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House of Representatives

MUSEUM AND LIBRARY SERVICES TECHNICAL AND CONFORMING AMENDMENTS OF 1997

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.

The Clerk read as follows:

S. 1505

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 ''Museum and Library Services Technical and Conforming Amendments of 1997''.

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 title 5, United States Code, governing the appointment in the competitive service and may compensate 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 ⅕ 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''.

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JOHN WARNER, *Chairman.*

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SEC. 4. RESERVATIONS.

Section 221(a)(1) of the Museum and Library Services Act (20 U.S.C. 9131(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 second sentence of 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 in the allotment for any fiscal year shall be equal to the allotment multiplied by a fraction—

''(I) the numerator of which is the result obtained by subtracting the level of such State expenditures for the fiscal year for which the determination is made, from the average of the total level of such State expenditures for the 3 fiscal years 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 3 fiscal years preceding the fiscal year for which the determination is made.''.

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**''; and

(2) by striking ''to organizations'' and all that follows through ''such organizations'' and inserting ''to Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as the term is defined in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912) to enable such tribes and organizations''.

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, CONTRACTS, 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''; and

(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 ''(b) GRANTS OR CONTRACTS'' and inserting ''(b) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS;'' and

(B) in paragraph (1), by inserting ''or cooperative agreements,'' after ''contracts''; and

(C) in paragraph (2), by striking ''Grants and contracts'' and inserting ''Grants, contracts, and cooperative agreements''.

SEC. 8. CORRECTION OF TYPOGRAPHICAL ERROR.

Section 262(a)(3) of the Museum and Library Services Act (20 U.S.C. 9162(a)(3)) is amended by striking ''preservation of digitization'' and inserting ''preserving or digitization''.

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.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

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 their 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 to allow the institute more flexibility in hiring museum and library professionals to oversee the programs administered by the institute.

The director needs this authority now in order to hire qualified deputy directors 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, the legislation as drafted limits the pay of these individuals to not more than the equivalent of a GS–15, currently $75,935 to $98,714.

In addition, this legislation will allow special libraries to receive funding under the act if the State in which they are located deems 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 also provide for a modest increase of one-quarter of 1 percent of funds appropriated to serve native Americans, clarify 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 State library agencies do not 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 museum 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 new law and to 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 director of our Institute of 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 reasonable, which we are not always here, and he is a positive force for education in this country, and that is so vitally needed in this Congress, and we do thank him for all he has done.

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 thankful. They are the ones who helped put together this legislation, which is technical but which is 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. 1505.

The question was taken; and (two-thirds having 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 equipping 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 in search of the fabled city of Cibola and made contact with the people of Zuni.

(4) The Hispanic influence in New Mexico is particularly dominant and a part of daily living for all the citizens of New Mexico, who are a diverse composite of racial, ethnic, and cultural peoples. Don Juan de 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.

(10) In 1993, the legislature and Governor of New Mexico created the Hispanic Cultural Division as a division within the Office of Cultural Affairs. One of the principal responsibilities of the Hispanic Cultural Division is to oversee the planning, construction, and operation of the New Mexico Hispanic Cultural Center.

(11) The mission of the New Mexico Hispanic Cultural Center is to create a greater appreciation and understanding of Hispanic culture.

(12) The New Mexico Hispanic Cultural Center will serve as a local, regional, national, and international site for the study and advancement of Hispanic culture, expressing both the rich history and the forward-looking aspirations of Hispanics throughout the world.

(13) The New Mexico Hispanic Cultural Center will be a Hispanic arts and humanities showcase to display the works of national and international artists, and to provide a venue for educators, scholars, artists, children, elders, and the general public.

(14) The New Mexico Hispanic Cultural Center will provide a venue for presenting the historic and contemporary representations and achievements of the Hispanic culture.

(15) The New Mexico Hispanic Cultural Center will sponsor arts and humanities programs, including programs related to visual arts of all forms (including drama, dance, and traditional and contemporary music), research, literary arts, genealogy, oral history, publications, and special events such as, fiestas, culinary arts demonstrations, film video productions, storytelling presentations and education programs.

(16) Phase I of the New Mexico Hispanic Cultural Center complex is scheduled to be completed by August of 1998 and is planned to consist of an art gallery with exhibition space and a museum, administrative offices, a restaurant, a ballroom, a gift shop, an amphitheater, a research and literary arts center, and other components.

(17) Phase II of the New Mexico Hispanic Cultural Center complex is planned to include a performing arts center (containing a 700-seat theater, a stage house, and a 300-seat film/video theater), a 150-seat black box theater, an art studio building, a culinary arts building, and a research and literary arts building.

(18) It is appropriate for the Federal Government to share in the cost of constructing the New Mexico Hispanic Cultural Center because Congress recognizes that the New Mexico Hispanic Cultural Center has the potential to be a premier facility for performing arts and a national repository for Hispanic arts and culture.

(b) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means the Center for Performing Arts, within the complex known as the New Mexico Hispanic Cultural Center, which Center for the Performing Arts is a central facility in Phase II of the New Mexico Hispanic Cultural Center complex.

(2) HISPANIC CULTURAL DIVISION.—The term ''Hispanic Cultural Division'' means the Hispanic Cultural Division of the Office of Cultural Affairs of the State of New Mexico.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(c) CONSTRUCTION OF CENTER.—The Secretary shall award a grant to New Mexico to pay for the Federal share of the costs of the design, construction, furnishing, and equipping of the Center for Performing Arts that will be located at a site to be determined by the Hispanic Cultural Division, within the complex known as the New Mexico Hispanic Cultural Center.

(d) GRANT REQUIREMENTS.—

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

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

(B) shall exercise due diligence to expeditiously execute, in a period not to exceed 90 days after the date of enactment of this section, the memorandum of understanding under paragraph (2) recognizing that time is of the essence for the construction of the Center because 1998 marks the 400th anniversary of the first permanent Spanish settlement in New Mexico.

(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding described in paragraph (1) shall provide—

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

(B) that Antoine Predock, an internationally recognized architect, shall be the 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 Division shall award the contract for architectural engineering and design services in accordance with the New Mexico Procurement Code; and

(D) that the contract for the construction of the Center—

(i) shall be awarded pursuant to a competitive bidding process; and

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

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

(4) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (c) shall be in cash or in kind fairly evaluated, including plant, equipment, or services. The non-Federal share shall include any contribution received by New Mexico for the design, construction, furnishing, or equipping of Phase I or Phase II of the New Mexico Hispanic Cultural Center complex prior to the date of enactment of this section. The non-Federal share of the costs described in subsection (c) shall include the following:

(A) $16,410,000 that was appropriated by the New Mexico legislature since January 1, 1993, for the planning, property acquisition, design, construction, furnishing, and equipping of the New Mexico Hispanic Cultural Center complex.

(B) $116,000 that was appropriated by the New Mexico legislature for fiscal year 1995 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(C) $226,000 that was appropriated by the New Mexico legislature for fiscal year 1996 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(D) $442,000 that was appropriated by the New Mexico legislature for fiscal year 1997 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(E) $551,000 that was appropriated by the New Mexico legislature for fiscal year 1998 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(F) A 10.9-acre lot with a historic 22,000 square foot building donated by the Mayor and City Council of Albuquerque, New Mexico, to New Mexico for the New Mexico Hispanic Cultural Center.

(G) 12 acres of ''Bosque'' land adjacent to the New Mexico Hispanic Cultural Center

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 support 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 is authorized to be appropriated to the Secretary to carry out this section a total of $17,800,000 for fiscal year 1998 and succeeding fiscal years. Funds appropriated pursuant to 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 will 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.

Already, $5.5 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 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. This authorization is to build a critical Hispanic performing arts center at an estimated cost of $17.8 million.

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This multifaceted Hispanic Cultural Center is designed to showcase, share, archive, preserve, and enhance the rich Hispanic culture for local, regional, and national audiences. The Hispanic Cultural Center will be an Hispanic arts and humanities showcase to display the works of national and international artists and to provide for a venue of educators, scholars, artists, children, elders, and the general public.

Once built, the Hispanic Cultural Center will employ over 100 people. A whole new industry of preserving, showcasing, and enhancing the pride in Hispanic cultural roots is vital for New Mexico and for Hispanic culture.

I would like to note that New Mexico is indebted to the gentleman from New Mexico [Mr. STEVE SCHIFF], my colleague from the First District. I believe that authorizing the Federal funding for the Hispanic Performing Arts Center will be a significant step towards building a national treasure in its critical, formative stages.

I urge my colleagues to support the funding for the Hispanic Performing Arts Center in Albuquerque, NM, in honor of the 40th anniversary of Spanish culture, and in hopes of seeing the preservation and enhancement of this culture flourish to its 50th year, I urge my colleagues to pass the Senate bill, S. 1417.

Mr. MARTINEZ. Madam Speaker, I rise in support of S. 1417, an act to authorize funding for the Hispanic Performing Arts Center in Albuquerque, New Mexico. This appropriation, as the gentleman who just spoke has said, will match the $17.8 million the State of New Mexico has appropriated for the project.

The construction of the center is being undertaken in preparation for the 40th anniversary of Spanish presence in New Mexico. The Hispanic Cultural Center, of which the Performing Arts Center is part, is designed to showcase, share, archive, preserve, and enhance the rich Hispanic culture for local, regional, and national audiences.

I understand this measure has bipartisan support, both here and in the Senate. I urge support for this important cultural initiative.

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

Mr. PETRI. 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 Michigan [Mr. PETRI] that the House suspend the rules and pass the Senate bill, S. 1417.

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

A motion to reconsider was laid on the table.

AMENDING FEDERAL CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

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—

''(1) the manner of election, appointment or removal of a member of the corporation;

''(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 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 1939 pre-Home 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 both companies' service 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 options. 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 overwhelmed 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 in this jurisdiction, 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 nonprofit company 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 enjoys the support of other 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 gentleman 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 to occur.

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.

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 3 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 the members of 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.

GENERAL LEAVE

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 read 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 inhumane 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 Turkomen, massacred Shi-ites, and destroyed the ancient Marsh Arab civilization through a massive act of ecocide;

Whereas the status of more than six hundred Kuwaitis who were taken prisoner during the Gulf War remain unknown and the whereabouts of these persons are unaccounted for by the Iraqi Government, Kuwait continues to be plagued by unexploded landmines six years after the end of the Gulf War, and the destruction of Kuwait by departing Iraqi troops has yet to be redressed by the Iraqi Government;

Whereas the Republic of Iraq is a signatory to the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other human rights instruments, and the Geneva Convention on the Treatment of Prisoners of War of August 12, 1949, and is obligated to comply with these international agreements;

Whereas Saddam Hussein and his regime have created an environment of terror and fear within Iraq and throughout the region through a concerted policy of violations of international customary and conventional law; and

Whereas the Congress is deeply disturbed by the continuing gross violations of human rights by the Iraqi Government under the direction and control of Saddam Hussein: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the House of Representatives that—

(1) the Congress—

(A) deplores the Iraqi Government's pattern of gross violation of human rights which has resulted in a pervasive system of repression, sustained by the widespread use of terror and intimidation;

(B) condemns the Iraqi Government's repeated use of force and weapons of mass destruction against its own citizens, as well as neighboring states;

(C) denounces the refusal of the Iraqi Government to comply with international human rights instruments to which it is a party and cooperate with international monitoring bodies and compliance mechanisms, including accounting of missing Kuwaiti prisoners; and

(2) the President and the Secretary of State should—

(A) endorse the formation of an international criminal tribunal for the purpose of prosecuting Saddam Hussein and all other Iraqi officials who are responsible for crimes against humanity, including unlawful use of force, crimes against the peace, crimes committed in contravention of the Geneva Convention on POW's and the crime of genocide; and

(B) work actively and urgently within the international community for the adoption of a United Nations Security Council resolution establishing an International Criminal Court for Iraq.

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.)

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 inhumane 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 Turkomen, and massacred Shiites. Saddam Hussein has also continued 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.

House Concurrent Resolution 137, therefore, expresses a sense of Congress deploring the Iraqi Government's pattern of gross violations of human rights and denounces Saddam's refusal to comply with international human rights documents to which Iraqi is signatory. This bill also endorses the creation of an international criminal tribunal to prosecute Saddam Hussein and his henchmen and urges the President and Secretary of State to work actively toward the adoption of a United Nations Security Council resolution establishing an international criminal court for Iraq.

Accordingly, Mr. Speaker, I urge our colleagues' strong support for the adoption of House Concurrent Resolution 137.

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 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 chairman 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 tell us how we get from here to there. The chief concern that I wish to express is that this resolution will raise expectations, especially in Kuwait, that such an international court

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 work for a U.N. resolution creating 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 gentlewoman 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 from 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 did was speak out, as any Parliamentarian does. 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 look 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 issue. 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 will all join to try and get the release 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 their own people, against 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.

I am pleased to be an original cosponsor 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 and his ruthless regime.

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—mercilessly and indiscriminately.

He has waged ecological war against his own people, the Marsh Arabs. He has tortured, murdered, and kidnapped to maintain power. Saddam Hussein 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 United States has not forgotten 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 right now there are people, 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 attacking 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 in 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 Kurd against Kurd 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 simply seeking their rights, 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

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 against humanity 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.

□ 1415

Mr. LANTOS. Mr. Speaker, I thank 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 in the West. 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 poison gassed its own people, a regime which perpetrates 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 central casting's appropriate person to be hauled before the international community for 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 real enemy of not only 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 hundreds of thousands 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 have 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 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 unaccounted 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 the 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. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. ROHRABACHER] for his eloquent words.

