but protecting the flag does not harm free speech.

Again, I salute the Gadsden-Etowah Patriots Association, and the five American patriots who were honored at the Twenty-Second Annual Patriots Day celebration.

A Hero's Death in the Line of Duty

Hon. Scott McInnis

Of Colorado

In the House of Representatives

Thursday, November 13, 1997

Mr. McINNIS. Mr. Speaker, today I would like to take a moment to honor a man, a husband, a father, and a police officer. Officer Bruce Vanderjagt was not only a dedicated member of the Denver Police Department, but he was also a loving husband to Anna Marie and father to his 2 year-old daughter, Hayley. Unfortunately, Officer Vanderjagt can no longer be any of these things because he was fatally wounded in the line of duty yesterday, Wednesday, November 12, 1997.

Officer Vanderjagt, a man who served his country in Vietnam as a marine, faithfully answered someone's emergency call yesterday. On this wintry day, thieves were tearing through the property of another's home. When Officer Vanderjagt arrived at the scene, these callous thieves were escaping in their vehicle. Officer Vanderjagt, because of his oath as a police officer and his dedication to justice, pursued the criminals. The chase brought them into the city of Denver where the shrill sound of gun fire filled the air. This was not just one or two shots, but several. At least 30 shots were fired directly at Officer Vanderjagt and other fellow officers. Officer Vanderjagt was fatally injured. What a heavy price for society to pay. It was a burglary that brought Officer Vanderjagt to his tragic death this cold and snowy day. As a result Denver has not only lost an outstanding police officer, but also a faithful citizen, husband and father.

Many, but of course not all, of Officer Vanderjagt's accomplishments include: earning his PhD from the University of Denver at 47 years of age this year, winning Denver's Distinguished Service Cross twice for his courageous work in the line of duty and, as already mentioned, sending his country in Vietnam as a marine. Officer Vanderjagt had a great deal to offer his family and the community.
WHY I INTRODUCED THE PAYCHECK PROTECTION ACT

HON. BOB SCHAFFER
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, on the face of it, no one would argue against an individual's right to deny the use of his money to support a cause he opposed. The very idea of being coerced into doing so violates the basic tenets of a democratic society. But what if the consequences of protecting this right were to cost powerful labor unions a great measure of influence they wielded in Washington?

Such a transgression one might have guessed, the issue becomes muddied with flawed rhetoric and vitriol. Indeed, the principle of involuntary contributions is at the center of the debate over the Paycheck Protection Act currently being considered by Congress.

The act, which I authored and introduced along with 161 other cosponsors, would require explicit consent from American workers to allow use of their wages for political purposes. Though aimed at union abuses, the bill also applies to corporations.

Not surprisingly, union-friendly forces in Congress have variously referred to the act as a violation of unions' rights. Some say it’s parasitic retribution for the $400 million unions spent bashing Republicans in the 1996 elections.

Opponents also claim the act is redundant because of the Supreme Court’s 1988 Beck decision ruling that forbids involuntary political union contributions. Each of these arguments is very weak and upon closer examination, simply falls apart.

Claim that the Paycheck Protection Act would limit unions’ free speech ignore the fact that unions use other peoples’ money—including that of conservative Republicans—to support liberal candidates. In fact, the act does not forbid the unions continuing this practice. It merely requires that union bosses and corporations first have written permission from the individual worker whose wages are withheld and spent on politics. Of course, union bosses retain the ability to make “soft money” contributions, but they do not have the right to unilaterally increase their members' salaries for the same purpose.

Union leaders and their supporters also argue that the Paycheck Protection Act is an attempt by Republicans to prevent a repeat of 1996 when union PAC’s spent nearly $50 million on an issue advocacy campaign aimed at Republican candidates. The wise should not be persuaded by this argument. In the current climate of rabid partisanship, only political insiders narrowly view this debate in terms of what will be gained or lost by either party.

What is forgotten however, is that the battle is primarily waged on a human level. Indeed the main impetus for reform stems from a legitimate concern for individuals—not a political party, union, or corporate agenda.

Oklahoma’s Don Nickles, the act’s lead sponsor in the Senate, became aware of the issue at one of his Tulsa town hall meetings. There, union workers, whether Democrat, Republican, or unaffiliated, simply objected to having portions of their salaries taken from them, regardless of how it’s used. For these people—and for many Republicans in Congress—the issue begins and ends there.

In the 1988 Communication Workers versus Beck decision, the Supreme Court ruled that unions must return dues used for political purposes to those requesting repayment. Currently, these workers’ only recourse is to apply for a rebate of the money that has already been donated. But most unions have created a rebate procedure that is deliberately arduous and not often attempted. According to accounts from union members who have sought a return of their money, this process can be a harrowing one.

There are widespread reports of harassment of workers who seek a rebate. One union member for example, was asked to give up his union membership before getting a refund. The National Right to Work Committee found that most unions provide a very small period of time during which members can apply for the refund.

Rebates are made even more difficult through the practice of publishing obscure notices in union newspapers informing workers of these limited time frames. The courts have failed to enforce the Beck decision and Congress is right, even obligated to make a stronger attempt at justice.

Unions were founded on the premise that workers need to collectivize to preserve their rights. They, too, have served a greater vision of workers’ independence and not often attempted. According to accounts from union members who have sought a return of their money, this process can be a harrowing one.

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Rebates are made even more difficult through the practice of publishing obscure notices in union newspapers informing workers of these limited time frames. The courts have failed to enforce the Beck decision and Congress is right, even obligated to make a stronger attempt at justice.

Unions were founded on the premise that workers need to collectivize to preserve their rights in the workplace. The AFL-CIO and the Teamsters have grown very powerful because millions of Americans have put great faith in this movement.

How ironic it is that the union practice of using involuntarily-collected member dues to further their political agenda offends the very rights they claim to protect. The Paycheck Protection Act is a reasonable, sound, and timely response to this abuse.

TRIBUTE TO DR. JOHN DAVID ARNOLD AND PORTABLE PRACTICAL EDUCATIONAL PREPARATION, INC.

HON. ED PASTOR
OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. PASTOR. Mr. Speaker, I rise today to pay tribute to an organization, Portable Practical Educational Preparation, Inc. [PPEP] and its founder, Dr. John David Arnold, and to congratulate them for 30 years of outstanding contributions to the residents of rural Arizona.

On the 30th anniversary of PPEP, the Arizona community recognizes that Dr. John David Arnold is the driving spirit of PPEP. It is his vision and energy that transformed “La Tortuga”, a large old bus converted into a mobile classroom, into a major force for “Improving the Quality of Rural Life” in Arizona and in the country.

In these 30 years, the organization has had the vision and dedication to guide and to expand PPEP from the La Tortuga bus to the information superhighway. Their address on the Internet is ppeprural.org.

The work began by Dr. Arnold so many years ago and was carefully shepherded by him through the social, economic, and technological changes that these 30 years have brought to Arizona’s rural residents, is remarkable proof of his ability and dedication to utilize diverse resources and to surround himself with an exceptionally wise, creative, and committed staff. Together, he and his staff have created opportunities for many who had been excluded from the American dream. Through opportunities for education, economic and business development, child and health care, housing, and job training, Dr. Arnold gave hope to the hopelessly; for them, he made possible a rewarding future.

The emphasis on education and on self-help have enabled the PPEP program to be flexible and responsive to a wide range of needs in the rural communities. PPEP has been a pioneer in the charter school movement and has created 14 charter high schools that provide learning opportunities to rural, at-risk, and farm worker populations. PPEP has also been instrumental in promoting first-time home buyer programs, affordable housing programs, and transitional housing programs designed to meet the needs of welfare reform mothers.

I also commend the many community volunteers who have served on PPEP’s board of directors and in its programs over these 30 years. They, too, have served a greater vision and have provided a collective consciousness for PPEP’s continuing to be a relevant, positive force in rural lives.

I applaud PPEP for its contribution and efforts in the community over the past 30 years. PPEP’s 30 years of history are about people and the resilience of the human spirit. May its future continue to be the same.

DISTRICT OF COLUMBIA CONTRACTING PRACTICES

HON. THOMAS M. DAVIS
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. DAVIS of Virginia. Mr. Speaker, the revitalization of our nation’s capital will require the participation and commitment of both the public and private sectors. Public-private partnerships will be the anchor of any economic revitalization. This goal will only be achieved if all participants are assured that this is a sincere effort, with a level playing field, and not simply an extension of the two decades of poor policy decisionmaking that helped spiral Washington, DC into its recent situation.

The Congress has no desire to address the daily affairs of the city. However, the Congress does have a unique constitutional responsibility to the District of Columbia. Without micro-managing the affairs of the city, the Congress
does not need to ensure that as a matter of Federal policy, it will: support public-private efforts designed to assist in the capital's revitalization; support creative, imaginative, and unique approaches; support the streamlining of the Federal and District review and regulatory processes, where appropriate, to encourage revitalization, and exercise appropriate oversight to ensure that the District honors all of its contractual and financial commitments.

It is well understood by the Congress that the District of Columbia continues to suffer from past financial problems. For example, D.C. has experienced issues with a number of its current vendors as a result of its prior reputation of poor payment performance. A recent newspaper article documented that one of the reasons for schools not having textbooks was 

"...twelve textbook companies refused to ship books because the District still owes for previous orders."

Prior negligence in these matters created a ripple effect that has a broad and negative reach. Vendors have been discouraged from responding to DC RFPs because of concerns over the selection process. Congress can assist in eliminating this perception without direct intervention. Congress can also assure all current and prospective private sector partners and their respective lenders that it will monitor and respond appropriately to any failing by the government of D.C. to meet acceptable government contracting practices.

VETERANS' BENEFITS ACT OF 1997

SPEECH OF

HON. ENI F.H. FALEOMAVAEGA
OF AMERICAN SAMOA
IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of S. 714, the Veterans’ Benefits Act of 1997. I very much appreciate the efforts of Chairman Bob Stump and Senior Democrat Lane Evans for their assistance in moving this legislation this year. Subcommittee Chairman Jack Quinn and Senior Democrat Bob Filner also deserve special recognition for their assistance and support. Senator Daniel Akaka of Hawaii and Congressman Neil Abercrombie of Hawaii also deserves special recognition for introducing this legislation and the companion bill in the House, H.R. 2317.

Even though we are continuing to reduce the size of our military forces, we have a sizable number of veterans who served this nation both in times of war and peace. Many of these veterans now suffer from physical injuries or mental illness directly attributable to their military service. Today’s legislation will provide further assistance to these individuals who sacrificed so that we may all enjoy our liberties.

Mr. Speaker, of particular importance to the veterans in my congressional district is section 201 of this legislation, which extends and improves the Native American Veteran Housing Loan Program.

It was only 5 years ago with the implementation of the Native American Veterans Housing Pilot Program that there has been a mechanism for the U.S. veterans residing in American Samoa to obtain home loans through the Department of Veterans Affairs. It took about 2 years for the Department and the American Samoa government to work out an agreement implementing the law.

To the credit of the Department of Veterans Affairs, 48 American Samoan veterans were able to obtain loans under the pilot program to either live in those homes or the homes are under construction. The Department has not had to repossess any of these loans because of a lender default. The pilot program has been equally successful for native Hawaiians living on Hawaiian homelands.

Unfortunately, Mr. Speaker, the authorization for the pilot program expired on September 30, 1997, and since that time, veterans in Samoa are again left with no VA home loan program in operation. The prompt action by the Senate and today by the House will renew this necessary authorization for the VA to begin again making home loans in American Samoa.

While the bill has met with considerable success in Samoa, many of our American Indians living on reservations in the continental United States still are not eligible for loans under this program. I am pleased that we are able to do something again in the outreach provisions, which would be of some assistance.

Mr. GOODLING. Mr. Speaker, over the past few weeks there has been much debate in this body and across the country about whether we should have national testing of fourth and eighth graders as proposed by the Clinton administration.

Just a few days ago, the Congress said "no." The conference report on the Labor, Health and Human Services and Education Appropriations bill, H.R. 2284, prohibits any pilot testing, field testing, implementation, or administration or dissemination of national tests in fiscal year 1998. And, I might also add, during the course of 1998, the National Academy of Sciences will be conducting three studies related to testing and reporting back to Congress.

Next year the Committee on Education and the Workforce, which I chair, will hold several hearings on the authorization of the National Assessment of Educational Progress and the National Assessment Governing Board. At that time, the issue of national testing will be back before the Congress.

In the regard, I wanted to bring to the attention of my colleagues a well-thought-out letter and op-ed article "The Tyranny of Testing", The New York Times, October 2, 1997, I recently received from Dr. Mark F. Bernstein, Superintendent of Schools in North Merrick, NY. In his letter and article, Dr. Bernstein points out how national testing could compromise school curriculum. I commend his letter and article to my colleagues, both of which are attached to this statement.

NATIONAL TESTING

SPEECH OF

HON. WILLIAM F. GOODLING
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. GOODLING. Mr. Speaker, I rise on behalf of the House Workforce, U.S. House of Representatives, Washington, D.C., to discuss the subject of national testing. The Department of Education Riley’s assertion that one can differentiate between supporting national testing (which he opposes) and opposing national curriculum (which he also does), educators agree that “what is tested is what will be taught.” Teachers and administrators spend incredible amounts of time poring over test questions to analyze the content of each question so to assure that no curriculum gaps exist. And, when a significant number of students answer certain questions incorrectly, teachers work with students to assure that the curriculum the students will be taught contains material to answer these questions correctly the next time around. We call this process “item analysis.” We use this analysis to determine whether the content is testing material that will lead to using tests for the purpose of differentiating among students through grades, tests are specifically developed to drive curriculum and textbook selection. If one accepts my premise that national testing is synonymous with the development of national curricula, then one must decide if it is in the best interests of our children to have a uniform curriculum in the areas of reading and mathematics (and perhaps social studies, language arts and science). Through a good argument can be offered to support such a decision, the inherent risks far outweigh the potential benefits.

People who support a national testing program believe that too many students are failing and drastic steps must be taken to improve their education. And, they hold, the Federal government is the only one who can Th rough a set of tests which will point-out failing schools, the argument goes, learning will be improved as a result. They point to student populations in many of our large cities or rural areas where student results are absolutely dismal. (There are probably some suburban communities that have less than stellar results as well.) If only parents were aware of how poorly their children’s schools were performing, increased competition and accountability would force schools to improve. How simplistic! Ignored is the research which strongly suggests that poor student performance is significantly correlated with lower-performing schools, parents’ own educational attainment levels, and family poverty. Though we all want higher educational standards and improved student achievement, national testing poses real dangers to public education, and to the role delineation between the Federal government and the states.

The House only to recall our recent experience with the process of developing history standards to shudder at the prospect of national tests. A panel of “recognized experts” thought together after an expert membership was debated ad nauseam to insure a proper balance of ethnicity, gender, religion, geography, etc. These well-intentioned individuals were then embarking on the daunting task of determining what all American school children should learn about their
A third reason to reject national curriculum is to prevent the bipartisan panel of experts from imposing a specific educational strategy upon all American students. We have had several years over the past years of education “fads,” products of university think tanks that often did little real-life research to support their conclusions. The 1960s saw the “new math” assume prominence and its second cousin “new-new math” in this decade. Set theory was in vogue and replaced more traditional math computation and word problems. Mathematicians were enablers of students to innovate. The 1970s “creative writing” was the emphasis in elementary and junior high school classrooms. Teachers were told to ignore spelling errors, sentence structure mishaps for fear of limiting students’ creative energies. The result was obvious—students could not spell, punctuate, or combine words as they reached high school. In the 1980s, the purist version of “whole language” replaced the teaching of phonics, suggesting that all students were products of a literature-based curriculum devoid of phonics. (Recently, the National Institute of Health reported that a sizable percentage of American children need a strong phonetic foundation because they have significant learning problems which require a sound phonetic foundation if these children are to even learn how to read.) Until national testing, the debate over whether a particular university or school of thought could have been confined to a singular state or region of the country.

The same is true of the reading tests’ focus being upon vocabulary, spelling, punctuation, or comprehension, choices will have to be made by the panel. Will calculators be permitted and, if so, in which parts of the math test? Should open-ended word problems be emphasized, and what role will math computation play? And, why would we believe that a national testing program would stop at reading and math?