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

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

Mr. WOLF. Mr. Speaker, I rise in very strong support of H. Con. Res. 137, which condemns the government of Iraq for its continued reign of terror against the Kurds, and that is what 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 Iraqi officials for their 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 or threaten his reign.

He is seeking to wipe out the Kurds of northern Iraq who are trapped because of their geography. The Kurds of northern Iraq have nowhere to go 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 sharp criticism against the government 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 tens of billions of 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. I believe 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 our national security is 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 Koreas, Vietnams 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, in 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 dealt 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 some 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 say 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' keeper, 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.

□ 1430

Let me agree with him, however, in part. Let us stop giving money to the Turks as long as they repress their people. Let us stop giving money to the Indonesian Government that takes away the religious freedoms of the people of East Timor. Let us stop supporting dictators that deny the basic human rights of their people.

I believe that we attempt very strongly to be consistent. We passed nine bills dealing with China. Those bills do have a potential, particularly the one on Radio Free Asia that will broadcast to China and Tibet and North Korea and Burma. I think we have a potential for positively impacting their society.

Let us never give up our ideals and our beliefs in human freedom, the very foundation of this society, because we might see a little inconsistency or cannot find the exact words we want to give us authority. The authority is moral authority, and it has a great power in this world if only we will exercise it.

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

Mr. GILMAN. 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 New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 137.

The question was taken.

Mr. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question de novo on the motion to suspend the rules on which further proceedings were postponed earlier today.

ESTABLISHMENT OF 2,500 BOYS AND GIRLS CLUBS BEFORE 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1753, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1753, as amended.

The question 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.

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. 476) 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 read the Senate bill, as follows:

S. 476

Be it enacted by the Senate and House of Representatives 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 clubs 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, 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) 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; 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 read 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 Reeducation Camp Internees;

And H.R. 2796, Reimbursing Bosnian 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 read 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 helped to bring peace between 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 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 a 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 Representatives—

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

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

(3) encourages 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) recognizes the past 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 challenges.

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 and constitutes a larger market for U.S. exports than does the People's Republic of China, Taiwan, and Hong Kong combined.

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 these examples are going to 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. FALEOMAVAEGA].

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. FALEOMAVAEGA], and those of us that serve on the Subcommittee on Asia and the Pacific.

Mr. Speaker, I am one of the authors of this 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 binded together to create the Association of South East 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 say and what we do on this floor on international relations does matter, and we ought to be careful with what we say to make sure it is accurate.

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 evenhandedness when it comes to Turkey and the Kurds and Iraq. Well, we also might have said we need evenhandedness when it comes to terrorist organizations like the PKK, and I think it is inappropriate for us to demonize 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 certainly there are 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 demonizing 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 Committee 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.

Over the last three decades, ASEAN has emerged into a critically important security 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 Southeast 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 Cambodia.

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 for 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 Indiana [Mr. HAMILTON], 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. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. ROHRABACHER].

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.

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ASEAN as well, I might add, has been a force for democracy, although the Members of ASEAN, all of the Members are not, of course, totally democratic. But let us take a look at the fact that the Philippines today has evolved from a country that was in a dictatorship for a number of decades, and now has a strong and vibrant economic situation where they are growing at 5 and 6 percent a year, as well as a strong democracy, along with Thailand whose democracy has been put to the maximum stress, but yet has maintained a slow but, yes, steady pace toward a more open and democratic society. These two countries serve as an example for all of Southeast Asia and, yes, serve as an example for all the countries in the developing world.

Today, many countries in ASEAN, especially Thailand, are going through, but as well as the other countries of ASEAN, are going through an economic crisis, a crisis dealing with their money system. They are learning a lot through this crisis. We would like this amendment today, our expression of good will toward the countries of ASEAN and congratulations, comes at a unique moment for the United States to let these countries know that we consider them our friends, we consider them our partners, we consider them to be people who in the future will have even stronger and closer ties to the United States of America.

So I rise in strong support and ask my colleagues to join me in support of this proposal and this amendment.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from California for his timely and cogent remarks. I urge support for House Resolution 282.

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 New York [Mr. GILMAN] that the House suspend the rules and agree to the resolution, H.Res. 282.

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.

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 are seeking to expand 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, intransigent bureaucracy, 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 exploitation is 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 it is in the interest of 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, with full restoration 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?

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 other forms of media and 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 development of a civil society.

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. Dwon 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. Of course they are going to have corruption in that situation.

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 days from that downturn we experienced, 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, I repeat again 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 1½ 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 cosponsor. 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. BEREUTER], 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 stand. This is an 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. ROHRABACHER] who is its principal 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. BEREUTER. Mr. Speaker, will the gentleman yield?

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

Mr. BEREUTER. Mr. Speaker, the gentleman is understandably proud of the past performance and the current performance of our former colleague, the gentleman from Florida, Mr. Peterson, as our Ambassador, and I understand the Floridian pride in him, but I would like to also mention he received his elementary and high school education in Omaha, Nebraska.

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

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 Ho Chi Minh City for the first time 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 Gere 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 Russia, but we need to send a loud and clear message.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from

Nebraska [Mr. BEREUTER], and thank the gentleman from California [Mr. CUNNINGHAM], who still remains my hero.

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

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Mr. BEREUTER. Mr. Speaker, I do rise in strong support of H. Res. 231. I will be brief. I want to congratulate the gentleman from California [Mr. ROHRABACHER] for his exceptional and dogged pursuit of human rights and economic freedom in Vietnam, and I am pleased to help expedite his resolution here.

The resolution correctly notes that several provinces in Vietnam have experienced anticorruption protests in recent months, a phenomenon that is quite remarkable for Vietnam. This Member would suggest that these protests should be considered to be a good sign by Americans, for it is clear that a great many Vietnamese people have had enough of corrupt local bureaucrats siphoning off the wealth of the nation.

This Member has also been informed that the protests have been sufficient to force the national government to deal with some of those corrupt officials. Certainly it will make it easier for U.S. businessmen to operate in Vietnam, and that is important, for this Member has heard several reports of numerous horror stories from U.S. business leaders about corruption in that country.

The resolution of the gentleman from California [Mr. ROHRABACHER] rightly reaffirms U.S. support for political, religious and economic freedom in Vietnam and calls upon the government to permit free and fair elections where competing political parties are allowed to participate. These are basic freedoms that we can all support and we do support.

Mr. Speaker, I urge adoption of H. Res. 231.

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

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute, just to summarize what this is all about.

I think if someone was paying attention to the last several resolutions that have come to the floor, one will note that there is a relationship between them, and that is, since the end of the cold war and during the cold war, our country had its divisions and they reflected themselves within the political battles that were going on throughout our country during the elections, various elections that took place. But since the end of the cold war, there has been a unanimity of opinion in the United States and a coming together of both conservatives and liberals, of Republican and Democrat, behind those traditional values that our Founding Fathers wanted to be the basis of our decisionmaking.

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 Vietnam, which urges the President to make clear to the Socialist Republic of Vietnam that we are committed to economic, religious, and political 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' conditions in Vietnam are poor. For example, 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 confessions. 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.

Vietnam 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 Vietnam agreed on implementing the resettlement opportunity for Vietnamese returnees 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, speech, religion, press, and assembly. The Vietnamese-American community in my congressional district supports House Resolution 231. We believe that fair and open democratic elections, equal protection of all Vietnamese citizens, and the release of all political prisoners are basic and necessary steps beyond normalization.

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

Mr. GILMAN. Mr. Speaker, I want to thank Mr. ROHRABACHER for introducing this resolution urging the President to make it clear to the Socialist Republic of Vietnam that America is committed to democracy, economic and religious freedom for the people of Vietnam.

Freedom is not bound by history or geography. 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 Nation has a moral imperative to foster freedom and democracy and oppose tyranny wherever it appears—this legislation expresses that sentiment.

I support this resolution and call upon my colleagues to do so as well.

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

The SPEAKER pro tempore (Mr. SNOWBARGER). All time has expired.

The question is on the motion offered by the gentleman from California [Mr. ROHRABACHER] that the House suspend the rules and agree to the resolution, House Resolution 231, as amended.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING MONGOLIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 172) expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 172

Whereas in 1990, Mongolia renounced the Communist form of government and peacefully adopted a series of changes that linked economic development with democratic political reforms;

Whereas the Mongolian people have held 2 presidential elections and 3 parliamentary elections since 1990, all featuring vigorous campaigns by candidates from multiple political parties;

Whereas these elections have been free from violence, voter intimidation, and ballot irregularities, and the peaceful transfer of power from one Mongolian government to another has been successfully completed, demonstrating Mongolia's commitment to peace, stability, and the rule of law;

Whereas every Mongolian government since the end of communism has dedicated itself to promoting and protecting individual freedoms, the rule of law, respect for human rights, freedom of the press, and the principle of self-government, demonstrating that Mongolia is consolidating democratic gains and moving to institutionalize democratic processes;

Whereas Mongolia stands apart as one of the few countries in Asia that is truly a fully functioning democracy; its efforts to promote economic development through free market economic policies, while also promoting human rights and individual liberties, building democratic institutions, and protecting the environment, serve as a beacon to freethinking people throughout the region and the world;

Whereas Mongolia's commitment to democracy makes it a critical element in efforts to foster and maintain regional stability throughout central Asia;

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 desire to protect its environment through the Biodiversity Conservation Action Plan while moving forward with economic development, thus serving as a model for developing nations in the region and throughout the world;

Whereas Mongolia has established civilian control of the military—a hallmark of democratic nations—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 stands for 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—

(1) 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 and Mongolia to use the resources 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 environmental protection through the 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 parliamentary oversight, over the military; and

(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; and

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

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend 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 October 22 by the distinguished gentleman from Illinois [Mr. PORTER] together with the distinguished gentleman from California [Mr. DREIER], and a second distinguished 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 from the fall of the Berlin Wall, the popularly elected Mongolia legislature, whose election we are commemorating 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 noncontroversial resolutions such as the one before the body 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. DREIER], 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. DREIER 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 affirmation 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 remarkable 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 Northern 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 continue 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 committed 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.

Nestled between China and Russia, with a population the size of Philadelphia and a land mass one-third the size of the United States, Mongolia will continue to be an important global partner for the United States. In light of the tremendous reforms that have been achieved in the first 7 years, the United States congratulates Mongolia on its recent successes and looks forward to increasing cooperation with the Mongolian Government and people on democratic, economic, and environmental programs.

Mr. GILMAN. Mr. President, Mongolia is a shining beacon of hope for those people who are still living under repressive governments around the world. Mongolia is isolated, its population is small, its resources are limited but it has enthusiastically embraced political and economic reforms that would challenge any highly industrialized nation. Its government is also aggressively trying to preserve its environment and strengthen its parliamentary and judicial system.

We need to do all we can to ensure that Mongolia is successful and I urge my colleagues to support this resolution.

I appreciate the efforts of our colleague from Illinois [Mr. PORTER] the sponsor of the bill and the distinguished cochairman of the Human Rights Caucus, and also thank the manager of the resolution, the distinguished Chairman of the Asia and the Pacific Subcommittee, the gentleman from Nebraska [Mr. BEREUTER] as well as his subcommittee's ranking member, the gentleman from California [Mr. BERMAN]. Accordingly, I again urge support for this resolution.

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

Mr. BEREUTER. Mr. Speaker, I urge support of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 172, 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.

CONCERNING THE SITUATION IN KENYA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 130) concerning the situation in Kenya.

The Clerk read as follows:

H. CON. RES. 130

Whereas on July 7, a large and violent confrontation occurred in Kenya when police stormed Nairobi's All-Saints Cathedral and attacked those present at a prayer meeting;

Whereas prodemocracy activists throughout Kenya have demonstrated in favor of reform of Kenya's constitution and the repeal of repressive colonial laws;

Whereas the bloody suppression of the constitutional reform rallies, the disruptive behavior of some demonstrators, and the recent ethnic confrontations in Kenya's Coast Province have jeopardized both the safety and the political rights of average Kenyans;

Whereas the Government of Kenya has continued to disrupt opposition rallies and meetings even after pledging to take a more tolerant approach to them in late July;

Whereas these events led to the consideration in early September of a package of democratic reforms by members of parliament representing the government and the opposition, but not including representatives of Kenyan civil society;

Whereas it remains unclear whether long-discussed political reforms can be effectively implemented in the time remaining before anticipated elections in 1997; and

Whereas colonial laws have given Kenyan President Daniel Arap Moi sweeping powers to suppress political opponents and thwart reform throughout his 19-year rule: Now, therefore, be it

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

(1) recognizes and commends those Kenyans who have demonstrated their love of peace, law, and order;

(2) condemns those who are inciting others to violence, looting, and destroying property;

(3) urges an immediate cessation to the violence in Kenya;

(4) urges the Government of Kenya to take all necessary and lawful steps to avoid more violence in the future;

(5) recognizes President Moi's response to domestic and international pressure to allow meaningful constitutional and legal electoral process reform through the current package of legislation agreed to by the ruling party and opposition party representatives;

(6) calls for the prodemocracy movement to remain unified in working toward implementing constitutional, statutory, and administrative reforms;

(7) urges rapid progress toward conducting free and fair elections; and

(8) urges the United States Government and the international community to continue to work with all parties to encourage the Government of Kenya to ensure a lasting and committed transition to democracy, including an immediate review of the propriety of the time of the next elections.

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

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

GENERAL LEAVE

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. 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 prodemocracy 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 for 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 reforms to the electoral process, 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 encouraging genuine reform. 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. If we do not stand firm in 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 that 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. BEREUTER], as well as other members, not only for their expeditious handling of this matter, but their conscientious and expeditious handling of matters as they have arisen on the African Continent.

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 protestors, to immediately cease all violence and 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 unilaterally 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, and it is unfortunate that our consideration of this resolution was prompted by the violence and political instability in Kenya. I am pleased to report that since the Subcommittee on Africa held hearings on the situation in Kenya in July, the situation has improved considerably. Just this past week President Moi made noted constitutional changes to allow more room for his political opposition, and just today the date for presidential and parliamentary elections was announced: December 29.

It is crucial at this juncture that the international community insist on continued progress on constitutional and legal reforms, on improvements in human rights, and on free, fair, and democratic elections. We cannot allow this opening for reform to close without cementing substantive changes.

President Moi needs to know that the United States and the international community will continue to watch his administration, even now that the violence has subsided, and that we will continue to press for real reforms which guarantee the Kenyan people access to and participation in their government.

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That is what we are doing in this resolution. We are sending a message to President Moi, and on behalf of 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 for this House 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 activity 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.

CONDEMNING 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 MiG-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 requires that the Government of Angola inform the United Nations Observer Mission in Angola (MONUA) of any troop movements;

Whereas the actions by Angola are a violation of Article 2 of the United Nations 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 Representatives—

(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;

(3) encourages the United States Government to condemn the military intervention by the Government of Angola into the Republic of the Congo and its violation of the Lusaka Protocol, the United Nations Charter, and the Organization of African Unity Charter;

(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 has sought to 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].

GENERAL LEAVE

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 that 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 Pointe Noire with heavy 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 newer 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 posed a threat to 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 posed no danger whatsoever to Angola's 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 talked of forcefully seizing territory 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 months.

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 lets that 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.

When 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 military's incursion into the Republic of Congo to help unseat the democratically elected government of Pascal Lissouba; second, the lackadaisical response from the international community, including the the United States government, to Angola's actions and the overthrow of the Congolese government; and third, the imposition of sanctions upon UNITA by the U.N. Security Council, without regard or mention of the Angolan government's violations of the Lusaka Protocol.

Unlike the situation in the former Zaire, where now President Kabila unseated longtime dictator Mbutu, Angola has helped to unseat a democratically elected President in the Republic

of Congo. The United States' response has been woefully inadequate. The United States should be calling for the restoration of the democratically-elected government of Pascal Lissouba, but instead it is pursuing a policy of working with former dictator Nguesso as if he had a legitimate mandate from the Congolese people.

On October 30, the United States agreed to support the imposition of sanctions on UNITA for failure to comply with its obligations under the Lusaka Protocol. This decision was made despite the fact that UNITA has made significant progress in moving towards many of the benchmarks established by earlier Security Council resolutions.

But even more disconcerting is the fact that the decision was made despite the fact that the government of Angola violated the Lusaka Protocol, that is, invading the Congolese, not to mention the United Nations and Organization of African Unity charters, by overthrowing the freely-elected government of the Congo.

Moreover, during the month of October the government took several provocative military actions against UNITA, also in violation of the Lusaka Protocol, failed to honor a commitment to meet with Dr. Savimbi, and snubbed Ambassador Richardson on his visit to Angola, the purpose of which was to move the peace process forward.

It is disingenuous to sanction UNITA for noncompliance when the government itself has violated the Lusaka Protocol. I believe the United States needs to send a strong message to Angola by withholding further IMET assistance until Angola has fully withdrawn all troops and military assistance from the Republic of Congo.

We should also give serious consideration to whether or not it is appropriate to be extending military assistance and forging military-to-military contacts with a country which is engaged in cross-border military incursions. I seriously question if it is a responsible policy to be providing Angola with such assistance in advance of the full implementation of the Lusaka Protocol and creation of a meaningful role for former UNITA members in the Angola military.

Finally, we are at a critical juncture in the Angolan peace process. The Angolan government's actions in the Republic of Congo and the U.N. Security Council's imposition of sanctions are likely to hinder rather than advance the timetable for peace in Angola. We hope that that in fact does not end up being the case, but we are seriously considering it.

I want to thank the chairman of the subcommittee for calling my resolution forward, which I believe is very timely. I want to thank my cosponsors.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding me the time.

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, the chair of the subcommittee on Africa, 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 Indiana [Mr. HAMILTON] 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 restraints 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 would like to say to 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 know of the 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 struck down in such a brutal way by not only the rebel forces from within the Republic of the Congo, but from the intervention from 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 there that is of great value and should be conserved. We would like for our American oil producers to have equal 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 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 elephant and the 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 detained 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 at 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 communique. 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 Richardson. Let me say 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. Shouts of triumph filled 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 elections. There is still one 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 Kenya can get on the right track of its election, have them fair and transparent so that that country that was great in the past can move forward in the future for all the people of Kenya.

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

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

I ask that my colleagues support this resolution, which sends 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. I look forward to a productive second session.

MR. ROYCE. 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 California [Mr. ROYCE] that the House suspend the rules and agree to the resolution, H. Res. 273, as amended.

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

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 text of 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. 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.

Mr. Speaker, I rise today in support of the Senior Citizens Home Equity Protection Act of 1997, which I introduced on April 10 as H.R. 1297, the Senior Homeowners Mortgage Protection Act. This House originally passed this bill under suspension on September 16, with an overwhelming vote of support, 422 to 1. That is the kind of margin I like to win my bills by, Mr. Speaker.

The core legislation was also included in the manager's amendment to H.R. 2, the Housing Opportunity and Responsibility Act of 1997, which passed the House on May 14. Although the Senate did not act upon this bill

until Sunday, the House believes it is critical to enact these measures before the end of the year.

In our efforts, I must commend the gentleman from Iowa [Mr. LEACH], the chairman of the Committee on Banking and Financial Services, for his support in providing greater protections for senior citizens seeking to obtain a home equity reverse mortgage. In partnership with the administration, we have constructed the bipartisan legislation before us today to provide security and peace of mind for thousands of senior citizens across America.

Mr. Speaker, in short, the legislation ensures that senior homeowners will be protected from being charged excessive or unnecessary fees in the reverse mortgage application process.

According to a HUD investigation earlier this year, seniors applying for reverse mortgages were being charged up to 10 percent of the total loan amount for estate planning services with third-party providers. In some cases, seniors have been charged as much as $10,000 for services that should be provided at no cost.

Mr. Speaker, it is profoundly disturbing that such a valuable tool for senior citizens has been jeopardized by these predators. Our legislation will prevent these unscrupulous activities and will ensure that loan proceeds will go toward sustaining the quality of life for seniors throughout America.

Mr. Speaker, our legislation also provides a 2-year extension of certain rural housing programs and a 2-year extension of the National Flood Insurance Program. This is very important in many different parts of the country, particularly the coastal areas. While these programs may not be Senate priorities, the House included the additional authority to ensure the continuity of services to needy Americans.

Of particular significance is the extension of existing borrowing authority for the flood insurance program. Earlier this year, FEMA Director James Witt indicated that without the extension, FEMA might be forced to turn away families in the event of a significant disaster. Such a scenario is especially disturbing to families living in flood areas near rivers like the Ohio and Mississippi, as well as families living in coastal areas, particularly California, New York, and Florida.

Since the legislation passed in the House, we have worked closely with our Senate counterparts to accommodate minor changes in the original House legislation. In particular, let me express my appreciation for the cooperation of the chairman of the Senate Committee on Banking, Housing, and Urban Affairs, and the chairman of the Senate Subcommittee on Housing Opportunity and Community Development, and their sincere efforts to move this legislation forward.

I urge the Senate to pass this bill, with the minor changes we have made, without delay. The amendment before us today is generally the version that passed the House on September 16, with a few very minor changes included by the Senate. These changes include the modification of provisions dealing with public housing funding flexibility and mixed financial developments. These provisions help resolve budget scoring issues. The Senate also deleted two multifamily provisions included in the 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 clarifies 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 on 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 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 program 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 before we broke 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 provisions.

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 benefits available at no charge.

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 renting housing programs, including section 515 and 538 rental housing programs, in the underserved areas of the rural housing programs.

□ 1545

It also extends the multifamily programs. The bill extends federally assisted multifamily housing 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. Speaker, the Department of Housing and Urban Development supports this legislation and has sent a letter indicating its support. The bill is also endorsed by the AARP. The legislation represents the hard work of the Committee on Banking and Financial Services which authorizes the housing programs. If we fail to take action today, many of the important provisions will be delayed for many, many months to come at the least. Therefore, I urge the adoption of this legislation.

Again, let me thank the gentleman from New York [Mr. LAZIO] for the hard work that he and his staff and the staff on the Democratic side have put into bringing this bill about today.

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

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] for 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 chairman of the Subcommittee on Housing and Economic Opportunities know how much I appreciate his mentioning 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 New York [Mr. LAZIO] 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 pro 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 329.

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 pro tempore. 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 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).

(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''.

(2) In section 123 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:

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

'''(1) a 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 amendments made to section 505 of such Act by title I of Public Law 98–417 shall not apply to a biological product for which a license has been approved under subsection (a).''''.

''(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 505 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 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 503A 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)(2), strike ''or other criteria'' and insert ''and other criteria''.

(5) 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)), 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)''.

(C) 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).''.

(6) 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 the 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].

GENERAL LEAVE

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 material on this legislation.

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, clarifies 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 of 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 on Commerce, 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 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 (FDA) 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 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.

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;

I. FIVE-YEAR REVIEW PERFORMANCE GOALS

Fiscal year 1998

1. Review and act 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.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 1998 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 1998 within 12 months of receipt.

4. Review and act on 90 percent of priority efficacy 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 6 months of receipt.

6. Review and act on 90 percent of all resubmitted original applications filed during fiscal year 1998 within 6 months of receipt, and review and act on 30 percent of Class 1 resubmitted original applications within 2 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 12 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 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 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 1999 within 4 months of receipt and review and act on 50 percent with 2 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 2000

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2000 within 12 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 Class 1 resubmitted original applications filed during fiscal year 2000 within 4 months and review and act of 50 percent within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year 2000 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 2001 within 12 months and review and act on 70 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 2001 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2001 within 12 months and review and act on 70 percent within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2001 within 6 months of receipt.

5. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2001 within 6 months of receipt and review and act on 70 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 2001 within 4 months of receipt and review and act on 70 percent within 2 months of receipt.

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

Fiscal year 2002

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2001 within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2002 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2002 within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2002 within 6 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

Submission cohort	Standard	Priority
Fiscal year:		
1998	90 pct. in 12 mos	90 pct. in 6 mos.
1999	30 pct. in 10 mos	90 pct. in 6 mos.
	90 pct. in 12 mos	
2000	50 pct. in 10 mos	90 pct. in 6 mos.
	90 pct. in 12 mos	
2001	70 pct. in 10 mos	90 pct. in 6 mos.
	90 pct. in 12 mos	
2002	90 pct. in 10 mos	90 pct. in 6 mos.

MANUFACTURING SUPPLEMENTS

Submission cohort	Manufacturing supplements that—	
	do not require prior approval [1]	Do require prior approval
Fiscal year:		
1998	90 pct. in 6 mos	90 pct. in 6 mos.
1999	90 pct. in 6 mos	30 pct. in 4 mos.
		90 pct. in 6 mos.
2000	90 pct. in 6 mos	50 pct. in 4 mos.
		90 pct. in 6 mos.
1901	90 pct. in 6 mos	70 pct. in 4 mos.
		90 pct. in 6 mos.
1902	90 pct. in 6 mos.	90 pct. in 4 mos.

Changes being effected or 30-day supplements.

RESUBMISSION OF ORIGINAL NDAs/BLAs/PLAs

Submission cohort	Class 1	Class 2
Fiscal years:		
1998	90 pct. in 6 mos	90 pct. in 6 mos.
	30 pct. in 2 mos	
1999	90 pct. in 4 mos	90 pct. in 6 mos.
	50 pct. in 2 mos	
2000	90 pct. in 4 mos	90 pct. in 6 mos.
	70 pct. in 2 mos	
2001	90 pct. in 2 mos	90 pct. in 6 mos.
2002	90 pct. in 2 mos	90 pct. in 6 mos.

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 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. 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 75 calendar days (as appropriate) from the date the request is received by the Agency, the meeting date should 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) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

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 2 weeks 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); and

3. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for a ''Type B'' meeting will be honored except in the most unusual circumstances.

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 Agency's receipt of the sponsor's response starting in FY 98 (cohort of date of receipt) 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 next level), the response to 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.

C. Conditions

1. Sponsors should first try to resolve the procedural or scientific issue at the Division level. If it cannot be resolved at that level, it should be appealed to the Office Director level (with a copy to the Division Director) and then, if necessary, to the Deputy Center Director or Center Director (with a copy to the Office Director).

2. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or written and should ordinarily be to either deny or grant the appeal.

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

4. In some cases, further data or further input from others might be needed to reach a decision on the appeal. In these cased, the ''response'' should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee).

5. In these cased, once the required information 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.

6. 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.

7. N.B. 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 committee meeting in order to allow conformance with advisory committee administrative procedures.

VI. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

A. Procedure

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.

1. 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 design, execution plans, 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, the sponsor 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 answered.)