Developing a national curriculum is subject to the same pressures as affects other public policy decisions—pressure to create a consensus among well-intentioned scholars; pressure to impose a curriculum devoid of phonics; pressure to be part of a larger school of thought (or educational fad). These same pressures exist, but to a lesser extent, in the development of the curriculum for the New York State, for example, has finally replaced its 13 year old Global Studies curriculum with one entitled Global History. The former Global Studies course applied a regional approach to the study of history: through the study of distinct regions of the world, students would learn to make connections, or linkages, between different economic systems, or the influence of geography on civilization, etc. Students were conditioned by the approach. New York will now return to a chronological approach studying the linkages of major historical themes over time. Local educators have been suggesting the chronological approach for years; yet it took 13 years of the New York State Department of Education. One can only imagine how long it would take to change a national curriculum and how many millions of students would have suffered in the meantime. States have served well as the laboratories of education, allowing different strategies and practices to be tried, modified, and then expanded or discarded.

Through this rather lengthy letter, I have attempted to describe my concerns regarding a national curriculum and its potential for misuse. I strongly argue that the Federal government has no right, under the Constitution, to impose a curriculum upon the States and their schools, but I leave that case to others better situated to respond to constitutional issues. Even though President Clinton’s proposal is for “voluntary testing”, most would suspect that the publishing textbook industry would not take very long to distribute to American schools the new curriculum needed to test whether or not districts chose to utilize the test. And now I ask for your advice. Are the concerns expressed in this letter worthy of pursuit and, if so, asking the local superintendent of schools, I have the opportunity to express my opinions and influence some small degree educational policy matters in New York. But, clearly, the subject of national testing is quite different. I would appreciate any insights that you can provide me.

Sincerely,

MARC F. BERNSTEIN, E.D.D.
Superintendent of Schools.


THE TYRANNY OF TESTS

By Marc F. Bernstein

North Merrick, N.Y.—The debate over President Clinton’s proposal for voluntary national testing in reading and math has paid little attention to whether a national curriculum benefits, American children.

I know that the President has not recommended a national curriculum, only national testing, but educators know all too well how often “curriculum” is taught.” Teachers and administrators will pore over sample test questions to determine what material must be taught so that students—and therefore teachers and schools—do well.

STANDARD EXAMS WILL NATIONALIZE SCHOOL CURRICULUM.

Without doubt, there are benefits to focusing public’s attention on academic results. It fosters healthy competition among schools and keeps them accountable for teaching children properly.

There is the risk, however, that even the best-intentioned test makers will create a misguided national standard, even though the Senate has stipulated that a bipartisan board independent of the Federal Department of Education be responsible for designing the tests. Who creates the test is less troubling than the process that we in the United States follow, that is, whether to reduce criticism and to advance the political correctness of our time. One has only to remember the recent debate over history standards to shudder at the prospect of national tests. Plus, national tests would be the battle-ground for proponents of the latest educational trends.

Past movements, like “new math” (and perhaps the more recent “new-new math”) or the purists’ version of “whole language,” were products of university think tanks that often did little real-life research to support their conclusions.

Until now, exposure to the fads of a particular “education” movement could be confined to a state or to one region of the country. Imagine the risks of applying a little-tested theory to the design of a test given to all American students, a national examination that would in turn determine curriculums and standards.

States have served well as the laboratories of education, allowing different strategies and practices to be tried, modified, and then expanded or discarded. Almost every state now has a statewide testing program that no longer needs to be confined to schools and to compare them with similar districts nearby.

A national report card, on the other hand, would be of little use. Is there any validity in having parents in New York compare the state’s scores on an eighth-grade math test to those of a more homogeneous state like New Hampshire or Vermont? Most parents can already tell whether their children are getting a good education. Yes, we must continue to strive for higher standards for our educational system, but we can do it without national tests.


HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. SANCHEZ. Mr. Speaker, I rise today to call attention to a bill I introduced to provide for the review of criminal records of individuals who wish to enter into shared housing arrangements with senior citizens and disabled persons. H.R. 2964, the Older and Disabled Americans Protection Act of 1997, will empower placement organizations with the authority to run FBI background checks on potential shared housing participants. Many seniors and disabled persons enter into shared housing programs which is a popular option for those who wish to remain at home, but need that little extra care and comfort to live on their own. Shared housing is a nonfee
Number of persons fleeing Haiti by boat for the democratically elected government in Haiti, the beginning of 1997 to resolve this inequity.

M. Speaker, yesterday, the Immigration and Nationality Act included the Victims of Communism Re...united in the United States, as parolees. The parolee status of Haitian refugees has been regularly extended but "parolee" is considered a temporary position in immigration law.

Specifically, the bill will adjust the immigration status of Guantanamo Bay Haitian parolees to legal permanent residents and permit Haitian asylees who are not otherwise covered by this act to seek equitable relief. In light of the amnesty the Nicaraguans and Cubans received, this legislation is the only solution to achieve equity and fairness for Haitian refugees.

The bill is a bipartisan and bicameral effort and is strongly supported by the administration. Senators Graham, Mack, Kennedy, Abraham, Moseley-Braun, and Mowynihan have introduced companion legislation. Haitian refugees who are in this country legally deserve treatment equal to the Central Americans. This bill is the just and fair solution and I urge expeditious adoption of this measure next session.

Mariano Conception Cruz—October 17, 1932-November 3, 1997

Hon. Robert A. Underwood
Of Guam

In the House of Representatives

Thursday, November 13, 1997

Mr. UNDERWOOD. Mr. Speaker, the island of Guam lost one of its most dedicated public servants last week on November 3. Mr. Mariano Conception Cruz, a former officer in the Guam Police Department was called to his eternal rest at the age of 65. He dedicated almost three decades to the people of Guam and the police department, enlisting as a patrolman in 1955 until his retirement in 1989.

His dedication and professionalism is prominently exemplified by the illustrious career of Officer Cruz. However, he is best remembered for his honesty and fairness. He viewed the law as all inclusive; applicable to everyone, from the lowest ranking citizen to the President of the United States. Officer Cruz never discriminated when it came to the law. There were several occasions when he issued traffic tickets to then-Governor Ricardo Bordallo and several of Guam's legislators. Even his own brother was issued a citation.

For his services and dedication, Officer Cruz was awarded several citations including the Commanding Officer's Citation in 1985 and the Commendation and Service Award from the Director of the Guam Police Department in 1986. The 13th Guam Legislature also passed a resolution commending him for "exemplifying the qualities that are to be encouraged in a police officer." His passing is a great loss and his presence will surely be missed.

The late Mariano Conception Cruz left a legacy of service and devotion to the island of Guam and its people. He is remembered by the Permanent Resident Unit, on behalf of the people of Guam, I offer my condolences and join his widow, Rita Untalan Cruz, and their children, Priscilla and Alan in mourning the loss of a husband, a father, and fellow servant to the people of Guam.

Hon. Marge Roukema
Of New Jersey

In the House of Representatives

Thursday, November 13, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate 10 Ridgewood High School students for their work to raise the awareness of the importance of organ donation in their community. These students, all sophomores, walked door to door this fall, asking residents to sign donor cards. At last count, the students distributed more than 24,000 pieces of literature and 10,000 Ridgewood residents had pledged their interest in learning more about organ donation and transplantation.

I wholeheartedly commend all of these students on this magnificent humanitarian effort. They have undertaken an effort that will save many lives. This project will undoubtedly bring new hope, better health and, indeed, life to many who otherwise would have had no hope.

This community project took place in conjunction with the New Jersey Organ and Tissue Sharing Network. I would like to thank each of these students—Alyson Cangemi, Kacey Burde, Jennifer Dlugasch, Meredith Grasso, Katie Henderson, Georgette Mitchel, Tara O'Neill, Krista Pouliot, Jessica Bheten, and Morgan Weisz—and the volunteer who coordinated their effort, Ridgewood resident Janet Cangemi.

The students' project came about as an entry in the New York Daily News "Make a Difference Day" contest, which challenges volunteers to make a difference in people's lives.

There are approximately 1,100 New Jersey residents waiting for life-saving organs.

The New Jersey Organ and Tissue Sharing Network was formed in June 1987 when the State's three organ procurement organizations merged into one. And that year, the legislature passed legislation requiring New Jersey hospitals to ask families of deceased patients whether organs of the deceased may be donated. The Sharing Network operates an extensive outreach program to educate the public on the need for organs and the importance of donation. Since then, the Sharing Network has more than tripled the number of organs recovered in New Jersey for transplantation. An estimated 2,600 lives have been saved through transplants.

Major religions support organ donation. The Rabbinical Council of America has approved organ donation and Pope John Paul II referred to organ donations as an act of great love.

Organ and tissue donation saves lives. Thousands of people die each year for the lack of organs because not enough people choose to be organ donors. I wish to join these young people from my community in urging everyone to sign an organ donor card. These young people deserve the recognition and commendation of this Congress.
Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation which will correct a longstanding injustice to the Chugach native people of my great State of Alaska. Twenty-six years ago, Congress passed the Alaska Native Claims Settlement Act (ANCSA) to settle the claims of Alaska Natives. ANCSA, though not perfect, was a bold and innovative approach to settle the issue of native land claims. Its main purpose was to convey lands traditionally used by Alaska natives to a native regional or native village corporation for their use to secure long-term cultural and economic benefits for their shareholders.

In 1980, I worked with many of my colleagues in this body to pass the Alaska Native Interest Lands Conservation Act (ANILCA) which, among other things, contained a provision which guaranteed access to Native corporations to their ANCSA lands. Without this access to their native lands selected under ANCSA, the act itself would become meaningless.

Twenty-six years after the passage of ANCSA, and 15 years since the U.S. Forest Service and the Chugach Alaska Corporation entered into the “1982 Settlement Agreement” to convey Chugach Alaska Corporation their lands and guarantee them access to these lands, the U.S. Forest Service has yet to provide the easements needed for such access. This is unacceptable and will soon produce irreparable harm to Chugach Alaska Corporation.

My legislation will simply direct the U.S. Forest Service to fulfill their commitment to provide Chugach Alaska Corporation access to their ANCSA lands. The U.S. Forest Service is required to process the easement to accomplish access for Chugach Alaska Corporation. There has been considerable delay by the U.S. Forest Service to process this easement. Mr. Speaker, I plan to take this issue up when Congress reconvenes and ask the 105th Congress to pass this legislation. Both my colleagues in the Senate, Senators STEVENS and Senator MURKOWSKI support this endeavor and will work for passage.

Mr. SHUSTER. Mr. Speaker, today I rise, Mr. Speaker, in honor of one of the outstanding people from my congressional district, Rev. Bob Sweet of Bedford, PA.

Bob Sweet served as the treasurer of Bedford County from 1963 to 1966. In 1967, he became Bedford County Commissioner, where he served the community dutifully for 8 years. It was in this capacity during the beginning of my congressional career that I became acquainted with him, and I have been fortunate enough to count him as one of my true great friends over the years. Bob has been a reliable friend and outstanding citizen of the community for more than three decades. He is a past chairman of the Bedford County Republican Committee and past president of the Bedford County Republican Club. He is an ordained minister of Christ Church, and a member of countless civic and religious groups, which indicates his commitment to the less fortunate in our society. Reverend Sweet is a selfless man who always seems to put the welfare of others in front of his own, and has provided moral guidance and a sense of vision upon which the community has built itself a great place to live and work.

Today, I want to pay tribute to an outstanding man of vision and perseverance, and a valued friend. Not only did Bob envision what would become a memorial to the founding fathers of Bedford County and a successful tourist attraction, he dedicated his time and enthusiasm to making his dream a reality. Bob Sweet’s tireless commitment to the community in which he lives is a testament to his love of Bedford County. He and his wife have two married daughters and 4 grandchildren, all of whom serve their community with pride. I will close by thanking Bob Sweet for his endless energy and constant support, and wish him a long and healthy retirement.

Mr. ACKERMAN. Mr. Speaker, I rise to join my colleagues in the Senate, Senator STEVENS and Senator MURKOWSKI support this endeavor and will work for passage.

Mr. HALL of Texas. Mr. Speaker, when I reviewed the remarks in the September 29, 1997, CONGRESSIONAL RECORD regarding a lady named “Katrina,” I immediately felt that Congressman ABERCROMBIE had relied on an erroneous and misleading article published by the Reader’s Digest some months ago. I have as advised him and he has certainly agreed to look at all the facts.

The Katrina described by a report from Robert B. Dunlap II, attorney general of the Commonwealth of the Northern Marianas Islands [CNMI], is one that I hope Congressman ABERCROMBIE will examine. I have high professional, political, and personal admiration for NEIL A. ABERCROMBIE—and I want him to have the full facts at his disposal.

The gentleman from Hawaii, Mr. ABERCROMBIE, described a situation which was reported in the Reader’s Digest article this past summer. In the report by CNMI Attorney General Dunlap in response to the allegations asserted by that article, General Dunlap writes, “the article specifically stated that she was forced to dance in the nude. It is extremely important to note that the complainant had been dancing in the nude in a Manila nightclub for several years before she came to Saipan. Her entry to the Northern Marianas was a fraud as her passport and birth certificate were doctored.”

The CNMI Attorney General further asserted: “The complainant filed a case with the CNMI Department of Labor. Since the CNMI does not have the authority or jurisdiction to prosecute violations of federal child labor laws, the CNMI Department of Labor addressed only her wage and hour complaints.” Furthermore, the article alleges that she was forced to perform lewd sex acts with customers before a video camera. The general’s report further states “In fact, the said tape was produced during her interview for the position—It was learned that the said tape was
produced in the Philippines when she was applying for the said job in Saipan. During the interview with Katrina it was in fact learned that she wanted to do nude dancing, and her mother encouraged her to do so to support her family.

The CNMI official report also stated: "The allegation that one of the club owners worked for the CNMI government is untrue. It should be noted that all the club employees and its owners are Philippine citizens. The Northern Marianas have filed charges against the owner, as well as have both owners and complainant charged with immigration fraud. The CNMI DOL did not take further action after having been informed by U.S. Government officials that they themselves would prosecute the owners under further child labor law." I am told that the CNMI government will file charges against the owner. The CNMI is very important to the United States, and very loyal to the United States and very strategic to the United States. We should support their independence.

I have high regard for the CNMI officials. Saipan, and the rest of the CNMI, are very important to the United States, and are very loyal to the United States and very strategic to the United States. We should support their independence, and help them to address the problems set out in the Reader's Digest article. The랬변의 정확한 정보와 편집 기록을 통해 정확한 결정을 내리고, 어떤 사태가 발생하였는지 "Katrina" 이야기는 단지 평범한 이야기이거나.

HONORING PASADENA-BAY AREA JUNIOR FORUM

HON. KEN BENSEN
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BENSEN. Mr. Speaker, I rise to honor the members of the Pasadena-Bay Area Junior Forum for the many contributions they have made to our community, especially to helping disabled people in East Harris County, TX. I am pleased to join the city of Pasadena as they pay tribute to the Forum on November 25, 1997, at an event appropriately themed "Goals Through Challenge.

The Pasadena-Bay Area Junior Forum was organized in 1961 to promote greater interest among women in civic, educational, and philanthropic fields. While forum members have provided volunteer work and financial support for many community activities, from schools to nursing homes, over the years they have come to focus on helping disabled people make the most of their lives. Forum members have devoted more than 33,000 hours to serving mentally and physically disabled individuals in our community.

In their very first year, forum members volunteered with the education classes for mentally retarded children. In 1971, the forum purchased an acre of land with the dream of building an education center for mentally retarded, and on August 21, 1979, the dream became a reality with the formal dedication of the Pasadena Junior Forum, Inc., Education Center. In 1980, a country store was added to the education center with a workshop to provide incentives for learning and development.

In 1986, the Forum received a U.S. Department of Housing and Urban Development grant to build two residential facilities for mentally retarded adults, which were opened in 1988 under the name "Wichita Cottages, Inc." Through these various efforts, the forum is providing independent living training that gives individuals the tools they need to reach their full potential. Through their devoted service, the women of the Pasadena-Bay Area Junior Forum have made a tremendous impact in the lives of disabled people throughout our community.

Today, the Pasadena-Bay Area Junior Forum continues to serve the community in a variety of ways. They have provided support for many community projects, including Texas Special Olympics, puppet presentations to educate children about disabilities, scholarships to San Jacinto College, and sponsoring and volunteering in programs at the city of Pasadena Multipurpose Recreation Center, where the November 25 event will be held. Because of the creativity, caring, and hard work of its members, the Pasadena-Bay Area Junior Forum has grown in significance over the years. Each member of the PBAJF understands the importance of community, that it thrives on involvement and strives for apathy. They understand that it is our government, our schools, our churches, and our neighborhoods we make better when we take the time to get involved. They understand that, when we take an hour, a day, or a week to give back to our communities, the effects are felt for much longer.

I commend the good work of the Pasadena-Bay Area Junior Forum and their efforts to make a difference in the lives of disabled people and many others in our community. They are examples for all of us.

TRIBUTE TO ERA REAL ESTATE FOR EXCELLENCE IN COMMUNITY SERVICE

HON. RODNEY P. FRELINGHUYSEN
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise to pay tribute to the ERA Real Estate brokers, agents and staff members across the country who have dedicated their time and energy to the Muscular Dystrophy Association for twenty years.

With its headquarters in my home state of New Jersey, ERA Real Estate, and its parent company HFS Inc., has truly made a difference in the lives of Jerry’s Kids. Since 1977, ERA has been the sole corporate sponsor of MDA from the real estate industry. According to MDA National Chairman Jerry Lewis: "ERA brokers and other caring individuals are the reason MDA is making rapid progress toward treatments and cures for 40 neuromuscular diseases. I’m proud to have ERA on our team."

ERA Real Estate founder and then President Jim Jackson chose as its name Linc, a term that is both the first name of Jerry’s Kids and the first name of Jerry’s Kids. Since 1977, ERA has raised more than $25 million to send hundreds of children and adults to MDA summer camps, provide leg braces and wheelchair assistance, and help fund the research that found the genes that cause the two most severe forms of childhood dystrophy.

Through its commitment to community, ERA and its brokers and agents, have demonstrated there is more to real estate than buying and selling homes. Building community is what ERA has been doing for 25 years, and by supporting MDA, ERA is using the strength of those communities to fight against neuromuscular disease. However, ERA’s relationship with MDA goes beyond raising money to support the organization. It is about helping children and adults with neuromuscular diseases to achieve their goals.

ERA’s corporate citizens are active in leading the way, and the desert community is one of America’s premier desert resort communities, one of America’s premier transportation companies—American Airlines. As a longtime resident of Palm Springs, I was blessed with the opportunity to serve as mayor, and now am Palm Springs’ federal representative in Washington, DC. During my time in office, I have tried to help build the opportunities for people to advance themselves, build economic growth, and to develop our desert community. During this time, one of the most important partners in this effort was American Airlines, and thus I would like to thank my colleagues for joining me in saluting American.

For 30 years, American has proven itself as a valuable member of our community, good corporate citizen, and important economic partner. Its presence at Palm Springs has grown into a year-round service linking the desert communities with hundreds of cities throughout the U.S. and around the globe. Local tourism and business have benefited greatly. In turn, we have grown our own oasis of a desert.

Palm Springs is fortunate and proud to have American Airlines air service, and we congratulate American for assisting Palm Springs and the desert community grow into the exciting destination it is for a healthy vacation and business environment. It is important and I ask you not to celebrate it for merely the service that we have enjoyed but also for the limitless opportunities it promises for the future of our desert communities.
In our fast-paced world, living up to commitments is not always easy, and few relationships between corporate entities and community service organizations stand the test of time. The changing priorities and bottom-line demands of business can be harmful to the best interest of individuals with muscular dystrophy.

H.R. 2203, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT

HON. J. DENNIS HASTERT OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. HASTERT. Mr. Speaker, I am pleased to join my colleagues in the House in supporting the fiscal year 1998 energy and water development appropriations conference agreement, and I want to take this opportunity to highlight one important investment this bill makes at DOE. The Department of Energy supports scientists and experimental facilities at universities and national laboratories around the country that conduct basic research in important scientific disciplines—including materials and chemical sciences, biological, and environmental sciences, and high energy and nuclear physics. In my home State of Illinois, the Fermi National Accelerator Laboratory and Argonne National Laboratory are outstanding examples of the kind of facilities and scientists that are supported by this bill through the DOE.

It is important to underscore that for the chemical and physical sciences, the DOE is as important as the National Institutes of Health [NIH] and the National Science Foundation [NSF] are to other research disciplines. DOE has a long history of supporting important basic research, and I note with some interest that this conference agreement recognizes DOE’s critical role in our national investment in fundamental research by giving a new collective name to these programs, called simply the science account. I urge my colleagues to support this science account because, like our investments in NSF and NIH, these are dollars that help build our future by supporting the people and facilities that conduct fundamental research.

The research portfolio supported through DOE’s science account, including high energy physics, has been under significant budget pressure in recent years and funding had gradually eroded. Unlike NSF and NIH, the basic research programs at DOE have not seen even modest increases in recent years and are losing ground to inflation. While I support the funding levels provided in this conference agreement, I call on the administration to strengthen these programs as it works to put together its fiscal year 1999 budget. The administration must keep the science account strong, and I believe that the public and the Congress will support these programs at higher levels.

At Fermilab, scientists from around the country operate the world’s highest-energy particle accelerator and only hadron collider. The experimental devices at Fermilab are operated as user facilities which allow researchers from all over the world to come to the lab to conduct their research. For 30 years now, Fermilab has been the center of research and discovery in high energy physics, the place where the top quark, the smallest known element of matter, was first observed. The funding provided in this bill will continue to keep Fermilab and the United States at the cutting edge of high energy physics for the next decade.

This bill provides funding for a portion of the U.S. contribution to the Large Hadron Collider [LHC], a facility that is being planned for construction in Europe. This past year, the Congress worked with the administration to ensure that our contribution to this device is appropriate and fair, that American scientists have an appropriate role in the research agenda for the device, and that American taxpayers are protected. I am satisfied with the efforts to ensure that we have the strongest possible international agreement knowing that scientific discovery is a global enterprise.

The Department of Energy is a large agency with a complex set of missions. We are all stakeholders in the success of DOE in its critical missions, including science and technology, and I look forward to working on the myriad of issues facing DOE in the months ahead.

HELP END DISCRIMINATION AGAINST OUR VETERANS WITH DISABILITIES

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to bring to my colleagues attention an important piece of legislation that Congressman ROBERT L. EHRLICH, JR., of Maryland and I recently introduced to ensure that our veterans who are receiving disability benefits are not discriminated against when they apply for housing benefits.

Our bill, H.R. 2820, the Helping America’s Veterans With Disabilities Act of 1997, is a very simple measure which would exempt veterans’ disability benefits from consideration when applying for the benefits provided by the Department of Housing and Urban Affairs [HUD]. Although disability benefits can never provide a device, and that American taxpayers are protected. I am satisfied with the efforts to ensure that we have the strongest possible international agreement knowing that scientific discovery is a global enterprise.

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CONGRATULATING LT. GEN. RICHARD G. GRAVES (RETIRED) ON HIS RETIREMENT FROM THE GENERAL DYNAMICS CORP.

HON. CHET EDWARDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. EDWARDS. Mr. Speaker, I rise today to recognize the second retirement of Lt. Gen. Richard G. Graves, a distinguished soldier who as a businessman continued to promote the interests of the Army and of the United States.

Lt. Gen. Graves is departing from General Dynamics Corp. where he has served as vice president of the General Dynamics Land Systems Division, first in Saudi Arabia and recently in Washington, DC. He will now return to his adopted home, the State of Texas.

While in Saudi Arabia, he was responsible for the fielding of over 300 United States made M1A2 tanks to the Royal Saudi Land Forces. Complex and difficult in itself, this accomplishment has had two major benefits to the United States of America.

First, these tanks and their Saudi crews now are part of the foundation of military strength that allows the Government of Saudi Arabia to stand against the possibility of renewed aggression in the Middle East. Second, the efficient and positive manner with which this critical task was done strengthened the relationship of trust and confidence the United States has with the Kingdom of Saudi Arabia.

Lt. Gen. Graves was born and raised in Indiana. Following graduation from West Point in 1958, he established a reputation as a highly proficient and able armor officer, culminating in command of the U.S. Army’s Contingency Corps, III U.S. Corp. at Fort Hood, TX, from 1988 to 1991.

During his military career, he sought out difficult assignments here and abroad and executed them in an outstanding manner. He was the commander of an armored cavalry squadron during the Vietnam war and earned the Silver Star and several other decorations for valor. During the latter days of the cold war, he served in armored units here and in Germany as a brigade commander, corps operations officer, division chief of staff, corps chief of staff, assistant division commander, and division commanding general. He also served on the staffs of forces command and the department of the army. In these roles, he was one of the architects of the rebuilding of the American army from the depths of the post-Vietnam weakness to the heights of the competence displayed in the desert storm.

Members, please join me in congratulating Lt. Gen. Richard G. Graves (retd). He has earned the praise and thanks of the American people for his many contributions as a soldier and patriot.

IN RECOGNITION OF NATIONAL BIBLE WEEK

HON. STEVE LARGENT
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. LARGENT. Mr. Speaker, the Laymen’s National Bible Association has bestowed upon me the honor of congressional cochair for National Bible Week. It is, therefore, with respect and pleasure that I announce November 23–30 as National Bible Week. I encourage my colleagues in the House and the Senate, as well as the American people to observe National Bible Week through the study of God’s word.

The Bible has been a source of moral guidance throughout world history, but America’s reliance upon the Bible has been particularly profound. The American public and the U.S. Government have long professed the principle of a commitment to, or a reliance upon the Bible.

The Bible has been a source of moral guidance throughout world history, but America’s reliance upon the Bible has been particularly profound. The American public and the U.S. Government have long professed the principle of a commitment to, or a reliance upon the Bible.

All Americans should notice that “All Scripture is God-breathed and is useful for teaching, reproof, correction, and training in righteousness. (II Timothy 3:16)” Society puts
HONORING BAYTOWN’S PUBLIC SAFETY OFFICERS OF THE YEAR

HON. KEN BENTSEN
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor Darrell Davis, Keith Dougherty, and Mike Jones of Baytown, TX, upon their selection as Baytown Fire Fighter of the Year, Fire Fighter of the Year, and Paramedic of the Year respectively. They will be the guests of honor at Baytown’s fifth annual Public Safety Recognition Dinner on November 17, 1997, and they are each certainly deserving of this honor.

Darrell Davis, the 1997 Baytown Fire Fighter of the Year, has spent his career helping others. Lieutenant Davis received his basic fire fighter training at Texas A & M University, where he graduated at the top of his class. He joined the Baytown Fire Department in November 1974, and quickly rose through its ranks. He achieved the rank of lieutenant in 1981 and moved into the fire marshal’s office in 1985. He is currently training for duty in East Harris County.

Darrell Davis’ priorities have included the acquisition of vital fire prevention equipment for the Baytown area and teaching children fire safety skills. He spearheaded the drive to establish the Baytown Life Safety Foundation, which he now chairs, and helped develop the fire safety house, a specially built house for children to teach them the proper techniques to survive a housefire. He is an active in Cub Scouts, teaching kids, including his son Ashton, the do’s and don’ts of fire safety. Lieutenant Davis is making Baytown a better and safer place for all its citizens.

Keith Dougherty, the Police Officer of the Year, also has a long history of serving the people of Baytown. Officer Dougherty came to Baytown in 1982 from St. Louis, MO, where he served as a police officer for one year following pursuit of his masters degree at Webster University. During his tenure in Baytown, he has served on the SWAT team, the division of the police force, including the patrol division, the crime prevention unit, the training division, and, since January 1993, as a detective. Officer Dougherty currently serves as a police instructor, certified crime prevention specialist, SWAT team sniper, and DARE officer, and he is a criminal justice instructor at Lee College in Baytown. His outstanding efforts have won him three commendations for outstanding performance and the admiration of his peers and all of Baytown.

This year’s Paramedic of the Year, Mike Jones, joined the Baytown Health Department’s Emergency Medical Services team in 1996, and he has quickly earned the respect and praise of the entire community. Paramedic Jones has served as a paramedic for the past 8 years and is currently training future paramedics who will join him in providing a high level of emergency response and care to the people of Baytown. They could not be learning from a finer example. In addition to his expertise in patient care issues, Paramedic Jones has obtained his associate degree in emergency medical services and criminal justice from Lee College in Baytown. In a short period of time, Mike Jones has shown a tremendous commitment that is improving emergency response and saving lives in Baytown.

Public safety officers often put their own safety and even their lives at risk for the sake of their fellow citizens. They serve us during some of the most difficult times of our lives, when we are facing the stress of crimes, fires, or medical emergencies. They are certainly deserving of our gratitude and honor. So I am honored to join in this tribute to Darrell Davis, Keith Dougherty, and Mike Jones and to all who serve our community alongside them. They are examples for all of us.

CALIFORNIA ADVISORY COUNCIL ON INDIAN POLICY EXTENSION ACT OF 1997

HON. GEORGE MILLER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. MILLER of California. Mr. Speaker, I am pleased to introduce the California Advisory Council on Indian Policy Extension Act of 1997. This bill will extend by 2 years the life of the California Advisory Council on Indian Policy, which was created by legislation I sponsored in the 102d Congress.

The council was created to specifically provide Congress with a report setting forth recommendations for remedial measures to address the special problems facing California Indians and Indian tribes. The problems include the status of California’s terminated and unrecognized tribes, economic self-sufficiency, and health and educational needs.

The council has fulfilled its task and provided Congress with a comprehensive report and set of recommendations. These recommendations focus on land consolidation, restoration of tribes, provision of health, educational, and social services, and responsibility to urban Indians.

Because the council has acquired considerable expertise on these and other issues during its 4-year existence, it seemed to me that their knowledge should not go to waste. My bill would extend the existence of the council for another 2 years so that the council will be able to guide Congress in the implementation of the report’s recommendations.

My bill directs the council to consult and work with Congress, the Secretaries of the Interior and Health and Human Services, the California Indian tribes, and the State in expediting the implementation of the recommendations contained in the council’s 1997 report. I want to be clear that the council is to consult with all of the Indian tribes in the State and my bill makes it clear that the council is to provide timely information to the tribes regarding their actions.

But I believe that the knowledge and wisdom of the council has gained from its 4-year existence is simply too valuable to cost aside. Thus, I am pleased to introduce this measure so that we can continue to benefit from their experience as we begin the process of reviewing and implementing the recommendations in their report.

TRIBUTE TO WHITKO ART STUDENTS

HON. MARK E. SOUDER
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. SOUDER. Mr. Speaker, a vital part of children’s development is learning to distinguish themselves as individuals. Artistic expression gives children this opportunity. Regardless of the discipline, art offers a unique avenue for creativity.

Today, Mr. Speaker, it is my honor to recognize a group of students from my district who have excelled in the arts and earned international acclaim for their creativity. The Whitko High School Art Department recently competed in the 28th exhibition of World Student Children’s Art in the Republic of China. Whitko, of South Whitey, IN, was one of only 11 schools to represent the United States in the exhibition. Three of the Whitko students gained personal recognition for their achievements. Kathleen Dombek, Rany Kilbourne, and Jason Slone all received medals in a competition representing 51 nations around the world.

I am proud to represent a group of such students. They have set an example worthy of our praise. I urge my colleagues to recognize the committee and hard work of these young people and to join me in congratulating them on their accomplishment.

GALA OPENING OF GINNIE’S HOUSE

HON. MARGE ROUKEMA
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mrs. ROUKEMA. Mr. Speaker, we often hear that every dark cloud has a silver lining,
In many instances, one can find that very difficult to believe. Such is the case with one of the darkest of clouds that casts an ugly shadow over our society—child abuse.

I want to call the attention of my colleagues to one such silver lining—Ginnie Littell and her child advocacy center located in Newton, Sussex County, NJ. Tomorrow afternoon marks the official opening of the Nation’s newest child advocacy center—Ginnie’s House.

Child abuse is an ugly reality in America today. There are estimates that a child is physically, psychologically, emotionally, or sexually abused every 15 seconds. As much as we wish we could build a protective wall around our community’s children, we cannot. The ugly shadow of child abuse touches every community, including Sussex County.

Realizing that the community was respond, Ginnie’s House, Sussex County’s own child advocacy center, was created by the entire community—elected officials, community leaders, captains of business, and industry.

What our society must intervene in the life of a child due to child abuse, it must do so to protect the child from further harm, provide counseling for the child and the child’s family, to protect other children from the same offender and to ensure that the offender is held accountable for his or her actions.

The efficacy of these tasks requires the attention of many different agencies and professionals—law enforcement, medical and mental health, legal services, and crisis intervention, to name just a few. Each of these agencies and advocates has different roles in the investigation and intervention process. The challenge is to coordinate and maximize the efforts and resources of the various community agencies and professionals. In this way, the child’s trauma is minimized.

Through the vision of Ginnie Littell and the support of the Sussex County Board of Freeholders and, indeed, the entire community, this coordination has a focal point.

Ginnie’s House, located strategically at 1 High Street in Newton, will provide a sanctuary where the multidisciplinary investigation and intervention process that local officials have adopted can be conducted. In short, instead of the victims seeking out the agencies and the professionals, the agencies and the professionals come to the victims.

Ginnie’s House is designed to create a sensitive environment for the victims of abuse and their families; to encourage their cooperation in the investigation and prosecution of cases and to provide continuing support through what could be an extended criminal justice process.