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 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 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 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 1999; 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 regulations and processes 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 the form of an ''information request'' (IR) letter when each discipline has finished its initial review of its section of the pending application.

IX. DEFINITIONS AND EXPLANATION OF TERMS

A. The term ''review and act on'' is understood to mean the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

B. A major amendment to an original application submitted within three months of the goal date extends the goal date by three months.

C. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

D. Class 1 resubmitted applications are applications resubmitted after a complete response letter (or a not approvable or approvable letter) that include the following items only (or combinations of these items):

1. Final printed labeling;
2. Draft labeling;
3. Safety updates submitted in the same format, including tabulations, as the original safety submission with 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);
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.

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

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

G. 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.

I. 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 supplement.

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 markup in the Commerce Committee 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 concurrent 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 CUSTOMS 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 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, 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 ACCOUNT.—Section 13031(f)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)(A)), is amended—

(1) in clause (i)(V), 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'', and

(3) by inserting after clause (ii) the following:

''(iii) to the extent funds remain available after making reimbursements under clause (ii), in providing salaries for up to 50 full-time equivalent inspectional positions through September 30, 1998, that enhance customs services in connection with the arrival in Florida of passengers aboard commercial vessels, regardless of whether those passengers are required to pay fees under paragraphs (1) through (8) of subsection (a).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. SHAW] and the gentlewoman from Florida [Mrs. THURMAN] each will control 20 minutes.

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

GENERAL LEAVE

Mr. SHAW. 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 material on H.R. 3034.

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

There was no objection.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume. I rise today in support of H.R. 3034, a bill to preserve current funding for Customs inspections positions throughout the State of Florida. I am pleased that the bipartisan leadership of the Committee on Ways and Means has agreed to allow this time sensitive bill to come to the floor under suspension of the rules.

Mr. Speaker, this bill is needed to preserve Customs inspectional positions in Florida ports due to the fact that Customs' authority to access the Customs COBRA User Fee Account expired on September 30, 1997. The User Fee Account has a substantial surplus, and my bill would allow Customs limited access to pay the salary of Customs inspectors who process cruiseship passengers returning to Florida from the Caribbean Basin. My bill will allow Customs more than enough time to develop a long-term plan to continue processing the current level of cruiseship passengers, as well as expected future increases. As a longtime champion of the Customs Service and their fine work in south Florida, I am confident of their commitment to provide full service to the cruise ship industry which is so vital to the economy of my home State of Florida. Let me acknowledge that the Committee on Ways and Means will have to consider any extension or expansion of this temporary provision beyond September 30, 1998.

Mr. Speaker, enactment of the temporary measure in H.R. 3034 will ensure that the smooth flow of passengers at Florida's ports continue and that our State's vibrant cruise ship industry will not be damaged while a long-term solution is found. I urge my colleagues to support H.R. 3034.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. ROGERS].

[Conference Report submitted by Mr. ROGERS is in Part I.]

Mrs. 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 fees used to inspect cruise vessels traveling to the Caribbean island community. Customs has advised cruise ship companies in Florida that Customs will be unable to provide inspection service to vessels that will be starting cruises from Florida on or after December 1, 1997. Customs claims that the expiration of the user fee authority will require the reduction of inspectional positions in Florida. This bill prevents the loss of these positions and will ensure that tourists seeking to enjoy cruises in Florida this winter are not disappointed. Specifically the bill allows Customs to access the Customs user fee account to provide for up to 50 full-time inspectors. The account contains about $120 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 remove an additional 27 inspectors who provide similar services for cruise ships 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 gentleman 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 Florida [Mr. DEUTSCH] who has many of these ports in his district.

Mr. DEUTSCH. Mr. Speaker, south Florida really is known as the cruise capital literally of the entire world. Because of the situation that we are in, unless we pass this legislation at this point in time, several ships that would be sailing from south Florida, or have plans to be sailing from south Florida during the winter season when we are in our break potentially would not be able to sail.

□ 1600

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

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding this time to me.

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 which would inure some $1 million in revenue to the port, and because there is some shortsightedness here we have a limitation on customs inspectors, and I would hope that the Congress can join in this measure that would help alleviate that problem for the Florida ports so that ships could 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.

I think that 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. SHAW. 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 Members, the gentleman 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 gentlewoman from Florida [Mrs. THURMAN] and the gentleman from Florida [Mr. DEUTSCH] for their involvement in moving this bill along.

Mr. CRANE. Mr. Speaker, yesterday Mr. SHAW introduced 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—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 service 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 finally 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. GILMAN. 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 Custom 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.

JUSTICE FOR 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 unmarried children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program.

The Clerk read as follows:

H.R. 3037

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 ''Justice for Victims of Communism Act of 1997''.

SEC. 2. ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking 'For purposes' and inserting ''Notwithstanding any other provision of law, for purposes'', and

(B) by striking ''fiscal year 1997'' and inserting ''fiscal years 1997 and 1998''; and

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

''(b) ALIENS COVERED—

''(1) IN GENERAL.—An alien described in this subsection is an alien who—

''(A) is the son or daughter of a qualified national;

''(B) is 21 years of age or older; and

''(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

''(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

''(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

''(ii) is the widow or widower of an individual described in clause (i); and

''(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

''(ii) on or after April 1, 1995, is or has been accepted—

''(I) for resettlement as a refugee; or

''(II) for admission as an immigrant under the Orderly Departure Program.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from North Carolina [Mr. WATT] each will control 20 minutes.

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

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

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. SMITH] 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 are trapped in Vietnam until the provision is reauthorized.

I would just 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 reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I rise in support of H.R. 3037. I do regret only that it has come up so quickly that many Members who would be here to speak in favor of it were not even aware that it was going to be brought up.

It is important that this country, who stood shoulder to shoulder, stood side by side and fighting communism in South Vietnam, stand yet again with those who have been the victims of torture and oppression subsequent to the fall of the South Vietnamese Government.

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 for jumping through 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] from Orange County and I recently held, with others, a human rights forum and study under the Human Rights Caucus, and 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.

GENERAL LEAVE

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 State Department and INS authority that expired on September 30, 1997. This authority was necessary to allow longtime reeducation camp victims who have 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 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 endorsed 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 bill.

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 has had a chance to go through the Subcommittee on Immigration and Claims of the Committee on the Judiciary, and so we continue to make somewhat haphazardly immigration policy in this country, and we yesterday on an appropriations bill made exceptions for Nicaraguans, Guatemalans, Salvadorans, other people from Communist 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 really ought to be 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 or the Committee on 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.

□ 1615

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for his expression of support for the bill. I would encourage all Members to vote for this important bill, which will ensure that some people will be spared injustice if passed by the House today.

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. CANADY] that the House suspend the rules and pass the bill, H.R. 3037.

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 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 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 of the individual to or from 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 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 of the member.

The SPEAKER pro tempore [Mr. SNOWBARGER]. Pursuant to the rule, the gentleman from Virginia [Mr. BATEMAN] and the gentleman from California [Mr. DELLUMS] each will control 20 minutes.

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

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

Mr. Speaker, H.R. 2796 would not 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 than 50 of our 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 will provide the necessary statutory 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 to pay for 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 this context.

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 Reserves and National Guard.

Mr. DELLUMS. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON]

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 on his side. 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 their country they thought 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 actually 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 now is going to enable more than 4,200 individuals to be reimbursed, as they should be, for the transfer of their personal goods back home.

I think it is an issue of fairness; I think it is an issue of respect, the respect we have traditionally given our military, that if they incur expenses, certainly we ought to reimburse them.

Also I think it is an issue of respect for our junior personnel, because oftentimes we forget they, too, have expenses that they seem to think are big. $400 or $500 may not be big to us, but for junior personnel it is indeed an expense item that they would like to have reimbursed.

Again, Mr. Speaker, I want to thank everyone involved in this, all of the members of this committee, because 125 people in eastern North Carolina will be delighted to know now they can be reimbursed. I suspect the 4,200 personnel across the country are appreciative for this Congress correcting what was an injustice to them.

Mr. Speaker, I thank the gentleman for yielding me time, and thank the gentleman from California [Mr. DELLUMS] for his leadership.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I thank the gentleman from California for yielding me time.

Mr. Speaker, let me take this opportunity to congratulate the gentlewoman from North Carolina for a matter of paying attention to people she represents and trying to heal their financial reverses as a result of serving our Nation as Members of the National Guard. She not only helps them, but helps National Guardsmen all over the country. We thank the gentlewoman, from Missouri National Guardsmen, and, I know as well, from other Members across our country.

I have had, Mr. Speaker, the opportunity to visit with American National Guardsmen in Europe, in Germany, in Bosnia and in Hungary. They serve well, and they serve ably. In the process they are giving up a great deal. They are away from their homes, they are away from their work, they are away from their family, and they are serving as honorably as anyone in uniform.

For us not to pass this piece of legislation that makes them whole financially and on reimbursement for items they necessarily had to purchase in Europe would be a mistake. So I wholeheartedly support the effort of the gentlewoman from North Carolina [Mrs. CLAYTON], and the gentleman from California, as well as the gentleman from Virginia.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. MCHALE].

Mr. MCHALE. Mr. Speaker, I, too, thank the gentleman from California for yielding me this time.

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] has stepped forward today with a piece of legislation that will be very important to 4,206 Army Reserve and National Guard soldiers who, unfortunately, because of an administrative error, were not given the proper reimbursement on the shipment of personal goods.

This really goes beyond the shipment of personal items. The Representative from North Carolina [Mrs. CLAYTON] recognizes when these troops deploy to and from an overseas mission, they deserve to get a level of equity which, unfortunately, was not provided in this case.

There are no second-class soldiers in the United States Army. This corrects that inequity. 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 distinguished gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to join the long list of people commending the gentlewoman 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 involuntarily 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 chairman 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 really 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, if she is 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, let me add in conclusion 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.

The 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 question 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.

□ 1630

AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, as amended.

The Clerk read as follows:

S. 738

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

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 transportation.
Sec. 103. Route and service criteria.
Sec. 104. Additional qualifying routes.
Sec. 105. Transportation requested by States, authorities, and other persons.
Sec. 106. Amtrak commuter.
Sec. 107. Through service in conjunction with intercity bus operations.
Sec. 108. Rail and motor carrier passenger service.
Sec. 109. Passenger choice.
Sec. 110. Application of certain laws.

SUBTITLE B—PROCUREMENT

Sec. 121. Contracting out.

SUBTITLE C—EMPLOYEE PROTECTION REFORMS

Sec. 141. Railway Labor Act Procedures.
Sec. 142. Service discontinuance.

SUBTITLE D—USE OF RAILROAD FACILITIES

Sec. 161. Liability limitation.
Sec. 162. Retention of facilities.

TITLE II—FISCAL ACCOUNTABILITY

Sec. 201. Amtrak financial goals.
Sec. 202. Independent assessment.
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—AUTHORIZATION 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. 406. Americans with Disabilities Act of 1990.
Sec. 407. Definitions.
Sec. 408. Northeast Corridor cost dispute.
Sec. 409. Inspector General Act of 1978 amendment.
Sec. 410. Interstate rail compacts.
Sec. 411. Board of Directors.
Sec. 412. Educational participation.
Sec. 413. Report to Congress on Amtrak bankruptcy.
Sec. 414. Amtrak to notify Congress of lobbying relationships.
Sec. 415. Financial powers.

SEC. 2. FINDINGS.

The Congress finds that—

(1) intercity rail passenger service is an essential component of a national intermodal passenger transportation system;

(2) Amtrak is facing a financial crisis, with growing and substantial debt obligations severely limiting its ability to cover operating costs and jeopardizing its long-term viability;

(3) immediate action is required to improve Amtrak's financial condition if Amtrak is to survive;

(4) all of Amtrak's stakeholders, including labor, management, and the Federal government, must participate in efforts to reduce Amtrak's costs and increase its revenues;

(5) additional flexibility is needed to allow Amtrak to operate in a businesslike manner in order to manage costs and maximize revenues;

(6) Amtrak should ensure that new management flexibility produces cost savings without compromising safety;

(7) Amtrak's management should be held accountable to ensure that all investment by the Federal Government and State governments is used effectively to improve the quality of service and the long-term financial health of Amtrak;

(8) Amtrak and its 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 relationships promoting seamless transportation services which enhance travel options and increase operating efficiencies;

(10) Amtrak's Strategic Business Plan calls for the establishment of a dedicated source of capital funding for Amtrak in order to ensure that Amtrak will be able to fulfill the goals of maintaining—

(A) a national passenger rail system; and

(B) that system without Federal operating assistance; and

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

TITLE I—REFORMS

Subtitle A—Operational Reforms

SEC. 101. 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'' in subsection (a)(1);

(2) by striking ''24707(a) or (b) of this title,'' in subsection (a)(1) and 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)''.

(d) COST AND PERFORMANCE REVIEW.—Section 24707 and the item relating thereto in the table of sections for chapter 247 are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 and the item relating thereto in the table of sections for chapter 247 are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) is amended by striking '', 24701(a),''.

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

(a) REPEAL.—Section 24306 is amended—

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

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

''(b) AUTHORITY OF OTHERS TO PROVIDE AUTO-FERRY TRANSPORTATION.—State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.''.

SEC. 103. ROUTE AND SERVICE CRITERIA.

Section 24703 and the item relating thereto in the table of sections for chapter 247 are repealed.

SEC. 104. ADDITIONAL QUALIFYING ROUTES.