Many hands have built Ginnie’s House. The board of freeholders dedicated an entire county-owned building along with significant exterior and interior renovations. The State of New Jersey has provided seed money to purchase furnishings, materials, and supplies. Private citizens have provided pro bono legal, architectural, and other services. This encouraging public-private partnership will continue in the future with fundraising efforts designed to make Ginnie’s House self-sustaining.

Ginnie Littell and the citizens of Sussex County can teach the rest of America an important lesson: Child abuse is real. If we ignore it, the children will only continue to suffer. If we turn our backs, our community will only suffer. If we walk away, our society will only suffer.

The citizens of Sussex County, NJ, are not walking away. In fact, they are giving the youngest victims of abuse in our society a safe place to walk—a sanctuary where they can be protected, consolated, and healed. Let me close with a few words about the namesake of Ginnie’s House. Virginia New- man Littell is one of our community’s most dynamic leaders. She’s a woman of action who is constantly striving to serve her community in new and more constructive and humane ways.

I recall the words of the author Robert Fulghum. In his best-selling work Everything I Needed To Know I Learned in Kindergarten, he wrote, “Peace is not something you wish for. It’s something you do; something you are and something you give away.”

To me, Mr. Fulghum had Ginnie Littell in mind. Among myriad other tasks, she has dedicated the last few years to bring a measure of that peace to northwest New Jersey’s most vulnerable.

For the children, Sussex County, NJ, will be an even more peaceful place beginning tomorrow afternoon. Mr. Speaker, we welcome the silver lining called Ginnie’s House.

FOUN Dat FOR DEMOCRACY IN AFRICA HOSTS A FEBRUARY 1998 MIAMI CONFERENCE ON AFRICA

HON. ILEANA ROS-LEHTINEN
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, on February 25 through March 1, 1998, the Institute for Democratic Leadership at St. Thomas University will be hosting a very timely conference whose theme will be Africa: the next frontier. Africa faces challenges today and the Foundation for Democracy in Africa (FDA), a non-profit group based in Miami, Florida and Washington, DC, is designed to coordinate the next generation on Africa and the tenets of democracy and free market economics.

The founders of the FDA believe that, finally free from the hindrances of being used as a cold war battleground, Africa is at a watershed period as it prepares to tackle the tasks of economic and democratic infrastructure development. The FDA also states that Africa faces the challenges of building peace and economic prosperity so that democracy can flourish.

The new generation of Africans stand as a beacon of hope for Africa’s future prosperity. They must be encouraged and embrace tribal values as tenets for national unity and be steeped in democratic governance and western economic systems.

The Institute for Democracy in Africa provides education, training, and research opportunities for African students. The FDA will bring students from Africa for instruction in democratic governance and entrepreneurship.

The institute’s grounding in Western economic and democratic systems and its adaption to African challenges has been the subject of extensive testing in the United States since the late 1980s, even though it has been broadly available to the public in the United Kingdom for the last 23 years.

The General Accounting Office testified in 1979 that Ancrod should be made available to the public as soon as possible. Eighteen years later, Ancrod is still not available to the American public. Nearly 500,000 Americans suffer strokes each year, but are denied the benefits of Ancrod by the FDA.

The Institute for Democratic Leadership at St. Thomas University is providing education, training, and research opportunities for African students. The FDA will bring students from Africa for instruction in democratic governance and entrepreneurship. The institute’s grounding in Western economic and democratic systems and its adaption to African challenges will serve well the future leaders of Africa.

The conference will bring together leaders of business, government, and nongovernmental organizations from the United States and Africa to discuss the challenges in developing the necessary infrastructure. Since 1989, Africa has witnessed remarkable improvement in the area of economic development, sustainable growth, and good governance.

Africa is striving to further integrate herself into the global economic and political community. The rising generation of Africans can lead this African renaissance.

CONFERENCE REPORT ON S. 830, FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

SPEECH OF

HON. RICK LAZIO
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 9, 1997

Mr. LAZIO of New York. Mr. Speaker, I am proud to be part of this effort to reform the Food and Drug Administration and to reauthorize the Prescription Drug User Fee Act (PDUFA). The legislation we consider today is good for seniors, good for children, good for the critically ill, and good for America. This bill will save American lives. I would like to highlight one of the many examples of the need for reform, as well as one particular section of this legislation.

In the beginning of the year the FDA claimed that it was approving drugs faster than ever. The FDA’s claims, however, are contradicted by the harsh reality that many drugs not available to Americans today have been available in Europe and abroad for years.

For example, the drug Ancrod prevents and treats blood clots and is used to treat strokes. Ancrod has been the subject of extensive testing in the United States since the late 1980s, even though it has been broadly available to the public in the United Kingdom for the last 23 years.

The General Accounting Office testified in 1979 that Ancrod should be made available to the public as soon as possible. Eighteen years later, Ancrod is still not available to the American public. Nearly 500,000 Americans suffer strokes each year, but are denied the benefits of Ancrod by the FDA. I know first hand of the devastation that strokes can cause. My father had two strokes, one in 1978 and another in 1985.

Separately, this legislation includes a provision which will make important health information widely available to the American public.

This provision, based on a bill I introduced, will provide a one-stop information service for individuals with serious or life-threatening diseases. The program will create one data bank of research information by integrating and coordinating existing data banks across America.

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This provision will provide a one-stop information service for individuals with serious or life-threatening diseases. The program will create one data bank of research information by integrating and coordinating existing data banks across America.
Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to a constituent who has been a fixture in the South Dallas community. As owner of the Shell Service station on Martin Luther King, Jr. Boulevard and South Central Expressway, Mr. Woods and his service station have strengthened the surrounding businesses and benefited residents in the South Dallas area. After 25 years in business and helping his community through many charitable and entrepreneurial activities, he is now retiring with acclaim as one of South Dallas' most successful businessmen, a man who gave advice and opportunities to his customers.

Many customers can attest to the fact that for Mr. Woods, people matter as much, or more, than profits. For Mr. Woods, acts of kindness and graciousness were just as important as sales and service.

When a community resident wanted to start a small yard-maintenance business employing neighborhood youths, she came to Mr. Woods for assistance. He supported her endeavors by providing her with gasoline for her lawn mowers and gave her leeway to repay him only when her business was established. He has also offered customers sage advice on areas of finance. He gave one customer counsel about the merits of paying cash for a used car in order to avoid debt. These are a few examples of Mr. Woods' selfless commitment to his community.

Mr. Speaker, even in the face of adversity, Mr. Woods stayed in his community offering his services, contributions, and advice. After a young man put a gun to his head in a robbery attempt which dunned Mr. Woods' business was unsuccessful, Mr. Woods was not frightened and drove out of his community. Mr. Speaker, he was committed to remaining there and, after that 1981 armed robbery attempt, maintained his business in South Dallas through the 1980's and until this year.

He has helped elderly neighbors cash checks and pledged part of his gasoline sales to Bishop College in a drive to keep it open in the early 1980's.

Mr. Speaker, not only will Mr. Woods be remembered as a shrewd and successful businessman, he will be remembered first as a compassionate and caring servant to his community who repeatedly gave back and invested in its people.

Therefore, Mr. Speaker, as Mr. Woods begins to enjoy his well-earned retirement, I would like to thank him on behalf of his community for his 25 years of service and contributions. It is my hope that he enjoy his retirement as much as we have enjoyed his concern and service to us.
Mr. Speaker, I am submitting these comments that I made at the funeral. Working people have lost a champion before the fight is over. It was not a fair fight. John never lost those. There was a reason that John was such a winner. Look at what John had to fight with—just about everything, beginning with that disarming, broad grin. He had it all—talent, the sophistication, the charisma, the energy, the ability to think outside the box, and the unfailing dedication to workers.

THE WELL CHILD OUTREACH PROGRAM OF ST. MARY'S COUNTY, MD

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to one of the first health outreach programs in the State of Maryland to deal with immunizing children. The Well Child Outreach Program in St. Mary's County is a partnership between private practitioners and the St. Mary's County Health Department that was created to reduce the fragmented care of children in southern Maryland. In addition to providing medical care to uninsured and under-insured children, the program coordinates with the Department of Social Services, St. Mary's County public schools, WIC and Head Start in order to immunize as many children as possible throughout the county.

In its 3 years in existence, childhood immunization rates have improved, 98 percent of children entering county schools have complied with the entry physicals and 90 percent of the clients have kept their appointments. The State of Maryland supports State and local health departments throughout the State that follow the well child outreach model. I applaud the St. Mary's County Health Department and the physicians who began the Well Child Outreach Program.

ON THE DEATH OF JOHN N. STURDIVANT

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Ms. NORTON. Mr. Speaker, it was my privilege to speak at the funeral for John Sturdivant on November 4, 1997. I knew John as a friend and as the leader of one of America's great trade unions. His death from leukemia impoverished all of us who knew him and the countless number of Americans who benefited from his work. The foundation he laid was so strong it is bound to last. Many Members of Congress knew and respected John Sturdivant. I know they will join me in paying tribute to his work and his lasting legacy.

Mr. Speaker, I am submitting these comments that I made at the funeral. Working people have lost a champion before the fight is over. It was not a fair fight. John never lost those. There was a reason that John was such a winner. Look at what John had to fight with—just about everything, beginning with that disarming, broad grin. He had it all—the talent, the sophistication, the energy, the ability to think outside the box, and the unfailing dedication to workers.
John Sturdivant represented the same people I represent: federal and D.C. government employees. John's work often wasn't much different from mine. If so, I knew I'd hear from him.

When I first met John, however, we were not on the same side—at least not structurally. I was cast as the manager of a troubled agency, the local union president. President Carter had named me to chair the Equal Employment Opportunity Commission when the Commission had gone through a huge turmoil; firings by the President at the top of the agency, the whole ball of wax. Though entirely a management problem, it could be seen as a political issue, too. Without top leadership and a wholesale make-over. As a civil rights lawyer and a veteran of the movement, I did not look forward to tension with the employees, and there inevitably was some. The union never missed a beat, but John had a lot to do with the mixture of wit and determination that made it all work. In the end, the agency got rid of most of its backlog, not by fighting the union, but by empowering the workers with new, upgraded duties.

John Sturdivant rose through the ranks of his own union the way unions insist that employees should move up in the workplaces that they represent. But, John knew the way that yeast makes bread rise—because, by conviction and ability, he could not be contained. John Sturdivant was made for modern unionism. He knew how to fight the way that Yeast fought; he knew how to fight, he knew how to do it by negotiating, and he knew how to do it in ways nobody had thought of. He was a strategic thinker who knew how to pick his fights while keeping the others alive to be fought another day. Without that kind of smarts, he would never have achieved the landmarks that occurred when I chaired the old Subcomittee and that John wore on his sleeves like stripes; the political empowerment of government workers through Hatch Act reform, locality pay, and the first government-wide buyouts.

In the end, John Sturdivant, who was a leader in reinventing modern unionism, was not about to let government reinvent itself without the union as a partner. And the man who had risen to leadership with the rise of public sector unionism was not about to preside over a decline. When John Sturdivant had a quality union leaders seek in these tough times for workers and that public officials with a movement background like mine most admired. John knew how to work through the inside with the vision of an outsider. Now if the rest of us could only learn to beguile our opponents with a broad, disarming grin.

TRIBUTE TO JOHN STURDIVANT

HON. WILLIAM (BILL) CLAY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. CLAY. Mr. Speaker, our Nation has lost an outstanding labor leader. The late John Sturdivant was a loyal public servant who had risen to leadership with the rise of public sector unionism. Mr. Sturdivant was a loyal public servant who had risen to leadership with the rise of public sector unionism. Mr. Sturdivant was a loyal public servant who had risen to leadership with the rise of public sector unionism. Mr. Sturdivant was a loyal public servant who had risen to leadership with the rise of public sector unionism. Mr. Sturdivant was a loyal public servant who had risen to leadership with the rise of public sector unionism. Mr. Sturdivant was a loyal public servant who had risen to leadership with the rise of public sector unionism. Mr. Sturdivant was a loyal public servant who had risen to leadership with the rise of public sector unionism. Mr. Sturdivant was a loyal public servant who had risen to leadership with the rise of public sector unionism. Mr. Sturdivant was a loyal public servant who had risen to leadership with the rise of public sector unionism. Mr. Sturdivant was a loyal public servant who had risen to leadership with the rise of public sector unionism. Mr. Sturdivant was a loyal public servant who had risen to leadership with the rise of public sector unionism.

Mr. Sturdivant was born in Philadelphia on June 30, 1938 and raised in Bridgeport, CT. In 1956 he enlisted in the Air Force, where he served our Nation with distinction in Vietnam. After his discharge, he was an electronics technician with the Army Interagency Communications Agency in Winchester, Virginia, where he became active in AFGE.

When he was elected National President of AFGE, John inherited an AFGE that was in dire strait, and a union that was near bankruptcy. John was determined to save it and continue its long history of service to Federal employees. He made the difficult financial decisions needed to stabilize the union, and succeeded in saving the organization from disarray. Today, AFGE has about 178,000 active members in 1,100 locals and represents over 700,000 workers in 68 federal agencies, more than one third of the Federal workforce. Under John's leadership, AFGE became a watchdog against inefficiency in government and a champion of workers' and human rights both at home and abroad.

John was well known and highly respected on Capitol Hill, where he worked tirelessly on behalf of better pay, improved working conditions, and higher quality health and retirement benefits for federal employees. He helped win the locality pay system that will bring Federal salaries in line with those in the private sector. And he led a long battle for the Health Act Reforms that now permit Federal employees to participate in our democratic process.

In the aftermath of the Oklahoma City bombing, John worked closely with President Clinton and Federal, State and local officials to provide aid and comfort to survivors and to the families of those who died. Once the grieving had subsided, he was instrumental in bringing increased security measures at Federal installations so this tragedy would never be repeated.

As a member of the President's National Partnership Council, he was a full partner in the effort to create better employee-management relationships and to reinvent the Federal Government. He understood that the best way to improve service to the public is by giving those who do the work a voice in how the work is done.

During the partial shutdowns of the Government in 1995 and 1996, John's voice was a powerful one in support of reopening the government and providing workers with back pay when they returned.

John, who lived in Vienna, Virginia, had been an at-large member of the Democratic National Committee. He was a vice president of the AFL-CIO and a trustee of the George Meany Center for Labor Studies. He received a Bachelor of Arts degree in Labor Studies from Antioch University in 1980 and later studied law at George Washington University.

John Sturdivant devoted his life to championing the causes of working people in America. His courage, honesty, dedication and vision made him the model of a great union leader. I am proud to join with all of his many friends and colleagues in remembering his passing, and praising his many contributions to improving our Government and Nation.
Mr. Speaker, today I ask my colleagues to support the fiscal year 2000 $300 million dollar funding level for the Corporation for Public Broadcasting contained in this bill. That is a $50 million dollar increase over last year, an amount which only partially offsets the three consecutive years of recession of public broadcasting funds. The American public has sent a clear message to Congress that it supports a public broadcasting system.

The House Appropriations report concerning CPB funding specifically supports the commitment made by CPB in 1994 to formalize partnerships among the organizations of the National Minority Public Broadcasting Consortium, television stations and other public broadcasting organizations to maximize resources to increase the amount of multicultural programming on public television. That 1994 agreement was over a year in the making, but unfortunately, it has never received any funding.

I trust that $50 million dollar increase will make it possible to fund the Principles of Partnership Initiative, and would encourage CPB to see if they can find fiscal year 1998 and fiscal year 1999 funds to get this Initiative of collaboration under way.

The Minority Consortia organizations—Pacific Islanders in Communications, National Black Programming Consortium, National Latino Communications Center, National Asian American Telecommunications Association, Native American Public Telecommunications—have provided Public Broadcasting’s program schedule hundreds of hours of programming addressing the cultural, social, and economic issues of the country’s racial and ethnic communities. Additionally, each consortium has been engaged in cultivating ongoing relationships with the independent minority producer community by providing program funding, programming support, and distribution assistance. They also provide numerous hours of programming to individual public television and radio stations.

I would like to point out that the newest Consortium member, Pacific Islanders in Communications, is headquartered in Hawaii and has already had major responsibility for several award winning public broadcast productions, notably “Storytellers of the Pacific” which was co-produced with Native American Public Telecommunications, and “And Then There Were None.”

I look forward to an increasingly productive partnership between public broadcasting and the National Minority Public Broadcasting organizations and the communities they represent.

Mr. Speaker, I sincerely hope this increase in funding will allow the Corporation to fully implement the goals of the Principles of Partnership Initiative in Fiscal Year 2000 and that the Corporation will work dedicate resources now to begin this unique partnership project to recognize and highlight the contributions of our diverse ethnic populations.
RULES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE, 105TH CONGRESS

HON. WILLIAM F. GOODLING OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. GOODLING. Mr. Speaker, pursuant to clause 2(a) of Rule XI of the Rules of the House of Representatives, I hereby submit for publication in the CONGRESSIONAL RECORD the rules of the Committee on Education and the Workforce for the 105th Congress, as revised by the Committee in open session on November 6, 1997.

RULES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE, 105TH CONGRESS

(Amended January 21, 1997; revised November 6, 1997)

RULE 1. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS; VICE CHAIRMAN

(a) Regular meetings of the committee shall be held on the second Wednesday of each month at 9:30 A.M., while the House is in session. When the Chairman believes that the committee will not be considering any bill or resolution under consideration of the committee and that there is no other business to be transacted at a regular meeting, he will give notice to such members of the committee, as far in advance of the date of the regular meeting as the circumstances make practicable, of such a meeting. Notice of such meeting shall be given by the Chairman to the Secretary of the Committee in writing on a form provided for that purpose. With the approval of a majority of the members of the committee present, any regular meeting of the committee may be held at any time other than the times designated for regular meetings as hereinafter provided. Regular meetings shall be held on the second Wednesday of each month at 9:30 A.M., while the House is in session.

(b) The Chairman may call, convene, and preside at any meeting of the committee. For the purpose of calling a meeting, the Chairman may request the Sergeant at Arms to provide a quorum of members of the committee immediately.

(c) At the beginning of the Committee's business on any day, the Chairman shall call for the roll of members present to vote. If, during the meeting or at any time thereafter, the Chairman shall call for the roll of members present to vote, the Chairperson shall call for the roll of members present to vote. For the purpose of this rule, "the roll" shall mean the roll of members present to vote, whether there is a quorum of members present to vote or not.

(d) All legislative meetings of the committee and its subcommittees shall be open to the public and to the press, and shall be recorded on stenographic machines and by electronic means, with stenographic transcription of all oral testimony and, at the discretion of the committee and its subcommittees, by television or still photography or both. No business meeting of the committee, other than regularly scheduled meetings, may be held without the written consent of a majority of the members of the committee. Such meetings shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the vice chairman, or by the Chairperson's designee (e)(1)

RULE 2. QUESTIONING OF WITNESSES

Committee members may question witnesses who have been notified by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members of the majority and minority party in order of the member’s appearance at the hearing. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish in such a manner as not to place the members of the majority party in a disadvantaged position.

RULE 3. RECORDS AND ROLLCALLS

(a) Written records shall be kept of the proceedings of both the committee and each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall shall be recorded in the minutes of the committee. Voting shall be by voice or by rollcall. In the event of a tie vote, the Chairman shall vote for or against the resolution or matter on which the rollcall is demanded. If a rollcall is taken at the request of any member of the majority party, the Chairman shall designate a specific time for such rollcall, which may be taken at the next meeting of the committee.

(b) In accordance with Rule XXXVI of the Rules of the House of Representatives, any official permanent record of the committee (including any record of a legislative, oversight, or other activity of the committee or any member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(c) In accordance with Rule XXXVI of the Rules of the House of Representatives, any official permanent record of the committee (including any record of a legislative, oversight, or other activity of the committee or any member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(d) If the committee or a subcommittee makes available for public inspection any record described in subsection (a) of this rule, such record shall be made available immediately, including any record described in subsection (a) of this rule.

(e) Any investigatory record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to which reidentification with respect to an individual is likely to be possible, or any record of a legislative, oversight, or other activity of the committee or any member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(f) Any investigatory record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to which reidentification with respect to an individual is likely to be possible, or any record of a legislative, oversight, or other activity of the committee or any member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

RULE 4. STANDING SUBCOMMITTEES AND JURISDICTION

(a) There shall be five standing subcommittees with the following jurisdictions: Subcommittee on Early Childhood, Youth, and Families; Education from preschool through the high school; Workforce Protections; Subcommittee on Higher Education, Research and Technology, and Information Infrastructure; and Subcommittee on Workforce Protections. The jurisdiction of each subcommittee is set forth in this rule.

(b) Each subcommittee shall be comprised of not less than three members of the committee and its chairperson. Each subcommittee shall have the power to call upon the services of the staff of the committee and of the Committee on Education and the Workforce for the purposes of conducting inquiries and investigations and for the conduct of other committee business.

(c) Each subcommittee shall maintain its own rules and procedures, consistent with the rules of the committee, for the consideration of any measure or matter specified in that notice. The subcommittee shall notify all members of the committee of any action taken by it.

(d) Each subcommittee shall maintain its own records and procedures, consistent with the rules of the committee, for the consideration of any measure or matter specified in that notice. The subcommittee shall notify all members of the committee of any action taken by it.
child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal Employees' Compensation Act, Migrant and Seasonal Agricultural Workers Protection Act, Service Contract Act, workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth and migrant and agricultural labor health and safety and the U.S. Employment Service.

Subcommittee or Employer-Employee Relations. - Any matters relating to oversight and investigations of activities of all personnel, departments and agencies dealing with issues of education, human resources or workplace policy. This Subcommittee will not have legislative jurisdiction over any bills or resolutions will be referred to others.

RUL 5. EX OFFICIO MEMBERSHIP

The Chairman of the committee and the ranking minority party member shall be ex officio, the nonvoting members, of each Subcommittee to which the Chairman or ranking minority party member has not been assigned.

RUL 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the Committee, the Chairman of the Committee may, at the request of a Subcommittee Chairman, and upon the majority assignment of any member of the Committee to such Subcommittee for the purpose of constituting a quorum and of enabling such member to participate in any public hearing, investigation, or study by such Subcommittee to be held outside of Washington, DC. Any member of the Committee who is not a member of any Subcommittee shall be afforded an opportunity by the Subcommittee chairman to question witnesses.

RUL 7. SUBCOMMITTEE CHAIRMANSHIP

The method for selection of chairmen of the Subcommittees shall be at the discretion of the full committee Chairman, unless a majority of the majority party members of the full committee disapprove of the action of the Chairman.

RUL 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other Subcommittee chairmen with a view to avoiding simultaneous scheduling of committee and Subcommittee meetings or hearings, wherever possible. Available dates for Subcommittee meetings or the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. As far as practicable, the Chairman of the committee shall seek to assure that subcommittees are not scheduled to meet for markup or approval of any measure or to receive testimony and receive evidence, at the same time or on the same day, or on the same day after the day on which there has been filed with the Committee staff the rules of the Subcommittee.

RUL 9. SUBCOMMITTEE RULES

The rules of the Committee shall be the rules of its Subcommittees.
written request, signed by a majority of the members of the subcommittee, for the report. The full committee, after consideration of such report, shall report it to the House: "This report has not been officially adopted by the Committee on House Oversight and may not therefore necessarily reflect the views of its members.'" The minority party members of the committee or subcommittee shall have 5 working days, excluding weekends and holidays, to file, as part of the printed report, supplemental, minority, or additional views.

(b) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote so direct. No bill, resolution or other matter reported by a subcommittee shall be considered by the full committee unless it has been in the hands of all members for at least 168 hours prior to submission for such considerations. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chairman of the committee so requires (in response to a request from the ranking minority member of the committee or for other reasons), a comparison showing proposed changes in existing law. The comparison shall be served and the areas of committee jurisdiction involved shall be noted.

(c) To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of such report by the committee or subcommittee, as the case may be.

RULE 15. VOTES
(a) No vote by any member of the committee or any subcommittee with respect to any measure or matter may be cast by proxy.

(b) Each roll call vote on a motion to report any bill, resolution or matter of a public character, and on any amendment offered thereto, the total number of votes required by law, and the votes of those members voting for and against, shall be included in the committee report on the measure or matter.

RULE 16. AUTHORIZATION FOR TRAVEL
(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be approved in writing by the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which are available to members under the general jurisdiction of the committee. The Chairman shall review travel requests to assure the validity to committee business. Before such authorization is given, there shall be submitted to the Chairman a writing of the following:

(1) the purpose of the travel;
(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;
(3) the location of the event for which the travel is to be made; and
(4) the names of members and staff seeking authorization.

(b) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the chairman of a subcommittee, if the case is of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman a written request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;
(B) the dates during which the travel will occur;
(C) the names of the countries to be visited and the length of time to be spent in each;
(D) the countries or areas of the United States for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved;
(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States must be signed by the Chairman or, in the case of a subcommittee, by the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities of the bill(s) or resolution(s) and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(c) Members of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Oversight pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Oversight with respect to domestic and foreign expense allowances.

(d) Prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request therefor.

RULE 17. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS
(a) The Chairman shall consult with subcommittee chairmen regarding referral, to committee, of bills, resolutions, and other matters which have been referred to the committee. Once printed copies of a bill, resolution, or other matter shall be available to the Committee, the Chairman shall, within three weeks of such availability, provide notice of referral, if any, to the appropriate subcommittee.

(b) Referrals shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the Chairman of the assignment to a subcommittee or to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee. Notice of such assignment shall be called for at any time by a member of the majority members of the committee. All bills shall be referred under this rule to the subcommittee of appropriate jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in pursuance with this rule may be recalled therefrom at any time by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

RULE 18. COMMITTEE REPORTS
(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 3 and 7(a) of Rule XIII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House. No material change shall be made in any report after it is distributed to members unless agreed to by majority vote; but any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(c) Such 36-hour period shall not conclude earlier than the end of the period provided under clause 2, paragraph (d)(1) of Rule XI of the Rules of the House of Representatives after the committee approves a measure or matter if a member, at the time of such approval, does not notify the majority member of the committee at least 10 days prior to its submission to the House and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

(d) The report on the activities of the committee required under clause 1 of Rule XI of the Rules of the House of Representatives, shall include the following disclaimer in the document transmitting the report to the Clerk of the House: "This report has not been officially adopted by the Committee on Education and the Workforce or any subcommittee thereof and therefore may not necessarily reflect the views of its members.''' Such disclaimer need not be included if the report was circulated to all members of the committee at least 10 days prior to its submission to the House and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

RULE 19. MEASURES TO BE CONSIDERED UNDER SUSPENSION
A member of the committee may not seek to suspend the Rules of the House on any bill, resolution, or other matter which has been modified after such measure is ordered to be reconsidered unless notice of such action has been given to the Chairman and ranking minority member of the full committee.
RULE 20. BUDGET AND EXPENSES

The Chairman in consultation with the majority party members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses, and minority party office expenses. All travel expenses of minority party members and staff shall be paid out of the amounts so set aside and budgeted. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 16 within the limits of their portion of the consolidated budget as approved by the Committee majority, not to exceed $4,000 for expenses of witnesses attending hearings, and the Chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Speaker of the House of Representatives and with the prior authorization of the Chairman of the committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, DC:

(1) Out of funds budgeted and set aside for each subcommittee, not to exceed $4,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) Out of funds budgeted for the full committee majority, not to exceed $4,000 for expenses of witnesses attending full committee hearings; and

(3) Out of funds set aside for the minority party members,

(A) not to exceed, for each of the subcommittees, $4,000 for expenses of witnesses attending subcommittee hearings, and

(B) not to exceed, for expenses of witnesses attending full committee hearings, $4,000 for expenses of witnesses attending full committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of committee funds shall be deposited in the Committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 21. APPOINTMENT OF CONFEREES AND NOTICE OF CONFERENCE MEETINGS

(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in question and such other members of the subcommittee as the Chairman may designate with the approval of the majority party members. In making assignments of conferees, the Chairman shall be guided by such factors as the following:

(1) The seniority of the member of the minority party on the subcommittee.

(2) The seniority of the member of the minority party on the full committee.

(b) After the appointment of conferees pursuant to clause (1) of Rule X of the Rules of the House of Representatives, the Chairman shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

RULE 22. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

(a) The general conduct of each hearing or meeting covered under authority of this rule by any committee member, staff, other government officials and personnel, witnesses, television, radio and press media personnel, and the general conduct of any other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed in the House of Representatives.

(b) Persons undertaking to cover committee hearings or meetings under authority of this rule shall be governed by the following limitations:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witnesses served with a subpoena by the committee shall be required against their will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of the committee, any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This provision is supplemental to clause 2(k)(9) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) The number of television still and camera persons undertaking to cover the hearing or meeting room shall be determined in the discretion of the Chairman of the committee or subcommittee holding such hearing or meeting subject to clause 3(e) of Rule XI of the Rules of the House of Representatives.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobolights, and flash photography shall not be used in providing any method of coverage of the hearing or meeting, except that the television and radio media may install additional lighting in the hearing or meeting room, without cost to the government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the addition of the number of still photographers permitted by the committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the committee, the chairman, as he deems necessary or at the request of a majority of the Members of the Committee
in accordance with Clause 2(c) of Rule XI of the House of Representatives.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to Clause 2(c) of Rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if, in the judgment of the Chairman, there is no business to be considered.

RULE 3. QUORUM

For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

One-fifth of the Members of the Committee shall constitute a quorum.

RULE 4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) MEETINGS

Each meeting for the transaction of business, markup of legislation, or any other action for which an actual majority quorum is required by any rule of the House of Representatives or by law.

No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

A rollcall vote may be demanded by one-fifth of the Members present or, in the apparent absence of a quorum, by any one Member.

RULE 5. ANNOUNCEMENT OF HEARINGS AND MARKUPS

Public announcement shall be made of the date, place, and other matters to be considered at any hearing or markup to be conducted by the Committee or a subcommittee at the earliest possible date, and in any event at least 1 week before the commencement of that hearing or markup unless the Committee or subcommittee determines that it is good cause to begin that meeting at an earlier date. Such determination may be made with respect to any markup by the Chairman or subcommittee chairman, as appropriate. Such determination may be made with respect to any hearing of the Committee or subcommittee by its Chairman, with the concurrence of its Ranking Minority Member, or the Committee or subcommittee by majority vote, a quorum being present for the transaction of business.

PUBLIC ANNOUNCEMENT OF HEARINGS AND MARKUPS

Public announcement of all hearings and markups shall be published in the Daily Digest portion of the Congressional Record, and promptly entered into the committee scheduling service of House Information Resources. Members shall be notified by the Chief of Staff (Chief of Staff shall include markups and hearings) and briefings of subcommittees and of the full Committee.

The agenda for each Committee and subcommittee meeting shall set out all items of business to be considered, including a copy of any bill or other document scheduled for markup, shall be furnished to each Committee or subcommittee Member in writing not later than 30 minutes prior to the beginning of the meeting. The Chief of Staff shall include a statement of proposed testimony, statements of proposed testimony shall, to the extent practicable, include a curriculum vitae or biographical statement of prospective witnesses, and a description of any technical capacity at, the hearing.

The Chairman, or any Member of the Committee designated by the Chairman, may administer oaths to witnesses before the Committee.

7. PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

An accurate stenographic record shall be maintained of all hearings and markups. Members of the Committee and any witness may examine the transcript of his or her own remarks and may make any grammatical or technical changes that do not substantively alter the record. Any such Member or witness shall return the transcript to the Committee offices within 5 calendar days (not including Saturdays, Sundays, and legal holidays) after receipt of the transcript, or as soon thereafter as is practicable.
Any information supplied for the record at the request of a Member of the Committee shall be provided to the Member when requested by the Committee.

TRANSMISSION OF HEARING RECORDS

Attendance at official meetings, interviews, inspections, or other official activities of the Committee or subcommittee shall be made available for public use in accordance with section 2(l)(5) of Rule XI of the House of Representatives. The chairman shall ensure that the minority party Members of the Committee are fairly treated in the appointment of such staff.

RULE 8. EXTRANEOUS MATERIAL IN COMMITTEE HEARINGS

No extraneous material shall be printed in either the body or appendixes of any Committee or subcommittee hearing, except material which has been accepted for inclusion in the record during the hearing. Copies of bills and other legislation under consideration and responses to written questions submitted by Members shall not be considered extraneous material.

Extraneous material in either the body or appendixes of any hearing to be printed which exceeds eight printed pages (for any one submission) shall be accompanied by a written request to the Chairman, such written request to contain an estimate of the probable cost of publishing such material.

RULE 9. PUBLIC AVAILABILITY OF COMMITTEE VOTES

The result of each rollcall vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices.

Such rollcall votes shall be transmitted, as a description of the amendment, motion, order, or other proposition, the name of each Member voting for and against, and the Members present but not voting.

RULE 10. PROXIES

Proxy voting is not permitted in the Committee or in subcommittees.