Section 24705 and the item relating thereto in the table of sections for chapter 247 are repealed.

SEC. 105. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

(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 24312(a)(1) is amended by striking ''or 24704(b)(2)''.

SEC. 106. AMTRAK COMMUTER.

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

(b) CONFORMING AMENDMENT.—Section 24301(f) is amended to read as follows:

''(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 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 chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities.

SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.

(a) IN GENERAL.—Section 24305(a) is amended by adding at the end the following new paragraph:

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

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

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

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

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

(b) POLICY STATEMENT.—Section 24305(d) is amended by adding at the end the following new paragraph:

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

SEC. 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) 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.

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 FOIA.—Section 24301(e) is amended by adding at the end thereof the following: ''Section 552 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 303B(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. 121. CONTRACTING OUT.

(a) REPEAL OF BAN ON CONTRACTING OUT.—Section 24312 is amended—

(1) by striking subsection (b);

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

(3) by striking ''(2) Wage'' in subsection (a) and inserting ''(b) WAGE RATES.—Wage''.

(b) AMENDMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENT.—

(1) CONTRACTING OUT.—Any collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees before the date of enactment of this Act is deemed amended to include the language of section 24312(b) of title 49, United States Code, as that section existed on the day before the effective date of the amendments made by subsection (a).

(2) ENFORCEABILITY OF AMENDMENT.—The amendment to any such collective bargaining agreement deemed to be made by paragraph (1) of this subsection is binding on all parties to the agreement and has the same effect as if arrived at by agreement of the parties under the Railway Labor Act.

(c) CONTRACTING-OUT ISSUES TO BE INCLUDED IN NEGOTIATIONS.—Proposals on the subject matter of contracting out work, other than work related to food and beverage service, which results in the layoff of an Amtrak employee—

(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 may be 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. 141. RAILWAY LABOR ACT PROCEDURES.

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

issues relating to employee protective arrangements and severance benefits which are applicable to employees of Amtrak, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice.

(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act.

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

(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act; and

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

Amtrak shall, and the labor organization parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection under the preceding sentence 134 days after the date of enactment of this Act, the Board shall immediately select such individual.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad.

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

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

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

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

(e) NO PRECEDENT FOR FREIGHT.—Nothing in this Act, or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees and mass transportation employees as it existed on the day before the date of enactment of this Act.

SEC. 142. SERVICE DISCONTINUANCE.

(a) REPEAL.—Section 24706(c) is repealed.

(b) EXISTING CONTRACTS.—Any provision of a contract entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.

(c) SPECIAL EFFECTIVE DATE.—Subsections (a) and (b) of this section shall take effect 180 days after the date of the enactment of this Act.

(d) NONAPPLICATION OF BANKRUPTCY LAW PROVISION.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

Subtitle D—Use of Railroad Facilities

SEC. 161. LIABILITY LIMITATION.

(a) IN GENERAL.—Chapter 281 is amended by adding at the end the following new section:

"§ 28103. Limitations on rail passenger transportation liability

''(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury to a passenger, death of a passenger, or damage to property of a passenger arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State, punitive damages, to the extent permitted by applicable State law, may be awarded in connection with any such claim only if the plaintiff establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct carried out by the defendant with a conscious, flagrant indifference to the rights or safety of others. If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, this paragraph shall not apply.

''(2) The aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident, shall not exceed $200,000,000.

''(b) CONTRACTUAL OBLIGATIONS.—A provider of rail passenger transportation may enter into contracts that allocate financial responsibility for claims.

''(c) MANDATORY COVERAGE.—Amtrak shall maintain a total minimum liability coverage for claims through insurance and self-insurance of at least $200,000,000 per accident or incident.

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

''(e) DEFINITION.—For purposes of this section—

''(1) the term 'claim' means a claim made—

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

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

''(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 rail passenger car.''.

(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 24101(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 Federal operating grant funds appropriated for its benefit.''.

SEC. 202. INDEPENDENT ASSESSMENT.

(a) INITIATION.—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall contract with an entity independent of Amtrak 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 about railroad industry 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 assessment conducted under this subsection meets the requirements of this section.

(b) ASSESSMENT CRITERIA.—The Secretary and Amtrak shall provide to the independent entity estimates of the financial requirements of Amtrak for the period described in subsection (a), using as a base the fiscal year 1997 appropriation levels established by the Congress. The independent assessment shall be based on an objective analysis of Amtrak's funding needs.

(c) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including Amtrak's—

(1) cost allocation process and procedures;

(2) expenses related to intercity rail passenger service, commuter service, and any other service Amtrak provides;

(3) Strategic 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 rolling stock requirements, including capital leases, ''state of good repair'' requirements, and infrastructure improvements.

(d) BIDDING PRACTICES.—

(1) STUDY.—The independent assessment also shall determine whether, and to what extent, Amtrak has performed 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, or mail or express transportation. For purposes of this clause, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting. If identified, such contracts shall be detailed in the report of the independent assessment, as well as the methodology for preparation of bids to reflect Amtrak's actual cost of performance.

(2) REFORM.—If the independent assessment performed under this subparagraph reveals that Amtrak has performed services under contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation, then Amtrak shall revise its methodology for preparation of bids to reflect its cost of performance.

(e) 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.

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 under paragraph (1) shall be made within 30 days after the date of enactment of this Act.

(B) EXPERTISE.—Individuals appointed under subparagraphs (C) through (F) of paragraph (1)—

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

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

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

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

(3) TERM.—Members shall serve for terms of 5 years. If a vacancy occurs other than by the expiration of a term, the individual appointed to fill the vacancy shall be appointed in the same manner as, and shall serve only for the unexpired portion of the term for which, that individual's predecessor was appointed.

(4) CHAIRMAN.—The Council shall elect a chairman from among its membership within 15 days after the earlier of—

(A) the date on which all members of the Council have been appointed under paragraph (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 take action. No person shall be elected chairman of the Council who receives fewer than 5 votes.

(c) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide such administrative support to the Council as it needs in order to carry out its duties under this section.

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

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

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

(g) DUTIES.—

(1) EVALUATION AND RECOMMENDATION.—The Council 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 rail system which provides access to all regions of the country and ties together existing and emerging rail passenger corridors;

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

(C) management efficiencies and revenue enhancements, including savings achieved through labor and contracting negotiations.

(3) 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—

(1) Amtrak's progress on the resolution of productivity issues; or

(2) 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 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 and implementation 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's business performance will prevent it from meeting the financial goals set forth in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act; or

(2) Amtrak will require operating grant funds after the fifth anniversary of the date of enactment of this Act,

then the Council shall immediately notify the President, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(b) FACTORS CONSIDERED.—In making a finding under 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 24104(d) of title 49, United States Code, as amended by section 201 of this Act; and

(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 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 of the Department of Transportation and the General Accounting Office for accuracy and reasonableness.

SEC. 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 204 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 held at the desk at the request 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 committee and shall be placed on the Calendar.

(3) CONSIDERATION OF SINGLE LIQUIDATION DISAPPROVAL RESOLUTION.—After the Senate has proceeded to the consideration of a liquidation disapproval resolution under this subsection, then no other liquidation disapproval resolution 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 liquidation 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 NONDEBATABLE.—A motion to proceed to consideration of a liquidation disapproval resolution under this subsection 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 thereof to 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 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 resolution shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless 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) NO MOTION TO RECOMMIT.—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 to move to proceed to the consideration of a liquidation disapproval resolution for the same special message received from the House of Representatives and placed on the Calendar pursuant to paragraph (2), strike all after the enacting clause, substitute the text of the Senate liquidation disapproval resolution, agree to the Senate amendment, and vote on final disposition of the House liquidation disapproval resolution, all without any intervening action or debate.

(10) CONSIDERATION OF HOUSE MESSAGE.—Consideration in the Senate of all motions, amendments, or appeals necessary to dispose of a message from the House of Representatives on a liquidation disapproval resolution shall be limited to not more than 4 hours. Debate on each motion or amendment shall be limited to 30 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the House message shall be limited to 20 minutes. Any time for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, amendment, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.

(c) CONSIDERATION IN CONFERENCE.—

(1) CONVENING OF CONFERENCE.—In the case of disagreement between the two Houses of Congress with respect to a liquidation disapproval resolution passed by both Houses, conferees should be promptly appointed and a conference promptly convened, if necessary.

(2) SENATE CONSIDERATION.—Consideration in the Senate of the conference report and any amendments in disagreement on a liquidation disapproval resolution shall be limited to not more than 4 hours equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit the conference report is not in order.

(d) DEFINITIONS.—For purposes of this section—

(1) LIQUIDATION DISAPPROVAL RESOLUTION.—The term ''liquidation disapproval resolution'' means only a resolution of either House of Congress which is introduced as provided in subsection (a) with respect to the liquidation of Amtrak.

(2) RESTRUCTURING PLAN.—The term ''restructuring plan'' means a plan to provide for a restructured and rationalized national intercity rail passenger transportation system.

(e) RULES OF SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a liquidation disapproval resolution; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 206. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 is amended by adding at the end the following new subsection:

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

SEC. 207. OFFICERS' PAY.

Section 24303(b) is amended by adding at the end the following: ''The preceding sentence shall not apply for any fiscal year for which no Federal assistance is provided to Amtrak.''.

SEC. 208. EXEMPTION FROM TAXES.

Section 24301(l)(1) is amended—

(1) by striking so much as precedes ''exempt from a tax'' and inserting the following:

''(1) IN GENERAL.—Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are'';

(2) by striking ''tax or fee imposed'' and all that follows through ''levied on it'' and inserting ''tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier 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 therefrom''; and

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

SEC. 209. LIMITATION ON USE OF TAX REFUND.

(a) IN GENERAL.—Amtrak may not use any amount received under section 977 of the Taxpayer 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 ARC.—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.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

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 1998;
''(2) $1,058,000,000 for fiscal year 1999;
''(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)(A) through (C). In fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Accountability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabilities under section 3221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their beneficiaries.''.

(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 10102'' 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 sections 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.''.

SEC. 402. WASTE DISPOSAL.

Section 24301(m)(1)(A) is amended by striking ''1996'' and inserting ''2001''.

SEC. 403. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 and the item relating thereto in the table of sections for chapter 243 are repealed.

SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 and the item relating thereto in the table of sections for chapter 243 are repealed.

SEC. 405. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) REPEAL.—Section 24903 is repealed and the table of sections for chapter 249 is amended by striking the item relating to that section.

(b) CONFORMING 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 (j), respectively; and

(B) in subsection (j), 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 1998.—Amtrak shall not be subject to any requirement under subsection (a)(1), (a)(3), or (e)(2) of section 242 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162) until January 1, 1998.

(b) CONFORMING AMENDMENT.—Section 24307 is amended—

(1) by striking subsection (b); and

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

SEC. 407. DEFINITIONS.

Section 24102 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 AMENDMENT.

(a) AMENDMENT.—

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

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) 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 the Department 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 legislation authorizing 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 to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

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

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities;

(B) the purchase of locomotives; and

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

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

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

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for 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 described in paragraph (2) shall assume the responsibilities of the Board of Directors of Amtrak by March 31, 1998, or as soon thereafter as at least 4 members have been appointed and qualified. The Board appointed under prior law shall be abolished when the Reform Board assumes such responsibilities.

''(2) MEMBERSHIP.—(A)(i) The Reform Board shall consist of 7 voting members appointed by the President, by and with the advice and consent of the Senate, for a term of 5 years.

''(ii) Notwithstanding clause (i), if the Secretary of Transportation is appointed to the Reform Board, such appointment shall not be subject to the advice and consent of the Senate. If appointed, the Secretary may be represented at Board meetings by his designee.

''(B) In selecting the individuals described in subparagraph (A) for nominations for appointments to the Reform Board, the President should consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.

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

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

''(ii) are not representatives of rail labor or rail management; and

''(iii) in the case of 6 of the 7 individuals selected, are not employees of Amtrak or of the United States.

''(D) The President of Amtrak shall serve as an ex officio, nonvoting member of the Reform Board.

''(3) CONFIRMATION PROCEDURE IN SENATE.—

''(A) This paragraph is enacted by the Congress—

''(i) as an exercise of the rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a motion to discharge; and it supersedes other rules only to the extent that it is inconsistent therewith; and

''(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

''(B) If, by the first day of June on which the Senate is in session after a nomination is submitted to the Senate under this section, the committee to which the nomination was referred has not reported the nomination, then it shall be discharged 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 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, in accordance with the procedures set forth in subsection (a)(2); or

''(2) if Amtrak has not, 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.

''(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 a new separately governed corporation.''.

(b) 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. 412. EDUCATIONAL PARTICIPATION.

Amtrak shall participate in educational efforts with elementary and secondary schools to inform students on the advantages of rail travel and the need for rail safety.

SEC. 413. REPORT TO CONGRESS ON AMTRAK BANKRUPTCY.

Within 120 days after the date of enactment of this Act, the Comptroller General shall submit a report identifying financial and other issues associated with an Amtrak bankruptcy to the United States Senate Committee on Commerce, Science, and Transportation and to the United States House of Representatives Committee on Transportation and Infrastructure. The report shall include an analysis of the implications of such a bankruptcy on the Federal government, Amtrak's creditors, and the Railroad Retirement System.

SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBYING RELATIONSHIPS.

If, at any time, during a fiscal year in which Amtrak receives Federal assistance, Amtrak enters into a consulting contract or similar arrangement, 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 Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), Amtrak shall notify the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Transportation and Infrastructure of—

(1) the name of the individual or firm involved;

(2) the purpose of the contract or arrangement; and

(3) the amount and nature of Amtrak's financial obligation under the contract.

This section applies only to contracts, renewals or extensions of contracts, or arrangements entered into after the date of the enactment of this Act.

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

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

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

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

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

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

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

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 creation of a new board which is constitutional and which has the degree of independence necessary to make the tough decisions. It provides for the management to be able to make decisions with regard to the route configuration. Indeed, it gives Amtrak a fighting chance to succeed and survive.

Mr. Speaker, I urge all of our colleagues to support this measure.

Mr. Speaker, I move to suspend the rules and pass the bill, S. 738, as amended.

Mr. Speaker, I rise in support of S. 738, the Amtrak Reform and Accountability Act of 1997.

Mr. Speaker, I am very pleased that we have been able to reach a bipartisan agreement on an amendment to S. 738. Over the past 24 hours, we have been able to reach consensus with our colleagues on the other side of the aisle on the issue of the Amtrak board of directors. This amendment will provide Amtrak with the reforms it so badly needs, as well as release of the $2.3 billion in capital funds that were provided in the Taxpayer Relief Act.

The amendment adopts the basic principles and reforms of S. 738, the bill passed by the Senate last Friday by unanimous consent, and makes limited but important changes that will ensure successful implementation of long overdue Amtrak reforms.

This amendment contains the labor, liability, and contracting-out provisions that were included in the Senate bill with no changes.

I am pleased that the reforms in this amendment will allow Amtrak, for the first time in its 26-year History, to operate more like a business and cut costs.

On the issue of labor protection, the Senate bill contains a provision that is almost identical to reforms that were included in the House bill, H.R. 2247. The provision will repeal the statutory guarantee that Amtrak provide up to 6 years of labor protection to any employee who is laid off due to a route elimination or frequency reduction to below three times per week. This issue would be sent to collective bargaining, under a 180-day accelerated bargaining process.

The current ban on contracting out any work other than food and beverage service if it would result in the layoff of a single employee would also be repealed in the Senate bill. This issue would be sent to collective bargaining, but would not be negotiable until the next round of contract negotiations, unless the parties mutually agreed to take it up before then.

The Senate bill also provides for a global cap of $200 million on tort liability for death or injury to a passenger, or damage to property of a passenger. It also includes a requirement that Amtrak maintain insurance of at least $200 million.

Again, on these important issues . . . labor protection, liability and contracting out . . . we are accepting the Senate compromise and making no change to it.

The one significant departure from the Senate bill in this amendment relates to the board of directors. The House amendment would replace the existing board 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 I may consume.

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 board of directors. Under this process, the directors will be appointed in a manner which is fair to the men and women of the Amtrak work force 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 who represents 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 Amtracks 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.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding, and I also want to thank him for helping correct a shortcoming in the Senate bill that emerged from there with respect to

those States that are not currently served by Amtrak. There was a provision in the Senate bill which has been corrected over here, and I appreciate the chairman's help in correcting that, which would allow those States who are not currently served by Amtrak to also be able to access the $2.3 billion, and there has been a set-aside of 1 percent.

I would further add that we had prepared an amendment at one point that would address that and allow those States that are not served by Amtrak to find some uses for the funds that have been set aside, and I would appreciate the chairman of the Committee on Transportation and Infrastructure as well as the chairman of the House Committee on Ways and Means to work with me to find a method in which we can address that shortcoming in this particular bill. I look forward to doing that, and I thank the distinguished chairman for yielding.

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

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. WISE].

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

Mr. Speaker, this is a very good moment, a very good day, and there are a lot of thanks to go around, obviously to the gentleman from Pennsylvania [Mr. SHUSTER] for bringing this bill to the floor and for his efforts to reach a compromise. A lot of discussions have taken place over the last 24 hours, certainly thanks go to the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], who has steered our side and held us firm and has had his hand firmly on the throttle as we moved forward.

I also think some thanks are due to a lot of Members, too many to name, but Republican and Democrat alike, on and off the Committee on Transportation and Infrastructure, who worked very hard on this. Thanks go to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, who has made sure and stressed continually the need to do something about Amtrak.

I would also like to recognize the board of directors of Amtrak, the present board of directors, who have worked tirelessly not only in resolving labor matters prior to this, but also in working to fashion this bill and to make sure that we were aware of all of the ramifications of our decision. I would particularly like to thank our former colleague, the Governor of Delaware, Tom Carper, who has been constantly on the phone, constantly working as a member of the board, but also one very devoted to making sure Amtrak not only survives but thrives. Also, of course, the Secretary of Transportation, Rodney Slater, who has been very active as well.

Mr. Speaker, this is a compromise, and yesterday when we were here on the floor, I was perhaps most vocal in saying that if something was not done within the next 24 hours the chance was that Amtrak would not survive as we know it and that Congress had to act before Congress goes home tonight or tomorrow.

The good news is that this compromise has been achieved because of the good efforts of everyone involved, Republican and Democrat alike, as well as the administration. It deals with the previously controversial areas of legal liability for Amtrak. People came to the table and reached agreement. We have resolved issues dealing with labor, and labor has put on the table and management has put on the table certain compromises and concessions which have been made. And it deals with the controversial area of the new board of directors.

So all of the controversial areas have been worked out: the legal liability of Amtrak, labor issues, and the new board of directors.

What does this compromise permit to happen now? Most significantly, passage of this bill means that Amtrak, in December, can go to the banks with a new authorization and able to extend their line of credit to continue operating and to become viable. More significantly than that, passage of this reform legislation means that Amtrak can begin drawing down $2.3 billion worth of capital for capital investment purposes, for instance, improving the new high-speed corridor in the Northeast and buying high-speed locomotives.

So what Amtrak can do is, A, extend its line of credit and, B, begin drawing down $2.3 billion for capital investment. Now Amtrak begins restructuring itself, and hopefully to become the viable instrument that we all want.

The good news is that whether one rides the Metroliner, the Cardinal or the Capital Limited in West Virginia, the Texas Eagle or wherever, all of these lines now have a future and have a much better promise ahead of them than what existed prior to this Congress acting. Amtrak now has a future, and it is because of the hard work of a lot of the men and women in this body on both sides of the aisle.

Mr. Speaker, I thank my colleagues for the efforts that have been made, and I urge quick passage of this bill.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to add a technical modification on page 25, line 14, before the word ''(A) date'' add the word ''the.''

The SPEAKER pro tempore. Without objection, the original motion is withdrawn, and the gentleman from Pennsylvania is recognized for a new motion.

There was no objection.

The SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. For the information of the Members, the Clerk will report the modification of the motion.

The Clerk read as follows:

Page 25, line 14 of the proposed amendment, insert ''(A) the'' before ''date.''

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. 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.

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.

A lot of individuals undertook to do that, and that is in the best interests of this country. We have resolved the problems of the labor issues, the problems of the legal liability issues, the problems of the board issues that were so important. Hopefully now, with the release of the capital improvement money as well as what we are doing in this reauthorization, Amtrak can become self-sufficient once and for all by the year 2002.

We must improve passenger rail service. We are at the heart of it in Wilmington, DE. It is of vital importance to us. Our Governor is very involved, is on this board. But I think we have an obligation to make passenger rail service in the United States of America as great as our highway system is, our air system, which is the greatest in the world. It is going to take a lot of work to do it, but we have set the stage so that that can be done. So everybody that had anything to do with the resolution of this, I thank my colleagues and the country thanks to you, and we will see the benefit that will come from it.

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

Mr. CARDIN. 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 bringing this legislation forward.

As the gentleman from 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 at jeopardy was the life of Amtrak. It has been a pleasure to work with my colleague, the gentleman from Delaware [Mr. CASTLE] on the legislation

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 all regions of this country. 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. SHUSTER], 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 accomplishments 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, they 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.

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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 be 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 commuter trains bring millions of people 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 I must say, 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 back to it, because 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. OBERSTAR. 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 view, the objective of 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 compromises.

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 fairness of our discussions, and for the result that we can all celebrate this afternoon.

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

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

Mr. Speaker, I certainly want to congratulate and recognize my colleague, the gentleman from Minnesota [Mr. OBERSTAR], as well as the gentleman from West Virginia [Mr. Wise], and all the members of our committee who have worked so hard on this very complicated issue. The employees of Amtrak, the management of Amtrak, Secretary Slater, the administration, the other body, I think there is plenty of credit to go around for working our way through this very difficult issue.

I think we particularly should recognize the absolutely extraordinary job our staff has done, Glenn Scammel, Alice Tornquist, Jack Wells, Trinita Brown, Debby Hersman, really putting in unbelievable hours, as well as tremendous competence to make this all possible.

Mr. Speaker, today the House of Representatives and the Senate took a major step forward in ensuring that passenger rail service in this country has an opportunity to survive. By passing an amendment to S. 738, the ''Amtrak Reform and Accountability Act of 1997'' and forwarding it to the President, Congress is creating an atmosphere in which Amtrak, its employees and its passengers have an opportunity to make Amtrak succeed and work in a more businesslike manner.

Several questions have arisen in recent days over the impact that S. 738 would have on the $2.3 billion that was made available in the Taxpayer Relief Act of 1997 and over the effect of certain limitations that Act could have on non-Amtrak States.

My colleague on the Transportation and Infrastructure Committee, Congressman JOHN THUNE of South Dakota, has been at the forefront on the issue of potential impacts of both the Amtrak reform bill and the Taxpayer Relief Act on non-Amtrak States. For example, he has previously pointed out that the Taxpayer Relief Act, while setting aside some funds for surface transportation improvements in non-Amtrak States, does so in a way that might not give those States the flexibility they need. Mr. THUNE and Ways and Means Committee Chairman ARCHER have stated their intent to work together to address Mr. THUNE's concerns as that committee considers appropriate tax legislation in 1998.

Another issue potentially affecting the non-Amtrak States arose in the context of House deliberation on the Senate-passed version of S. 738. Section 209 of that bill included language that was intended to assure that the $2.3 billion would not be used for purposes not envisioned in the Taxpayer Relief Act. However, section 209 was inadvertently written a way that could have been interpreted as shutting off funds to non-Amtrak States. In the final stages of negotiating the House amendment to S. 738, and with the technical assistance of the Ways and Means Committee and the Senate Finance Committee, we were able to include an amendment to clarify that non-Amtrak States will indeed be able to use funds made available for them in the Taxpayer Relief Act. Once again, Congressman THUNE's effort in securing this clarification was instrumental in assuring that South Dakota and other non-Amtrak States will get their fair share of the Amtrak funds.

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 Congressman THUNE's dedication and leadership in both instances in addressing 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 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, ran into 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 tax provision 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 transit services for the elderly and disabled, and highway rail 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, most worthwhile use of the 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 reliable 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 an important but often expensive safety priority. At present, only 219 of 2025 crossings are signalized 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 assistance 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. This situation unfortunately leads to high 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 served by Amtrak, or non-Amtrak States that would like to attract Amtrak service in the future.

Again, I thank the Chairman of the Transportation and Infrastructure Committee and the Committee on Ways and Means for their assistance and I look forward to continuing to work with them on this matter.

Mr. SHUSTER. Mr. Speaker, I urge the passage of this bill, and 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 Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the Senate bill, S. 738, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. 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 matter on S. 739, the Senate bill just considered.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:15 p.m.

Accordingly (at 4 o'clock and 51 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1725

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. BLUNT] at 5 o'clock and 25 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998.

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–406) on the resolution (H. Res. 330) 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, which was referred to the House Calendar and ordered to be printed.

CALLING FOR RESIGNATION OR REMOVAL FROM OFFICE OF SARA LISTER, ASSISTANT SECRETARY OF THE ARMY

Mr. SOLOMON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (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.

The Clerk read as follows:

H. CON. RES. 197

Whereas Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs, on October 26, 1997, at a public conference held in Baltimore, Maryland, stated that ''The Marines are extremists.'';

Whereas such a characterization denigrates 222 years of sacrifice and dedication to the Nation by the Marine Corps and dishonors the hundreds of thousands of Marines whose blood has been shed in the name of freedom;

Whereas citizens from all walks of life have donned the Marine Corps uniform and gone to war to defend the Nation, many never to return;

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 characterization of the Marines as ''extremists'', especially when made by a senior military department official with responsibility for military personnel policy, has the potential to have an extraordinarily detrimental effect on 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 will control 20 minutes.

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 particularly 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 if he thinks they were extremists.

No amount of spin and dissembling can explain her comments. They are simply arrogant, they are wrong and entirely out of line. Attempts by Ms. Lister to try and explain away her blatant attack on 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 more than 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, Ms. Lister does not deserve to be in a position of special trust and of confidence within the Pentagon. The fact that she would make these comments publicly to a large group is just again irresponsible. Her statements are symptomatic, I believe, of a political correctness of the worst kind that is permeating the U.S. military. They were intemperate and if allowed to stand would constitute a major step down this slippery slope towards a military that is not prepared to do its 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.

□ 1730

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, no one would believe it. That is the way I think the U.S. Marine Corps finds themselves 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 remarks were taken out of context. The issue under consideration was in relationship between civilian military segments of our society. In that context, we were asked to comment upon 14 scholarly 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 different 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 am well aware of the close and mutually supportive relationship between the Army and Marine Corps, both in war and in peace.