RULE 11. REPORTS

No Committee, subcommittee, or staff report, study, or other document which purports to express publicly the views, findings, conclusions, or recommendations of the Committee or a member thereof may be released to the public or filed with the Clerk of the House unless approved by a majority of the Members of the Committee, or subcommittee, as appropriate. A proposed investigatory or oversight report shall be considered as read if it has been available to Members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day). In any case in which Clause (c) of Rule XII does not apply, each Member of the Committee or subcommittee shall be given an opportunity to have views or a disclaimer included as part of the material filed or released, as the case may be.

(c) FOREIGN TRAVEL REPORTS

At the same time that the report required by clause 2(n)(3)(B) of Rule XI of the House of Representatives, reporting foreign travel, is submitted to the Chairmen, Members and officers of the Committee shall provide a report to the Chairman listing all official travel, inspection tours, and other official functions in which the individual participated, by country and date. Under extraordinary circumstances, the Chairman may, in such report of an official meeting, interview, inspection tour, or other official function. The report shall be maintained in the full committee offices and shall be available for public inspection during normal business hours.

RULE 12. REPORTING BILLS AND RESOLUTIONS

Except in unusual circumstances, bills and resolutions will not be considered by the Committee unless and until the appropriate subcommittee files the bill or resolution for Committee action, and will not be taken to the House of Representatives for action unless and until the Committee has ordered reported such bill or resolution, a quorum being present. Unusual circumstances will be determined by the Chairman of the Committee or subcommittee in consultation with the Chairman as defined in the Rules of the House of Representatives.

RULE 13. STAFF SERVICES

The staff shall include persons with training and experience in international relations, making available to the Committee individuals and organized so that it can provide a comprehensive range of professional services in the field of foreign affairs to the Committee, the subcommittees, and all its Members. The staff shall include persons with training and experience in international relations, making available to the Committee individuals with knowledge of major countries, areas, and organizations, including assessed and voluntary contributions to such agencies and organizations; parliamentary contacts; financial and monetary institutions, the Export-Import Bank, and customs.

Subcommittee on International Operations and Human Rights.—To deal with measures relating to international economic and trade policy; measures to foster commercial and economic relations with foreign countries and international organizations; international trade and economic aspects of nuclear terrorism and narcotics control programs; compliance with international law; promotion of democracy, international law enforcement, and disarmament and other proliferation issues; the Agency for International Development; oversight of State and Defense Department activities involving arms transfers and support and armed assistance; international law; United Nations and other international sanctions; arms control and disarmament; and other international law enforcement, and disarmament and other proliferation issues.

Subcommittee on International Economic Policy and Trade.—To deal with measures relating to international economic and trade policy; measures to foster commercial and economic relations with foreign countries and international organizations; scientific developments relating to international economic and trade policy; and of international communication and information policy; licenses and licensing policy for the export of dual use equipment; and technology; legislation pertaining to and oversight of the Overseas Private Investment Corporation and the Trade and Development Agency; scientific developments affecting foreign policy; commerce and development assistance; and national security developments affecting foreign policy; and other international organizations, including assessed and voluntary contributions to such agencies and organizations; parliamentary contacts; financial and monetary institutions, the Export-Import Bank, and customs.

Subcommittee on International Operations and Human Rights.—To deal with Department of State, United States Information Agency, and related agency operations and legislation; the diplomatic service; international legal affairs; and financial and monetary institutions, the Export-Import Bank, and customs.

Subcommittee on International Operations and Human Rights.—To deal with Department of State, United States Information Agency, and related agency operations and legislation; the diplomatic service; international legal affairs; and financial and monetary institutions, the Export-Import Bank, and customs.
information policy; the American Red Cross; implementation of the Universal Declaration of Human Rights and other matters relating to internationally recognized human rights; and international population planning and child survival activities.

2. Regional Subcommittees

There shall be three subcommittees with regional jurisdiction: the Subcommittee on the Western Hemisphere; the Subcommittee on Africa; and the Subcommittee on Asia and the Pacific, with responsibility for Europe and the Middle East reserved to the full Committee.

The regional subcommittees shall have jurisdiction over the following within their respective regions:

1. Matters affecting the political relations between the United States and other countries and regions, including resolutions or other legislative measures directed to such relations.
2. Legislation with respect to disaster assistance outside the Foreign Assistance Act, boundary issues, and international claims.
3. Legislation with respect to region-specific loans or other financial relations outside the Foreign Assistance Act.
4. Resolutions of disapproval under section 36(b) of the Arms Export Control Act, with respect to foreign military sales.
5. Legislation and oversight regarding human rights practices in particular countries.
6. Oversight of regional lending institutions.
7. Oversight of matters related to the regional activities of the United Nations, of its affiliated agencies, and of other multilateral institutions.
8. Identification and development of options for meeting future problems and issues relating to U.S. interests in the region.
9. Base rights and other facilities access agreements and regional security pact monitoring.
10. Oversight of matters relating to parliamentary conferences and exchanges involving the region.
11. Concurrent oversight jurisdiction with respect to matters assigned to the functional subcommittees insofar as they may affect the region.
12. Oversight of all foreign assistance activities affecting the region.
13. Such other matters as the Chairman of the full Committee may determine.

15. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the Chairman, other subcommittee chairmen, and other appropriate Members, with a view toward minimizing the practice of the Committee that meet be scheduled to occur simultaneously with meetings of the full Committee.

In order to ensure orderly administration and fair assignment of hearing and meeting room space, time, and location of hearings and meetings shall be arranged in advance with the Chairman through the Chief Staff of the Committee.

The Chairman of the full Committee shall designate a Member of the majority party on each subcommittee as its vice chairman.

The Chairman and the Ranking Minority Member shall participate in the activities of all subcommittees of which they are not members, except that the participation of the Member may be disallowed by the Chairman.

16. REFERRAL OF BILLS BY CHAIRMAN

In accordance with Rule 14 of the Committee and to the extent practicable, all legislation and other matters referred to the Committee shall be referred by the Chairman to a subcommittee of primary jurisdiction within 2 weeks. In accordance with Rule 14 of the House of Representatives, all such referrals shall also be concurrently referred to additional subcommittees for consideration in sequence. Unless otherwise directed by the Chairman, subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be promptly made available to Members of the Committee and the public in accordance with Rule 9 of the Committee.

17. PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

The majority party caucus of the Committee shall determine an appropriate ratio of majority to minority Members for each subcommittee. Party representation on each subcommittee or conference committee shall be no less favorable to the minority party than to the full Committee. The Chairman and the Ranking Minority Member are authorized to negotiate matters affecting such ratios including the size of subcommittees and conference committees.

18. Subcommittee Funding and Records

(a) Each subcommittee shall have adequate funds to discharge its responsibility for legislation and oversight.

(b) In order to facilitate Committee compliance with Clause 2(e)(1) of Rule X of the House of Representatives, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be promptly made available to Members of the Committee and the public in accordance with Rule 9 of the Committee.

(c) All subcommittee hearings, records, data, and other materials shall be distinctive from the congressional office records of the Member serving as chairman of the subcommittee. Subcommittee records shall be coordinated with records of the full Committee, shall be the property of the House, and all Members of the House shall have access thereto.

19. MEETINGS OF SUBCOMMITTEE CHAIRMAN

The Chairman shall call a meeting of the subcommittee chairmen on a regular basis not less frequently than once a month. Such a meeting need not be held if there is no business to transact. In the absence of action by the full Committee, the practice of such meetings is to review the current agenda activities of the subcommittees.

20. ACCESS TO CLASSIFIED INFORMATION

Authorized persons.—In accordance with the stipulations of the Rules of the House of Representatives, all Members of the House who have executed the oath required by Clause 3 of Rule XLI of the House of Representatives shall be authorized to have access to classified information within the possession of the Committee.

(a) Authorized or designated persons shall be considered authorized to have access to classified information within the possession of the Committee when they have the proper security clearances, when they have executed the oath required by Clause 3 of Rule XLI of the House of Representatives, and when they have a demonstrable need to know. The decision on whether a given staff member has a need to know will be made on the following basis:

(i) In the case of the full Committee majority staff, by the Chairman, acting through the Chief of Staff;

(ii) In the case of the full Committee minority staff, by the Ranking Minority Member of the committee, acting through the Minority Chief of Staff;

(iii) In the case of the subcommittee majority staff, by the Chairman of the subcommittee;

(iv) In the case of the subcommittee minority staff, by the Ranking Minority Member of the subcommittee.

No other individuals shall be considered authorized persons, unless so designated by the Chairman.

Designated persons.—Each Committee Member is permitted to designate one member of his or her staff as having the right of access to information classified confidential. Such designated persons must have the proper security clearance, have executed the oath required by Clause 3 of Rule XLI of the House of Representatives, and have a need to know determined by the Chairman.

Upon request of a Committee Member in specific instances, a designated person also shall be granted access to information classified secret which is furnished to the Committee pursuant to section 36 of the Arms Export Control Act, as amended. Designation of a staff person shall be by letter from the Committee Member to the Chairman.

Location.—Classified information will be stored in secure access control rooms. All materials classified top secret must be stored in a Secure Compartmentalized Information Facility (SCIF).

Handing.—Materials classified confidential or secret may be taken from Committee offices and hearing rooms by Members of the Committee and authorized Committee staff in connection with hearings and briefings of the Committee or its Subcommittees for which such information is deemed to be essential. Removal of such information from the Committee office or hearing room must be with the permission of the Chairman under procedures designed to ensure the safe handling and storage of such information at all times. Except as provided in this paragraph, top secret materials may not be taken from the SCIF for any purpose, except that such materials may be taken to hearings and other meetings that are being conducted at the top secret level when necessary. Top secret materials may otherwise be used under conditions approved by the Chairman.

Access.—As provided for above, access to materials classified top secret or otherwise restricted held by the Committee will be in the SCIF. The following procedures will be observed:

(a) Authorized or designated persons will be admitted to the SCIF after prior notification to the Chief of Staff or an assigned staff member of the SCIF. The SCIF will be open during regular Committee hours.

(b) Authorized or designated persons will be required to identify themselves, to identify the documents or information to which they wish to have access, and sign the Classified Materials Log, which is kept with the classified information.
CONGRESSIONAL RECORD — Extensions of Remarks

November 13, 1997

Mr. HOYER. Mr. Speaker, during the August recess, I had the good fortune to spend some time with members of our naval forces, specifically the officers and crews of the aircraft carrier, U.S.S. “George Washington” and the ballistic missile submarine, U.S.S. “Maryland”. I was joined on the “George Washington” visit by Congressman Gil Gutknecht. Congressman Ben Cardin and I were together on the “Maryland” visit.

We were able to stay for an overnight on each vessel and observe the ship’s personnel, as they went about their normal duties.

Mr. Speaker, it was a distinct pleasure and source of pride watching our Navy in action. You would truly be amazed at the amount of coordination and communication that is required to safely and effectively utilize all of their ship’s warfighting capabilities. Yet, these crews carried out their duties with great skill, making it all look easy.

In the case of the U.S.S. “George Washington”, the advertisements are correct and possibly even understated. At almost 1,100 feet long, 257 feet wide, 244 feet high, and capable of housing and feeding over 5,000 sailors and marines, she really is 4 1/2 acres of sovereign territory.
Much less apparent—but design, I might add—certainly no less important in its role, is the U.S.S. "Maryland", a strategic ballistic missile submarine. The "Maryland" is over 560 feet long with a hull diameter of 42 feet. She carries a complement of approximately 157 officers and enlisted personnel. For armament, she has 24 missile tubes carrying the Trident II D–5 missile and 4 torpedo tubes capable of firing the Mark 48 antisubmarine torpedo.

As an undersea launching platform, the Maryland is virtually undetectable. Her state-of-the-art mobility, speed, and quietness makes her one of our most survivable and cost-effective strategic systems.

As you know, the Navy is a very important part of my southern Maryland constituency. The Fifth Congressional District is home to the Naval Air Systems Command at Patuxent River Naval Air Station and St. Inigoes. We also have the Indian Head Division of the Naval Surface Warfare Center.

Pax River personnel are trained to develop and test a host of systems designed to enhance the safety and reliability of all naval aircraft. In addition, St. Inigoes develops communications and radar systems designed to provide the fleet with state-of-the-art eyes and ears.

Similarly, Indian Head is a leading developer of insensitive missile and gun propellants for the fleet. As a result of their efforts, sailors can literally sleep on their munitions without concern.

The research and development conducted at Pax River, St. Inigoes, and Indian Head is absolutely critical to our national defense. It is their creativity and support that contributes to the excellence of our Navy.

When you combine their know-how with the quality of our sailors, you have an unbeatable combination.

As good as our hardware is, it still requires human intervention. I was extraordinarily impressed by the professionalism and the dedication of the naval personnel assigned to the George Washington and the Maryland. Their days are long and the work is demanding. In addition, they endure long absences from their families.

I witnessed two separate crews with vastly different assignments, but with the common goal of being the best in the world.

Mr. Speaker, I was pleased to have the opportunity to talk to the members of the crew. They are young, insightful, professional, and most of all, enthusiastic about their jobs and the Navy.

Their training is first rate and constantly updated. It gives them a confidence that is unmistakable and it shows in the way that they carry themselves. I would like to take this opportunity to thank the officers and crews of the George Washington and the Maryland and their families that provide so much inspiration and support. You are the best.

I would like to acknowledge the following naval personnel whose participation in my visit made them so memorable:

- U.S.S. George Washington visit: RADM Tim Ziener, Commander, Naval Base, Norfolk; RADM Mike Mullen, Commander, George Washington Battle Group; Capt. Lindell "Yank" Rutherford, Commanding Officer, U.S.S. George Washington; Capt. John "Boomer" Stufflebeam, Commander, Carrier Air Wing One; Command Master Chief Kevin Lavin; and Lt. Steve West, House Navy Liaison Office.

Mr. Speaker, we owe the men and women of our Navy the best of everything—the best training, the best equipment, and the best support. I can assure you that they will use it wisely.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

HON. JOHN R. KASICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 13, 1997

Mr. KASICH. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1998 and for the 5-year period fiscal year 1998 through fiscal year 2002.

The term “current level” refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President’s signature as of November 4, 1997.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by House Concurrent Resolution 84, the concurrent resolution on the budget for fiscal year 1998 as adopted by the House of Representatives. This comparison is also needed to implement section 311(b) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 302(b) suballocation. The revised section 302(b) suballocations were filed by the Appropriations Committee on October 6, 1997.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1998 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 84

(Reflecting action completed as of November 7, 1997—On-budget amounts, in millions of dollars)

<table>
<thead>
<tr>
<th>Fiscal years—</th>
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<td>6,460,149</td>
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<tr>
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<td>(1)</td>
</tr>
<tr>
<td>Outlays</td>
<td>1,372,461</td>
<td>7,282,291</td>
</tr>
<tr>
<td>Revenues</td>
<td>1,298,000</td>
<td>6,477,552</td>
</tr>
<tr>
<td>Budget Authority</td>
<td>1,354,737</td>
<td>(1)</td>
</tr>
<tr>
<td>Current Level</td>
<td>1,374,711</td>
<td>(1)</td>
</tr>
<tr>
<td>Appropriable Level</td>
<td>–30,810</td>
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</tr>
<tr>
<td>Revenues</td>
<td>1,372,461</td>
<td>7,282,291</td>
</tr>
</tbody>
</table>

1 Not applicable because annual appropriations Acts for Fiscal Year 1998 through 2002 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of any measure providing more than—$30,000,000,000 in new budget authority for FY 1998 (if not already included in the current level estimate) would cause FY 1998 budget authority to exceed the appropriate level set by H. Con. Res. B4.

OUTLAYS

Enactment of any measure providing new outlays for FY 1998 (if not already included in the current level estimate) would cause FY 1998 outlays to exceed the appropriate level set by H. Con. Res. B4.

REVENUES

Enactment of any measure that would result in any revenue loss for FY 1998 (if not already included in the current level estimate) or for FY 1998 through 2002 (if not already included in the current level) would cause revenues to fall further below the appropriate level set by H. Con. Res. B4.
### DISCREetional Appropriations for Fiscal Year 1998—Comparison of Current Level with Suballocations Pursuant to Budget Act Section 302(b)

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<tr>
<td></td>
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<td>BA Outlays BA Outlays NEA</td>
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<tr>
<td>National Security:</td>
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<td>Allocation</td>
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<td>Difference</td>
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<tr>
<td>Banking, Finance and Urban Affairs:</td>
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<td>Education &amp; the Workforce:</td>
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<td>Commerce:</td>
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<td>Judiciary:</td>
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<td>Difference</td>
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<tr>
<td>Resources:</td>
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<td>Difference</td>
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<tr>
<td>Transportation &amp; Infrastructure:</td>
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<td>Allocation</td>
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<td>Difference</td>
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### Revised 302(b) Suballocations (October 6, 1997)

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<th>General purpose</th>
<th>Violent crime 1</th>
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<tr>
<td></td>
<td>BA Outlays BA Outlays</td>
<td>BA Outlays BA Outlays</td>
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<tr>
<td>Agriculture, Rural Development</td>
<td></td>
<td></td>
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<tr>
<td>Commerce, Justice, State</td>
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<td>District of Columbia</td>
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<tr>
<td>Energy &amp; Water Development</td>
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<tr>
<td>Interior</td>
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<tr>
<td>Labor, HHS and Education</td>
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<td>Legislative Branch</td>
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<td>Military Construction</td>
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<td>National Defense</td>
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<tr>
<td>Reserve/Offsets</td>
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<tr>
<td>Grand total</td>
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### Current level reflecting action completed as of Nov. 4, 1997

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<tr>
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### Difference

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<td>BA Outlays BA Outlays</td>
<td>BA Outlays BA Outlays</td>
</tr>
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</table>

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1 For display purposes only.