''Again, my remarks were not intended to denigrate the Marine Corps in any way. It is unfortunate 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:

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY, MANPOWER AND RESERVE AFFAIRS,
Washington, DC, November 13, 1997.

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 remarks were taken out of context. The issue under consideration was the relationship between civilian and military segments of our society; in that context, we were asked to comment upon 14 scholarly 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 different 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 am well aware of the close and mutually supportive relationship between the Army and the Marine Corps, both in war and in peace.

Again, my remarks were not intended to denigrate the Marine Corps in any way. It is unfortunate that they were misinterpreted. The Marine Corps has a proud and honorable tradition of service to our country.

Sincerely,

SARA E. LISTER,
Assistant Secretary of the Army.

Mr. SKELTON. 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 stunned and dismayed. Her 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 perhaps inevitable, even 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 a brother service.

I would certainly hope that on all occasions senior officials in uniform and in civilian clothes from the United States Marine Corps would pay equal 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 judgment and then retire to private life. No senior official holding 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.

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 always follow that advice of my colleague. But this is also a comment that was made in official capacity with a tongue-in-cheek apology.

These comments were not taken out of context. As a matter of fact, I would respect Sara 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 issues on gender and race in the United States military, my colleagues, see, 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 Army 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, as 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 with 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 each of our military services makes 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 personnel 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 undefined 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 upon many 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.

□ 1745

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 condemnation, that 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 for the Marine Corps. She says she started her career working closely with the Marine Corps, and everything she told me personally, just a few minutes ago on the phone, was that 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 we should give her 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 he and I have served 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 asking 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. She means 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. 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 the woman 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 in 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. It can lick any 10 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 gentlelady 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 continue to work together in a joint atmosphere without rancor, without grudges, and let this be water that goes down the river.

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

Mr. SOLOMON. Mr. Speaker, I yield 3 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 Navy, 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 we 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 lonely 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 paddy in Vietnam, we would be shot at by a sniper. So we decided one day to send across this rice paddy 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 paddy. 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. We were 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 what we were going to do next. 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 that rice paddy. 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 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 JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would say to the gentleman from Missouri [Mr. SKELTON], I appreciate his position, I really do. I just cannot believe that we as a country have sunk to this level, where we have a high-level Clinton administration official referring to a branch of our military, in this case the Marine Corps, as being ''extremist'' and ''dangerous to society.'' The testimony you just heard is she does not say that. According to Mr. SOLOMON, this is all on tape. It is her words. It is not taken out of context.

These types of comments are not just unacceptable, but they are false, and a telling sign of disdain for the military by this administration. And no response, you might notice no response has been given by the Secretary of the Army, and this lady, even though it has been said she has resigned or is intending to resign, is being considered for the post of Secretary of the Army. It is unbelievable.

How many times have we seen in a country like ours bravery and ultimate sacrifice by one of our Armed Services?

I was in the Air Force, but the United States Marines showed their colors in the Pacific during World War II; in Korea, where I fought at the Chosin Reservoir; in Vietnam, where I was a POW in Khe Sahn; or the numerous evacuations of our citizens who have been endangered for no other reason than just being an American. Our Marines have been there.

The Secretary, it has been said, went on to mock the Marine uniform. ''They have all got on these checkerboard fancy uniforms, but the Army is sort of muddy boots on the ground.''

Do you know that the Marines are our ceremonial troops? Do you think that our Embassies around the world would love to have muddy boots guarding our Embassies in a ceremonial fashion? I do not think so.

I suggest the Secretary ask Captain Scott O'Grady what his opinion is of the Marine uniforms of those men who pulled him out of Bosnia, and what they were wearing. I think she would be enlightened, to say the least.

I am not here to enlighten the Secretary, or our Congress. I just think that that conduct is inexcusable and should result in immediate dismissal. The sacrifices that Marines, and, for that matter, all our Armed Forces, have made should not be subject to administration comments that are childish and dishonorable.

I believe Secretary Lister must go, and I hope, Mr. President, that you are listening.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. BACHUS].

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

Mr. BACHUS. Mr. Speaker, I rise in support of this resolution. I do it on behalf of not only myself, but my oldest son, who I am proud to say serves in the U.S. Marines, and his family, my other four children and their mother.

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 give 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 Inchon, or what the Marines did there, or look at what happened in Lebanon in 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.

□ 1800

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. I 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 extremists. That is unconscionable, Mr. Speaker, 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 me 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 winds of political correctness when this mixed gender 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 injected into basic 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, but I would like to just submit 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:

''It is actually a slander at both the Marine Corps and the Army,'' she said in an interview. ''What attributes of the Marine Corps does she disrespect? Self-discipline? Courage? Patriotism? She believes these pose a danger to society and by implication she's grateful the Army doesn't share the Marine Corps attributes. Shocking.''

TOP ARMY WOMAN: MARINES ''EXTREMIST''

(By Rowan Scarborough)

Sara E. Lister, the Army's top personnel official and the Pentagon's most ardent advocate of women in combat, in a public forum called the Marines ''extremists'' and ''a little dangerous.''

Mrs. Lister, the assistant secretary of the Army for manpower and reserve affairs, also belittled the Marine Corps uniform.

''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, the Army attempted last night to dampen a growing controversy that clearly rankled top officers:

''The statement attributed to Mrs. Lister was taken out of context. Her reference to the Marines and their relationship to society would be more aptly described as 'unique.'''

Gen. Charles Krulak, the Marine Corps commandant, issued a statement last night at his quarters vigorously defending a branch he has served 34 years.

''Assistant Secretary of the Army Sara Lister has been quoted as characterizing the Marine Corps as 'extremists,''' Gen. Krulak said. ''Such a depiction would summarily dismiss 222 years of sacrifice and dedication to the nation. It would dishonor the hundreds of thousands of Marines whose blood has been shed in the name of freedom.

''Citizens from all walks of life have donned the Marine Corps uniform and gone to war to defend this nation, never to return. Honor, courage and commitment are not extreme.''

Mrs. Lister, a close adviser to Army Secretary Togo West, made the remarks to a group of academics and military personnel at a conference in Baltimore.

According to a tape recording of the remarks, obtained by The Times, Mrs. Lister, who was appointed by President Clinton, also mocked the uniform of the Marine Corps.

''The Marine Corps is—you know they have all these checkerboard fancy uniforms and stuff,'' she said. ''But the Army is sort of muddy boots on the ground.''

Said Gen. Krulak, ''I agree with Mrs. Lister's depiction of the U.S. Army as 'sort of muddy boots on the ground.' I need not recount the times where the muddy boots of soldiers fell alongside those of Marines as we fought side by side.''

Kate O'Beirne, the Washington editor of National Review magazine, appeared with Mrs. Lister on the panel, along with retired Army Lt. Gen. Theodore Stroup. Mrs. O'Beirne, according to the tape recording, told the conference, sponsored by Harvard University's Olin Institute for Strategic Studies, that she was ''shocked and incredulous'' by Mrs. Lister's remarks.

''It is actually a slander at both the Marine Corps and the Army,'' she said in an interview later. ''What attributes of the Marine Corps does she disrespect? Self-discipline? Courage? Patriotism? She believes these pose a danger to society and by implication she's grateful the Army doesn't share the Marine Corps attributes. Shocking.

''I just want to say something on behalf of the Marine Corps. Unlike Secretary Lister, I don't see them as an extremist organization nor do I fear them in any way. And I find myself grateful for them most of the time.''

Mrs. Lister's caustic comments are sure to revive criticism within the military and among veterans groups that the Clinton administration is staffed at the highest levels with men and women with anti-military attitudes.

Mr. Clinton was sharply criticized by veterans groups in the 1992 campaign for remarks he made as young man trying to avoid the Vietnam War draft, saying that he and his friends held a ''loathing'' for the military, and shortly after taking office he offended military ranks with an attempt to lift long-standing policy barring known homosexuals in the military.

Mrs. 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.

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The Army's statement defending Mrs. Lister went on to say that ''it is inappropriate try to create controversy around what was meant to be an honest, intellectual exchange of ideas. The U.S. Marines, like the Army, have served the nation with valor and fidelity since the forming 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 press interview labeling military advocate Elaine Donnelly an ''extremist.'' Mrs. Donnelly is chairman of the Center for Military Readiness, which supports women in 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 she puts us in the same group as the Marine Corps, we're in very good shape.''

Mr. EVERETT. Mr. Speaker, as a veteran, a member of the National Security Committee, and as an American, I am appalled at the callous disrespect that Sarah Lister, the Assistant Security of the Army for Manpower, displayed toward the U.S. Marine Corps when she referred to them as a ''dangerous'' and ''extremist'' group during a recent forum. This type of behavior is reprehensible from a high ranking 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. Army Secretary Togo West should fire her now—today. Doing less will disgrace those brave Americans who have served and given their lives for this country. And as far as any talk of Secretary Lister being a possible candidate for Army Secretary should Secretary West leave the post—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 expressing the sense of Congress that the Assistant Secretary of the Army for Manpower and Reserve Affairs, Sara E. Lister, should step down from her position following her derogatory remarks yesterday about our U.S. Marine Corps.

Secretary Lister's remarks have enraged those of us who are proud of the men and women who have served as marines. However, knowing the organization as I do and the type of people who are marines, they are not going to be hurt by her words.

The 222 year history of the United States Marine Corps speaks for itself. From its first

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.

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. They 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 into harms way on a moments 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 marines in action, have acknowledged the spirit of our marines who have fought shoulder to shoulder with their brothers in the Army. Gen. John Pershing, during World War I, Gen. Douglas MacArthur, during the Korean conflict, and Gen. Norman Schwarzkopf, during Operation Desert Storm all agreed with MacArthur's comments from the outskirts of Seoul in 1950, that ''there is not a finer fighting organization in the world'' than the U.S. Marines.

Mr. Speaker, the marines who stand watch tonight on lonely outposts throughout the world, and those who are in training for their next mission wherever and whenever it may be, probably have not even heard about Secretary Lister's remarks. All they know is that they have chosen to wear the uniform of a U.S. Marine to defend and protect our great Nation. May their service and sacrifice stand as the greatest testament, making all other words ring hollow.

Semper Fidelis.

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from New York (Mr. SOLOMON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 197.

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.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

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

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

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

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the distinguished gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule makes in order the fiscal year 1998 Commerce, Justice, and State conference report, the final appropriations bill for fiscal year 1998. This is the standard rule for conference reports, waiving points of order against the conference report and its consideration. The rule also provides that the conference report be considered as read.

That is it. Another great rule from the Committee on Rules under the leadership of the gentleman from New York [Mr. SOLOMON] to get the job done.

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

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

Mr. Speaker, I want to thank my colleague, the gentleman from Florida [Mr. GOSS] for yielding me this time.

As he has described, this resolution, House Resolution 330, is a rule that waives all points of order against the conference report on H.R. 2267. This is a bill that makes appropriations for the Departments of Commerce, Justice and State, and related agencies. It is with great relief that I address this House on this, the last of the 13 regular appropriation bills. It is the one measure standing between us and the conclusion of the session this year.

The conference report contains major increases in funding for law enforcement programs, especially those aimed at preventing juvenile and drug-related crimes. The measure provides about $4 billion for the State Department, which is an increase above the levels in the House and Senate bills, but still less than the administration's request. This money is necessary to extend America's diplomatic presence abroad and assist with vital international peacekeeping efforts.

The conference contains a compromise which does not bar using statistical sampling in the Year 2000 Census. This will permit the Census Bureau to give statistical sampling a small-scale test. A commission will report on the results of the test. Unfortunately, this compromise also includes objectionable language calling on the House general counsel to file a civil suit to block sampling.

Mr. Speaker, I do not support everything in this bill, but we are already 6 weeks into the fiscal year. We should have wrapped up this process a long time ago. I urge adoption of the rule. Let us do our job and pass the bill, and let us go home.

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

Mr. GOSS. Mr. Speaker, I have no requests for time. The rule is not controversial. We are prepared to yield back as soon as the gentleman is.

Mr. HALL of Ohio. Mr. Speaker, I have 3 or 4 speakers that I know of.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the Commerce, Justice, and State bill is fatally flawed, and because of that, later today I will urge my colleagues to vote against it.

Earlier today we changed the House rules so that the Republican leadership could create a new subcommittee to investigate the census. Is the reason that we need this new subcommittee, is it because the current one is so overburdened that it cannot get all of its work done? No. There has been only one hearing in this Congress on the census, and that hearing had only two witnesses.

This new subcommittee is the latest effort by the leadership to politicize the census and make sure that millions

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.

Look at this quote from one Republican leader. He admits that they do not care if sampling is constitutional, and then later he says if the court says it is constitutional, we simply will not fund it.

During the negotiations over the census language in this bill, the White House lawyers tried to improve the language to assure that the case would make it to the Supreme Court. Those improvements were rejected by the same people who claim to be worried about a constitutional census. Their concerns are not constitutional; they are political.

The scientific and professional support for sampling is overwhelming. Over 175 studies from the General Accounting Office, the Commerce Department, the National Academy of Sciences, and the Census Bureau have shown that sampling gives results that are more fair and accurate. Still, the Republican leadership opposes it. Why? They fear the political consequences of a fair and accurate census.

The opponents of sampling say they are worried about the administration using sampling to manipulate the numbers. However, when the gentleman from West Virginia [Mr. MOLLOHAN] proposed a blue ribbon commission to guard against manipulation, they rejected it on a party-line vote.

The opponents of sampling have raised one false claim after another to try and discredit sampling because they do not want a fair and accurate census. The language in the Commerce-Justice-State bill is one more attempt to stop a fair and accurate census.