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### Notes

- [Fiscal years, in millions of dollars]
- [For display purposes only.]

[In millions of dollars]

<table>
<thead>
<tr>
<th></th>
<th>Budget authority</th>
<th>Outlays</th>
<th>Revenues</th>
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<tr>
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<td>Authorization Bills:</td>
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<td>Oklahoma City National Memorial Act of 1997 (P.L. 105±58)</td>
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<td>1997 Emergency Supplemental Appropriations Act (P.L. 105±18)</td>
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<td>Defense Appropriations Act (P.L. 105±54)²</td>
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<td>Energy and Water Appropriations Act (P.L. 105±62)²</td>
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<tr>
<td>Transportation Appropriations Act (P.L. 105±66)⁴</td>
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<td>Enacted This Session</td>
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<td>Total passed pending signature</td>
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<td>Further Continuing Appropriations (P.L. 105±64)⁶</td>
<td></td>
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<td>Continuing Resolution Authority</td>
<td></td>
<td>118,756</td>
<td>57,850</td>
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<td>Entitlements and Mandatories</td>
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<td>Total Current Level</td>
<td>1,197,376</td>
<td>1,197,376</td>
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<td>Total Budget Resolution</td>
<td>1,387,183</td>
<td>1,372,461</td>
<td>1,206,379</td>
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<td>Amount Remaining</td>
<td>1,624</td>
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<td></td>
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<tr>
<td>Under Budget Resolution</td>
<td></td>
<td>1,624</td>
<td></td>
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<tr>
<td>Over Budget Resolution</td>
<td></td>
<td>1,624</td>
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<tr>
<td>Total Current Level including Emergencies</td>
<td></td>
<td>1,356,644</td>
<td>1,376,997</td>
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1 The revenue effect of this act begins in fiscal year 1999.
2 Estimates include $184 million in budget authority and $73 million in outlays for items that were vetoed by the President on October 14, 1997.
3 Estimates include $15 million in budget authority and $12 million in outlays for items that were vetoed by the President on October 17, 1997.
4 Estimates include $287 million in budget authority and $28 million in outlays for items that were vetoed by the President on October 6, 1997.
5 Estimates include $6 million in budget authority and $2 million in outlays for items that were vetoed by the President on November 1, 1997.
6 Estimates include $20 million in budget authority and $20 million in outlays for items that were vetoed by the President on October 17, 1997.
7 These figures are annualized estimates of discretionary spending provided in P.L. 105-46, which expires November 7, 1997, for programs funded in the following appropriation bills: Commerce-Justice-State, District of Columbia, Foreign Operations, and Labor-HHS-Education. The first continuing resolution (P.L. 105-46) expired October 23, 1997.

Note—Amounts shown under "emergencies" represent funding for programs that have been deemed emergency requirements by the President and the Congress.

Source: Congressional Budget Office.

Sincerely, J U N E E. O’N E I L L, Director.
Thursday, November 13, 1997

Daily Digest

HIGHLIGHTS

Senate passed D.C. Appropriations.
Senate agreed to Foreign Operations Appropriations Conference Report.
First session of the 105th Congress adjourned sine die
See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S12513-S12713

Measures Introduced: Forty-three bills and eleven resolutions were introduced, as follows: S. 1526-1568, S. Res. 39, S. Res. 156-163, and S. Con. Res. 68-70.

Measures Reported: Reports were made as follows:
- Special Report entitled “Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998”. (S. Rept. No. 105-155)
- S. 464, to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error. (S. Rept. No. 105-157)
- S. 999, to specify the frequency of screening mammograms provided to women veterans by the Department of Veterans Affairs. (S. Rept. No. 105-158)
- S. 1172, for the relief of Sylvester Flis.

Measures Passed:

Federal Advisory Committee Act: Senate passed H.R. 2977, to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration, clearing the measure for the President.

Sea Grant Program: Senate passed S. 927, to re-authorize the Sea Grant Program, after agreeing to the following amendment proposed thereto:
- Lott (for Snowe) Amendment No. 1636, in the nature of a substitute.

Certificate of Documentation: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. 1349, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA, and the bill was then passed.

Child Support Obligations: Senate passed S. 1371, to establish felony violations for the failure to pay legal child support obligations.

Waiving Enrollment Requirements: Senate passed H.J. Res. 103, waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress, clearing the measure for the President.

Authority to Make Appointments: Senate agreed to S. Res. 156, authorizing the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders to make certain appointments after the sine die adjournment of the present session.

Joint Session of Congress: Senate agreed to H. Con. Res. 194, providing for a joint session of Congress to receive a message from the President of the United States.

Convening of Second Session: Senate passed S.J. Res. 39, to provide for the convening of the second session of the One Hundred Fifth Congress.
Thanks to the Vice President: Senate agreed to S. Res. 157, tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

Page S12676

Thanks to the President pro tempore: Senate agreed to S. Res. 158, tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

Commending the Democratic Leader: Senate agreed to S. Res. 159, to commend the exemplary leadership of the Democratic Leader.

Commending the Majority Leader: Senate agreed to S. Res. 160, to commend the exemplary leadership of the Majority Leader.

Conditional Adjournment: Senate agreed to S. Con. Res. 68, to adjourn sine die the 1st session of the 105th Congress.

Homeowners Insurance Protection Act: Senate passed H.R. 607, to amend the Truth in Lending Act to require notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, after agreeing to the following amendment proposed thereto:

Page S12681

Lott (for D'Amato) Amendment No. 1637, in the nature of a substitute.

Amending Senate Resolution: Senate agreed to S. Res. 161, to amend Senate Resolution 48.

Chickasaw Trail Economic Development Compact: Senate passed H.J. Res. 95, granting the consent of Congress to the Chickasaw Trail Economic Development Compact, clearing the measure for the President.

Washington Metropolitan Area Transit Regulation Compact: Senate passed H.J. Res. 96, granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact, clearing the measure for the President.

No Electronic Theft Act: Committee on the Judiciary was discharged from further consideration of H.R. 2265, to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, and the bill was then passed, clearing the measure for the President.

Private Relief: Senate passed S. 1172, for the relief of Sylvester Flis.

Group Hospitalization and Medical Services, Inc. Charter: Senate passed H.R. 3025, to amend the Federal charter for Group Hospitalization and Medical Services, Inc., clearing the measure for the President.


FAA Research, Engineering, and Development Authorization: Senate passed H.R. 1271, to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Pages S12693–94

John N. Griesemer Post Office Building: Committee on Governmental Affairs was discharged from further consideration of H.R. 1254, to designate the United States Post Office building located at Bennett and Kansas Avenue in Springfield, Missouri, as the "John N. Griesemer Post Office Building", and the bill was then passed, clearing the measure for the President.

Library of Congress Real Property Acquisition: Senate passed H.R. 2979, to authorize acquisition of certain real property for the Library of Congress, clearing the measure for the President.

Holocaust Survivors Reparations: Senate agreed to S. Con. Res. 39, expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

Pages S12694–95

A&M University Black Heritage Center: Senate passed S. 1559, to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University.

Pages S12696–97

Ocean Act: Senate passed S. 1213, to establish a National Ocean Council, and a Commission on Ocean Policy, after agreeing to a committee amendment, and the following amendment proposed thereto:

Pages S12697–S12704
Nickles (for Snowe/Hollings) Amendment No. 1639, in the nature of a substitute. Pages S12700–04

Foreign Air Carrier Accidents: Senate passed H.R. 2476, to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers, clearing the measure for the President. Pages S12704–05

Pilot Records Improvement: Senate passed H.R. 2626, to make clarifications to the Pilot Records Improvement Act of 1996, clearing the measure for the President. Pages S12705–06

Authorizing Testimony: Senate agreed to S. Res. 162, to authorize testimony and representation of Senate employees in United States v. Blackly. Page S12706

Victims of Holocaust Restitution: Senate passed S. 1564, to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust. Pages S12706–07

Dorothy Day Birth Anniversary: Senate agreed to S. Res. 163, expressing the sense of the Senate on the 100th anniversary of the birth of Dorothy Day and designating the week of November 8, 1997, through November 14, 1997, as “National Week of Recognition for Dorothy Day and Those Whom She Served”. Pages S12707–10

Enrollment Correction: Senate agreed to S. Con. Res. 69, to correct the enrollment of the bill S. 830. Page S12710

Technical Error Correction: Senate agreed to S. Con. Res. 70, to correct a technical error in the enrollment of the bill S. 1026. Page S12710

Customs User Fees: Senate passed H.R. 3034, to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customs user fees, to allow the use of such fees to provide for customs inspectional personnel in connection with the arrival of passengers in Florida, clearing the measure for the President. Page S12711

Technical Corrections: Senate passed S. 1565, to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act. Page S12711

Reimbursement to Army Members: Senate passed H.R. 2796, to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning on October 1, 1996, and ending on May 31, 1997, clearing the measure for the President. Page S12711

Criminal and Unlawful Aliens: Committee on the Judiciary was discharged from further consideration of H.R. 1493, to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and the bill was then passed, clearing the measure for the President. Pages S12711–12

Criminal Use of Guns: Senate passed S. 191, to throttle the criminal use of guns, after agreeing to a committee amendment in the nature of a substitute. Pages S12711

Military Personnel Voting Rights: Senate passed S. 1566, to amend the Soldiers and Sailors’ Civil Relief Act of 1940 to protect the voting rights of military personnel. Page S12713

Passage Vitiated:

Military Construction Appropriations—Vetoed Provisions: Senate vitiated passage of S. 1292, disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45, and subsequently the bill was indefinitely postponed. Page S12693

District of Columbia Appropriations, 1998: Senate concurred in the amendments of the House to the amendment of the Senate to H.R. 2607, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, clearing the measure for the President. Pages S12514–15


Adoption Promotion Act: Senate concurred in the amendment of the House to the Senate amendment to H.R. 867, to promote the adoption of children in foster care, clearing the measure for the President. Pages S12668–75

Commerce/Justice/State Appropriations, 1998—Conference Report: A unanimous-consent agreement was reached providing that when the Senate receives the conference report on H.R. 2267, making appropriations for the Departments of Commerce, Justice, and State, and related agencies for the fiscal
year ending September 30, 1998, the conference report be deemed agreed to, thus clearing the measure for the President.

Further Continuing Appropriations: A unanimous-consent agreement was reached providing that when the Senate receives H.J. Res. 106, making further continuing appropriations, the resolution be deemed passed.

Boys and Girls Clubs of America: Senate concurred in the amendment of the House to S. 476, to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000, clearing the measure for the President.

AMTRAK Reform and Accountability Act: Senate concurred in the amendment of the House to S. 738, to reform the statutes relating to Amtrak, and to authorize appropriations for Amtrak, clearing the measure for the President.

Distribution of Judgment Funds: Senate receded from its amendment No. 61 to H.R. 1604, to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18-E, 58, 364, and 18-R before the Indian Claims Commission, clearing the measure for the President.

Authority for Committees: All committees were authorized to file legislative and executive reports during the adjournment of the Senate on Wednesday, December 3, 1997, Tuesday, January 6, 1998, and Friday, January 16, 1998, from 10 a.m. to 2 p.m.

Status Quo of Nominations: A unanimous-consent agreement was reached providing that all nominations received in the Senate during the 105th Congress, First Session, remain in status quo, notwithstanding the sine die adjournment of the Senate, with two exceptions.

Nominations Confirmed: Senate confirmed the following nominations:
- Raymond C. Fisher, of California, to be Associate Attorney General.
- Rita D. Hayes, of South Carolina, to be Deputy United States Trade Representative, with the rank of Ambassador.
- Gail W. Laster, of New York, to be General Counsel of the Department of Housing and Urban Development.
- Lynn S. Adelman, of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin.
- William J. Lynn, III, of the District of Columbia, to be Under Secretary of Defense (Comptroller).
- 1 Navy nomination in the rank of admiral.

Messages From the House:

Measures Referred:

Measures Read First Time:

Executive Reports of Committees:

Statements on Introduced Bills:

Amendments Submitted:

Additional Cospromsors:

Notices of Hearings:

Additional Statements:

Adjournment Sine Die: Senate convened at 10 a.m. and in accordance with S. Con. Res. 68, adjourned sine die at 7:56 p.m.

Committee Meetings

(RENEWABLE TRANSPORTATION FUELS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine certain ways renewable fuels could assist in decreasing greenhouse gas emissions and increasing United States energy security, after receiving testimony from R. James Woolsey, former Director of Central Intelligence, and B. Reid Detchon, Biomass Energy Advocates, both of Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:
- S. 1172, for the relief of Sylvester Flis; and
- The nominations of Barry G. Silverman, of Arizona, to be United States Circuit Judge for the Ninth Circuit, Carlos R. Moreno, to be United States District Judge for the Central District of California, Richard W. Story, to be United States District Judge for the Northern District of Georgia, Christine O. C. Miller, of the District of Columbia, to be a Judge of the United States Court of Federal Claims, and Robert S. Warshaw, of New York, to be Associate Director for National Drug Control Policy.

Also, committee resumed consideration of the nomination of Bill Lann Lee, of California, to be an Assistant Attorney General, Department of Justice, but did not complete consideration of, and recessed subject to call.
House of Representatives

Chamber Action


Reports Filed: Reports were filed as follows:

- Conference report on 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 (H. Rept. 105–405); and

Increase Committee Subcommittees From 7 to 8: The House agreed to H. Res. 326, providing for an exception from the limitation of clause 6(d) of rule X for the Committee on Government Reform and Oversight, by a recorded vote of 219 ayes to 195 noes, Roll No. 634.

Earlier, agreed to order the previous question by yea and nay vote of 220 yeas to 194 nays, Roll No. 633.

Committee Resignation: Read a letter from Representative Cramer wherein he resigned from the Committees on Transportation and Infrastructure and Science.

Committee Election: The House agreed to H. Res. 328, amended, electing Representative Cramer to the Committee on Appropriations. Earlier, vacated the original vote on the resolution and agreed to the Fazio amendment to strike language electing Representative Pryce to the Committee on the Budget.

Suspensions: The House agreed to suspend the rules and pass the following measures:

- Adoption Promotion Act: H. Res. 327, providing for the consideration of H.R. 867, to promote the adoption of children in foster care, and the Senate amendment thereto (agreed to by yea and nay vote of 406 yeas to 7 nays, Roll No. 635);

- Boys and Girls Clubs: H.R. 1753, amended, to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000. Subsequently, S. 476, a similar Senate-passed bill, was passed in lieu after being amended to contain the text of H.R. 1753, as amended. Agreed to lay H.R. 1753 on the table;

- Fifty States Commemorative Coin Program: S. 1228, to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States—clearing the measure for the President;

- Atlantic Striped Bass Conservation: Agreed to the Senate amendments to H.R. 1658, to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws—clearing the measure for the President;

- Ottawa and Chippewa Indians of Michigan: Agreed to Senate amendments numbered 1 through 60, 62 and 63 and disagreed to Senate amendment 61 to H.R. 1604, to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission;

- National Peace Garden Memorial and Wild Horses at Cape Lookout National Seashore: S. 731, amended, to extend the legislative authority for construction of the National Peace Garden memorial;

- Designation of Common Telecommunications Carriers: S. 1354, to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers—clearing the measure for the President—clearing the measure for the President;

- Museum and Library Services Act: S. 1505, to make technical and conforming amendments to the Museum and Library Services Act—clearing the measure for the President;

- New Mexico Hispanic Cultural Center for Performing Arts: 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—clearing the measure for the President;

- Allowing Blue Cross of the District of Columbia and Maryland Affiliation: H.R. 3025, to amend the Federal charter for Group Hospitalization and Medical Services, Inc.;

- Iraqi Regime Crimes Against Humanity: H. Con. Res. 137, expressing the sense of the House of Representatives concerning the urgent need for an
international criminal tribunal to try members of the Iraqi regime for crimes against humanity (agreed to by a yea and nay vote of 396 yeas to 2 nays, Roll No. 637); Pages H10870–73, H10916–17

ASEAN 30th Anniversary: H. Res. 282, congratulating the Association of South East Asian Nations (ASEAN) on the occasion of its 30th Anniversary; Pages H10874–76

American Commitment to Democracy for Vietnam: H. Res. 231, amended, urging the President to make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam; Pages H10876–78

Cooperation Between the United States and Mongolia: H. Con. Res. 172, amended, expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia; Pages H10878–80

Situation in Kenya: H. Con. Res. 130, amended, concerning the situation in Kenya; Pages H10880–82

Military Intervention by Angola into the Congo: H. Res. 273, amended, condemning the military intervention by the Government of the Republic of Angola into the Republic of the Congo. Agreed to amend the title; Pages H10882–84

Senior Citizen Home Equity Protection: H. Res. 329, agreed to the Senate amendment to the House amendments to S. 562, to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage, with an amendment; Pages H10884–86

Enrollment Correction: H. Con. Res. 196, to correct the enrollment of S. 830, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products; Pages H10886–89

Customs User Fees: H.R. 3034, to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customs user fees, to allow the use of such fees to provide for customs inspection personnel in connection with the arrival of passengers in Florida; Pages H10889–91

Children of Vietnamese Reeducation Camp Internes: H.R. 3037, to clarify that unmarried children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program; Pages H10891–92

Reimbursing Bosnian Troops for Out-of-Pocket Expenses: H.R. 2796, amended, to authorize the re-
imbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning on October 1, 1996, and ending on May 31, 1997; Pages H10892–94

Amtrak Reform and Accountability Act: S. 738, amended, to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak. Earlier, agreed to the Shuster technical amendment; Pages H10894–H10903

Calling for Resignation of Sara E. Lister: H. Con. Res. 197, calling for the resignation or removal from office of Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs; Pages H10903–09

Recess: The House recessed at 4:51 p.m. and reconvened at 5:25 p.m.

Law Revision Counsel: The Speaker announced the appointment of John R. Miller as Law Revision Counsel for the House of Representatives, effective November 1, 1997. Page H10916

General Counsel: The Speaker announced the appointment of Geraldine R. Gennet as General Counsel of the United States House of Representatives effective August 1, 1997.

Adjourn Sine Die: The House agreed to, S. Con. Res. 68, to adjourn sine die the 1st Session of the 105th Congress by a yea and nay vote of 205 yeas to 193 nays, Roll No. 638.

Convening of 2nd Session: The House passed S.J. Res. 39, providing for the convening of the 2nd Session of the 105th Congress.

Committee Resignation: Read a letter from Representative Portman wherein he resigned from the Committee on Government Reform and Oversight.

Committee Election: The House agreed to H. Res. 331 electing Representative Miller of Florida to the Committee on Government Reform and Oversight.

Committee to Notify the President: Pursuant to H. Res. 320, the Chair announced the appointment of Representative Armey and Representative Gephardt, as members on the part of the House, to the committee to notify the President that the House has completed its business and is ready to adjourn.

Commerce, Justice, and State, the Judiciary Appropriations: The House agreed to the conference report on 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 by a yea and nay vote of 282 yeas to 110 nays, Roll No. 640.

Pages H10918–40

Rejected the Obey motion to recommit the Conference Report to the Committee of Conference by a yea and nay vote of 171 yeas to 216 nays, Roll No. 639.

Page H10939

H. Res. 330, the rule that waived points of order against the conference report was agreed to by a yea and nay vote of 285 yeas to 113 nays, Roll No. 636.

Pages H10909–16


Pages H10940–41

United States Institute for Environmental Conflict Resolution: Considered by unanimous consent, the House passed H.R. 3042, to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training.

Pages H10941–42

Presidential Veto Message—Military Construction Projects: Read a message from the President wherein he announces his veto of H.R. 2631, “An Act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45,” and explains his reasons therefor referred to the Committee on Appropriations and ordered printed (H. Doc. 105–172).

Pages H10942–43

Representative Foglietta of Pennsylvania Introduced Measure: Agreed that Representative Johnson of Wisconsin may hereafter be considered as the first sponsor of H. Con. Res. 47, a bill originally introduced by Representative Foglietta for the purposes of adding co-sponsors and requesting reprints.

Page H10942

Postponed Suspensions—Considered on September 29: Agreed by unanimous consent that the House be considered to have adopted a motion to suspend the rules and pass each of the following measures considered by the House on Monday, September 29, 1997: S. 1161, H.R. 2233, H.R. 2007, H.R. 1476, H.R. 1262, H.R. 2165, H.R. 2207, S. 819, S. 833, H.R. 548, H.R. 595, and H. Con. Res. 131, as amended today. Agreed that S. 1193, the counterpart of H.R. 2036 be considered as passed; and H.R. 2036 was laid on the table.

Pages H10943–46

Majority Members to Serve on Investigative Subcommittees: Read a letter from the Speaker wherein he named Representatives Bateman, Bryant, Deal of Georgia, Hastings of Washington, McCrery, Miklovic, Miller of Florida, Portman, Talent, and Thornberry to serve as needed on investigative subcommittees related to the Committee on Standards of Official Conduct.

Page H10947

Minority Members to Serve on Investigative Subcommittees: Read a letter from the Minority Leader wherein he named Representatives Clyburn, Doyle, Edwards, Klink, Lewis of Georgia, Meek of Florida, Scott, Stupak, and Tanner as needed on investigative subcommittees related to the Committee on Standards of Official Conduct.

Pages H10948–50

Unanimous Consent Consideration: Agreed that the following measures be considered as passed or adopted respectively: S. 1565, S. 1559, S. Con. Res. 70, S. 156, and H. Res. 322, as amended.

Pages H10950

Senate Messages: Messages received from the Senate today appear on pages H10793, H10918, H10940, and H10943.

Quorum Calls—Votes: Seven yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H10792–93, H10793, H10915–16, H10916–17, H10917–18, H10939, and H10939–40. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and pursuant to the provisions of S. Con. Res. 68, adjourned at 10:44 p.m. sine die.

Committee Meetings

EAST ASIAN ECONOMIC CONDITIONS

Committee on Banking and Financial Services: Held a hearing on East Asian Economic Conditions. Testimony was heard from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System; Lawrence H. Summers, Deputy Secretary, Department of the Treasury; and public witnesses.

TOBACCO SETTLEMENT

Committee on Commerce: Held a hearing on the Tobacco Settlement: Views of the Administration and the State Attorneys General. Testimony was heard from Donna E. Shalala, Secretary of Health and Human Services; Gal Norton, Attorney General, State of Colorado; and Christine Gregorie, Attorney General, State of Washington.
“JOHNNY CHUNG—HIS UNUSUAL ACCESS TO THE WHITE HOUSE, HIS POLITICAL DONATIONS, AND RELATED MATTERS”

Committee on Government Reform and Oversight: Held a hearing on “Johnny Chung—His Unusual Access to the White House, His Political Donations, and Related Matters”. Testimony was heard from Nancy Hernreich, Deputy Assistant to the President for Appointments and Scheduling, Executive Office of the President; Kelly Crawford, former Staff Assistant to Nancy Hernreich; Maggie Williams, former Chief of Staff to the First Lady, and the following officials from the Democratic National Committee: Carol Khare, Assistant to Donald L. Fowler, Chairman, and Ceandra Scott, staff member.

Hearings continue tomorrow.

MISCELLANEOUS MEASURES

Committee on International Relations: Approved a motion to request the Chairman to place the following resolution on the suspension calendar, H. Res. 322, amended, expressing the sense of the House that the United States should act to resolve the crisis with Iraq in a manner that assures destruction of Iraq's ability to produce and deliver weapons of mass destruction, and that peaceful and diplomatic efforts should be pursued, but that if such efforts fail, multilateral military action or, as a last resort, unilateral United States military action should be taken. The Committee also held a hearing on Bonn to Kyoto: The Administration’s Position on the Climate Change Treaty. Testimony was heard from Timothy E. Wirth, Under Secretary, Global Affairs, Department of State.

NATIONAL BANKRUPTCY REVIEW COMMISSION REPORT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing regarding the National Bankruptcy Review Commission Report. Testimony was heard from the following officials from the National Bankruptcy Review Commission: Brady C. Williamson, Chairman, Judge Edith Hollan Jones, United States Court of Appeals for the Fifth Circuit, Member, and Babette A. Ceccotti, Member.

U.S. COMPUTER EXPORT CONTROL POLICY

Committee on National Security: Held a hearing on U.S. supercomputer export control policy. Testimony was heard from William A. Reinsch, Secretary, Export Administration, Department of Commerce; following officials from the Department of Defense: Mitchel B. Wallerstein, Deputy Assistant Secretary for Counterproliferation Policy, Stephen Bryen, Former Director Defense Technology Security Administration; and public witnesses.

CONFERENCE REPORT—COMMERCE, JUSTICE, STATE, THE JUDICIARY APPROPRIATIONS ACT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report on 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, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representative Rogers.

AIRCRAFT MISHAPS—INCREASING NUMBER

Committee on Transportation and Infrastructure Subcommittee on Aviation held a hearing on the increasing number of aircraft mishaps on our Nation’s runways. Testimony was heard from Representative Kucinich; Jim Hall, Chairman, National Transportation Safety Board; the following officials from Department of Transportation: Ken Mead, Inspector General; Ronald Morgan, Director of Air Traffic, Federal Aviation Administration, and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST p. D1259)

H.R. 2013, to designate the facility of the United States Postal Service located at 551 Kingstown Road in South Kingstown, Rhode Island, as the “David B. Champagne Post Office Building”. Signed November 10, 1997. (P.L. 105±70)


H.R. 2464, to amend the Immigration and Nationality to exempt internationally adopted children 10 years of age or younger from the immunization requirement in section 212(a)(1)(A)(ii) of such Act. Signed November 12, 1997. (P.L. 105±73)

S. 587, to require the Secretary of the Interior to exchange certain lands located in Hinsdale County, Colorado. Signed November 12, 1997. (P.L. 105±74)

S. 588, to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest, Colorado, to include land known as the Slate Creek Addition. Signed November 12, 1997. (P.L. 105±75)

S. 589, to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness,


COMMITTEE MEETINGS FOR FRIDAY,
NOVEMBER 14, 1997

Senate

No meetings are scheduled.

House

Committee on Government Reform and Oversight, to continue hearings on “Johnny Chung—His Unusual Access to the White House, His Political Donations, and Related Matters”, 12 p.m., 2154 Rayburn.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED FIFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

<table>
<thead>
<tr>
<th>January 7 through November 13, 1997</th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days in session</td>
<td>153</td>
<td>132</td>
<td>285</td>
</tr>
<tr>
<td>Time in session</td>
<td>1093 hrs, 07' 1003 hrs, 42'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congressional Record:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pages of proceedings</td>
<td>12713</td>
<td>10957</td>
<td>23670</td>
</tr>
<tr>
<td>Extensions of Remarks</td>
<td>2403</td>
<td></td>
<td>2403</td>
</tr>
<tr>
<td>Public bills enacted into law</td>
<td>19</td>
<td>59</td>
<td>78</td>
</tr>
<tr>
<td>Private bills enacted into law</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Bills in conference</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Measures passed, total</td>
<td>385</td>
<td>541</td>
<td>926</td>
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<tr>
<td>Senate bills</td>
<td>123</td>
<td>50</td>
<td>173</td>
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<tr>
<td>House bills</td>
<td>101</td>
<td>243</td>
<td>344</td>
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<tr>
<td>Senate joint resolutions</td>
<td>5</td>
<td>3</td>
<td>8</td>
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<tr>
<td>House joint resolutions</td>
<td>16</td>
<td>19</td>
<td>35</td>
</tr>
<tr>
<td>Senate concurrent resolutions</td>
<td>30</td>
<td>13</td>
<td>43</td>
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<tr>
<td>House concurrent resolutions</td>
<td>19</td>
<td>44</td>
<td>63</td>
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<tr>
<td>Simple resolutions</td>
<td>92</td>
<td>169</td>
<td>261</td>
</tr>
<tr>
<td>Measures reported, total</td>
<td><em>248</em></td>
<td><em>373</em></td>
<td><em>621</em></td>
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<tr>
<td>Senate bills</td>
<td>159</td>
<td>4</td>
<td>163</td>
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<tr>
<td>House bills</td>
<td>32</td>
<td>243</td>
<td>275</td>
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<tr>
<td>Senate joint resolutions</td>
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<td>3</td>
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<tr>
<td>House joint resolutions</td>
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<td>11</td>
<td>13</td>
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<tr>
<td>Senate concurrent resolutions</td>
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<tr>
<td>House concurrent resolutions</td>
<td>2</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>Simple resolutions</td>
<td>38</td>
<td>105</td>
<td>143</td>
</tr>
<tr>
<td>Special reports</td>
<td>22</td>
<td>13</td>
<td>35</td>
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<tr>
<td>Conference reports</td>
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<td>20</td>
<td>20</td>
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<tr>
<td>Measures pending on calendar</td>
<td>112</td>
<td>39</td>
<td>151</td>
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<tr>
<td>Measures introduced, total</td>
<td>1840</td>
<td>3662</td>
<td>5502</td>
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<tr>
<td>Bills</td>
<td>1568</td>
<td>3036</td>
<td>4504</td>
</tr>
<tr>
<td>Joint resolutions</td>
<td>39</td>
<td>105</td>
<td>144</td>
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<tr>
<td>Concurrent resolutions</td>
<td>70</td>
<td>195</td>
<td>265</td>
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<tr>
<td>Simple resolutions</td>
<td>163</td>
<td>326</td>
<td>489</td>
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<tr>
<td>Quorum calls</td>
<td>6</td>
<td>7</td>
<td>13</td>
</tr>
<tr>
<td>Yea-and-nay votes</td>
<td>298</td>
<td>284</td>
<td>582</td>
</tr>
<tr>
<td>Recorded votes</td>
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<td>349</td>
<td>349</td>
</tr>
<tr>
<td>Bills vetoed</td>
<td></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Vetoes overridden</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* These figures include all measures reported, even if there was no accompanying report. A total of 158 reports have been filed in the Senate, a total of 406 reports have been filed in the House.

### DISPOSITION OF EXECUTIVE NOMINATIONS

<table>
<thead>
<tr>
<th>January 7 through November 13, 1997</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civilian nominations, totaling 500, disposed of as follows:</td>
</tr>
<tr>
<td>Confirmed .......................................................... 361</td>
</tr>
<tr>
<td>Unconfirmed ........................................................ 124</td>
</tr>
<tr>
<td>Withdrawn ............................................................ 13</td>
</tr>
<tr>
<td>Returned to White House .................. 2</td>
</tr>
<tr>
<td>Civilian nominations (FS, PHS, CG, NOAA), totaling 3,105, disposed of as follows:</td>
</tr>
<tr>
<td>Confirmed .......................................................... 3,019</td>
</tr>
<tr>
<td>Unconfirmed ........................................................ 86</td>
</tr>
<tr>
<td>Air Force nominations, totaling 8,141, disposed of as follows:</td>
</tr>
<tr>
<td>Confirmed .......................................................... 8,120</td>
</tr>
<tr>
<td>Unconfirmed ........................................................ 21</td>
</tr>
<tr>
<td>Army nominations, totaling 6,246, disposed of as follows:</td>
</tr>
<tr>
<td>Confirmed .......................................................... 6,244</td>
</tr>
<tr>
<td>Unconfirmed ........................................................ 2</td>
</tr>
<tr>
<td>Navy nominations, totaling 6,157, disposed of as follows:</td>
</tr>
<tr>
<td>Confirmed .......................................................... 6,153</td>
</tr>
<tr>
<td>Unconfirmed ........................................................ 4</td>
</tr>
<tr>
<td>Marine Corps nominations, totaling 1,679, disposed of as follows:</td>
</tr>
<tr>
<td>Confirmed .......................................................... 1,679</td>
</tr>
<tr>
<td>Unconfirmed ........................................................ 0</td>
</tr>
</tbody>
</table>

Summary

| Total nominations received .................. 25,828 |
| Total confirmed ....................................... 25,576 |
| Total unconfirmed ..................................... 237 |
| Total withdrawn ........................................ 13 |
| Total returned to the White House ........... 2 |
Next Meeting of the Senate
12 noon, Tuesday, January 27, 1998

Senate Chamber

Program for Tuesday: Convening of the second session of the 105th Congress.
(Senate will meet in joint session with the House of Representatives at 9 p.m. to receive an address from the President of the United States on the State of the Union.)

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