This time, their tactics are to tie the Census Bureau up in the courts, to force them to run two censuses at once, and to confuse the public by issuing four sets of numbers instead of one. This will not work and we should not let it happen. I urge my colleagues to vote against the Commerce-Justice-State conference report, but to vote for the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to reluctantly oppose this conference report. I agree with all of the good things that we have heard and will continue to hear about.

However, I have some serious concerns regarding the census component. The so-called census compromise leaves several loopholes which could seriously hamper the ability of the Census Bureau to utilize sampling as a technique to conduct the 2000 Census. In essence, this compromise allows opponents of sampling an opportunity to disrupt, discredit, and dismantle an accurate census.

The census is far too important to become so politicized. I would like to support this agreement. However, it does not ensure a fair and accurate census count. In this democracy every American must be counted in order to count. In the last census we missed over 4 million people.

This agreement bestows upon the Speaker 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 halls of Congress 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 New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Speaker, I have a prepared statement which I will present. Mr. Speaker, this is serious business. For a moment I would like to address the Members of the other side.

□ 1815

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 language agreed to in the conference committee on the census and sampling.

I have in my hand here the materials that go back to 1994, 1995, 1996, concerning the city that I was mayor of, in Patterson, NJ, 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 Farnesworth Rich, Director of the Census, the population change had been made officially 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 comes out in that dress rehearsal, the leadership has 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, towns went to 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 make lawyers richer, put more antagonism on the floor of this House, 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 the 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 phase out 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, 62 percent, of those who benefited 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 conferees have 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. 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, 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. All that is required is a sponsor and $1,000.

Mr. Speaker, there is also a provision in this conference agreement which allows anyone to come here on a temporary visa and overstay it for up to 6 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 their status adjusted, no immigrant will ever trust our word again. We will have floods of illegal immigrants into our country.

Mr. HALL of Ohio. Mr. Speaker I yield 7½ minutes to the gentleman from California [Mr. BECERRA].

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

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, the gentleman from California [Mr. ROHRABACHER], just railed 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-Justice-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 it, statistical sampling, a methodology used by technicians and the experts 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 possible.

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 majority to construct 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 who are poor, are people who are minorities, 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 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 House, hire attorneys 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 this country taking the census, 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, will have access to every single bit of data that the census Bureau collects.

Remember, Mr. Speaker, this is the utmost of 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.

□ 1830

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 committee 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 politically, on the streets against statistical sampling. And what will be done is this, I guarantee: In the next year or so after we do the dress rehearsal where we test all the statistical sampling, we will see a comparison of the actual numbers of people counted to those that we created as a result of an actual count with statistical sampling, and hundreds of thousands, if not millions, of dollars will be spent to say, look, the count was not much different between the two. Let us not go with what we 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 an uproar of people saying, ''You mean to tell me that the census will use some sampling method to say that this is the number of people beyond what we actually counted, and that might cost me a representative?'' No way.

And we are going to have a political fight in our land which we cannot overcome because it will be difficult to ever convince the American people that what we have done is actually done the best job of providing an accurate census.

We heard many Members on the majority side of the aisle say we cannot let this go. I heard one Member say this is the Republican Jihad, religious war. There is a fear that if there is a count, if this is allowed to occur, if we get that accurate count, those minorities, those poor will be counted, and they may start to get engaged in the political process. Heaven forbid. That is where we are heading.

So, as much good as was done by the chairman and ranking member on this Committee on Appropriations, I must ask Members to vote against this rule.

Mr. GOSS. Mr. Speaker, in a moment of uncharacteristic optimism, I felt earlier that there was a possibility we might actually debate the rule. And since it is such a good rule and really not controversial, I thought we could dispose of it rather quickly. However, some very fine words have been uttered, and some of the provisions of the measure that the rule carries forward, and it seems that we are in a debate. So I yield 5 minutes to the distinguished gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for yielding me the time.

My colleagues, a Republican Jihad? What kind of language is that? What kind of insinuation is that? But I tell my colleagues something. If we want to take a diversion from what this country has done for over 200 years, and that is to count the men and women and children in this country one by one, in a very methodical way, and say, instead of doing that, we are going to guess how many people are in this country, we are going to make some assumptions, and we are going to put some equations in place, and then we 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 the first place.

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 test, 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 transparencies. So we 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 and Department of Commerce 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.

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

Mr. HASTERT. I will not yield.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New Jersey is not recognized. All Members will show courtesy to Members who are speaking.

The gentleman from Illinois [Mr. HASTERT] has 2 minutes remaining and may proceed.

Mr. HASTERT. Mr. Speaker, when we put together these census blocks for most simple geographical areas, the test that was done on this statistical sampling, or statistical guessing, in 1995 had a plus or minus 35 percent accuracy, plus or minus 35 percent accuracy. That means, if there is a census block and it could be 100 people in it, well, it could be 65, or it could be 135. We do not know. But when we put those census blocks together and they become the building blocks for any representative district, whether it is county board, school board, city council, State representative, State Senate seat, we have to have accurate building blocks to put these together, because I tell my colleagues, when we go to the Federal court, they choose what program they are going to take on what maps are most accurate, which map has the least deviation.

In Illinois, in 1991, the Federal Court said that the map that they chose was because 19 out of the 20 districts had a zero deviation, and one district, the southernmost district in Illinois, had plus 2. That takes pretty accurate measurement. That takes pretty accurate block-building, census block by census block.

Now, if we wanted to use statistical sampling and say, guess how many people are in the United States, 277 million, we probably would get a pretty accurate number; or how many people lived in a State, 15 million people, we would probably get a pretty accurate number; or how many people are in a city, 3½ million, we probably would get a pretty accurate number.

When we get down to census block and census block, we need to put a name and address with a place and census block so that we can start to put together those legislative and representative districts that bring people to this body. The taxpayers of this country, the Constitution of this country, expects the very best, and that is what we should give them.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from California [Ms. WATERS].

(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 gentlewoman 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 that 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 4.8 million people undercounted, and we all know and believe that sampling could correct 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, none of us have realized that really sampling would help us all. It would help Democrats. It would help Republicans. We would get a better count. This would inure to

everybody's benefit. But because Republicans are so afraid of sampling and getting a better count, they were willing to literally go into the back room and form a deal that, in the final analysis, 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 interfere with that, 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 for everybody. I do not like these schemes. I do not like these schemes because I think this bad language that we allow them to put in the bill could be used as intent language in the court, and they could say, ''Well, they voted for something that they said you thought that it was not constitutional.'' I do not like this language, because 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 sampling.

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 confrontation, 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 court.'' And we have the other side saying, ''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. But 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 findings 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 20½ 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 gentleman 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. It is because we do not trust you. And I will be specific. We do not trust the liberal leadership of the Democrat Party. The partisanship that has existed since we have taken the majority in every single case, we do not trust you. You want to 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 Jihad that my colleague talked about. No. We want an actual count. Let us take a look at some of the issues. Anything goes to win. The end justifies the means.

□ 1845

There is a story about a turtle and a snake. The snake could not swim across a river and it was poisonous, so he jumped on the turtle's back and said, ''If you take me across the river, I won't bite you.'' And the turtle says, ''No, you're venomous. I'm not going to take you.'' The snake says, ''I give you my word. I'm not going to bite you.''

So the turtle takes the snake across. As soon as he gets on the other side, the snake bites the turtle and in his death throes the turtle says, ''But you gave me your word you wouldn't bite me.'' The snake looks at him and says, ''I don't know what your problem is. You knew I was a snake.''

We do not trust you * * * all the way through since 1994 in partisanship. We do not trust you. Thirty-five percent error is allowed within sampling in each district. Where do you think that 35 percent error is going to take place? It is going to take place in Republican districts. Look at INS in San Diego. We had 2,000 new immigrants.

Mr. HEFNER. Mr. Speaker, I ask the gentleman's words be taken down.

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 words be taken down when he referred to 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 anybody specifically.

The SPEAKER pro tempore. The gentleman will suspend.

The Clerk will report the words.

□ 1900

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 will restate it. By ''snakelike tactics'' I mean in general, and I will be specific, but I will not apply to anybody specifically on it, but I will point out some instances with different departments 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 gentleman 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 gentleman 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 Riady, 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 Babbitt up for deals with tribes 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 California underwent when we 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 error 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 gentlewoman 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 conferees concerning stark underfunding of that agency. While this 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 conferees in addition concerning committee report language that remains in the bill and that could have a chilling effect on EEOC's small litigation intervention program. Historically, the complaint has been 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 specific exemption 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 asked and was given permission to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I rise in opposition to this rule for all the reasons that were mentioned in terms of the Census. But I also want to call attention to another very, very important issue, and that simply is the money that the United States owes in arrearages to the United Nations, which is not in this either and which is another reason why I oppose this.

Today our President is trying to reinvigorate the International Coalition Against Iraq so that our young men and women will not have to fight alone should the need arise. But just as we are readying the Nation for some kind of action in the coalition, Congress may take this disastrous step to undercut our ability to build a coalition of nations at the U.N. This makes no sense. If we do not begin today the effort to repay our arrearages to the U.N., our ability to forge a solid coalition against Iraq will be severely in jeopardy.

I want to be absolutely clear. I believe that in paying off our debt to the United Nations, it is in America's interest and it 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 paying our arrears is now much greater as American troops could be put at risk.

So I oppose this amendment, I oppose this rule, because of the Census and because of the U.N. arrearages.

Today, our President is trying to reinvigorate the international coalition against Iraq so that our young men and women will not have to fight alone, should the need arise.

I voted for the Gulf War and will support the President again if armed force is needed to reach Iraq a lesson.

But, just as we are readying the nation for military action, Congress may take a disastrous step to undercut our ability to build a coalition of nations at the U.N.

If we today do not begin the effort to repay our arrears to the U.N., our ability to forge a solid coalition against Iraq will be severely in jeopardy.

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.

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 gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I 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 to count every American 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 of the Peer Review Justice Center on Juvenile Prevention. But yet I come to disappointment, the disappointment that under 245(I) battered women who may be immigrants will be excluded and therefore will not be allowed to stay in this country while others with 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 of 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 business 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' sample-matics 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.

□ 1905

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 [Mrs. WATERS], the gentleman from California [Mr. BECERRA], the gentleman from New Jersey [Mr. PASCRELL], 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. PASCRELL] is right when he says this is important. Several sampling techniques were evaluated in 1994 and 1995. Some were found to be woefully wanting; they were rejected. One enumeration method including sampling was selected, and now must be refined in the context of a full census-like environment known as a dress rehearsal.

This is not a reflection of a lack of confidence in sampling. It has been planned from the beginning of the decade. Like war game exercises, it is a needed step in preparing for this huge national undertaking.

When the gentleman from California [Mr. BECERRA] suggested that 5 million people were missed, I suggest that he underestimates. In fact, 10 million people were missed in 1990, 6 million were doubled, for a net undercount of 4 million, but an aggregate error of 16 million.

I am grateful for this support for sampling, and I share that support. I will vote differently on this bill. This bill is not a pretty piece of legislation. It is kind of a Rube Goldberg contraption. It is not a permanent victory for sampling; it is not a permanent defeat. The provisions regarding the census, however, reflect a clear victory for supporters of keeping sampling alive so it can be appropriately tested. There is no realistic chance for an injunction. Confidentiality is protected by current law.

I support this rule; I support going forward with sampling; I support keeping it alive until its accuracy can be verified in a census-like environment, in a dress rehearsal in 1998, and evaluated in 1999.

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

Mr. Speaker, I would simply say that actually this debate was supposed to be on the rule. I did not hear much objection to the rule. Actually I heard some praise for it. I think it is a fine rule, and perhaps we can get on with the debate about the census, which I know we have all been waiting for eagerly.

I would like to compliment the gentleman from Louisiana, Chairman LIVINGSTON, and the gentleman from Kentucky, Chairman ROGERS, and the ranking member, the gentleman from Wisconsin, Mr. OBEY, for the fine work they have done through the appropriations process, which we now hope is drawing to a close.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

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

Mrs. MALONEY of New York. 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.

Without objection, the vote on the motion to suspend the rules and agree to House Concurrent Resolution 137 will be reduced to 5 minutes.

There was no objection.

The vote was taken by electronic device, and there were—yeas 285, nays 113, not voting 34, as follows:

[Roll No. 636]

YEAS—285

Ackerman	Clement	Gekas
Aderholt	Coble	Gibbons
Allen	Coburn	Gilchrest
Archer	Collins	Gillmor
Armey	Cook	Gilman
Bachus	Cooksey	Goode
Baesler	Costello	Goodlatte
Ballenger	Cox	Goodling
Barcia	Cramer	Goss
Barr	Crane	Graham
Barrett (NE)	Crapo	Granger
Barrett (WI)	Cunningham	Greenwood
Bartlett	Davis (FL)	Gutknecht
Barton	Davis (VA)	Hall (OH)
Bass	Deal	Hall (TX)
Bateman	Delahunt	Hamilton
Bereuter	DeLay	Hansen
Berman	Diaz-Balart	Harman
Berry	Dicks	Hastert
Bilbray	Dingell	Hastings (WA)
Bilirakis	Dixon	Hayworth
Bliley	Dooley	Hefley
Blunt	Doolittle	Herger
Boehlert	Doyle	Hill
Boehner	Dreier	Hilleary
Bonilla	Duncan	Hobson
Bono	Dunn	Hoekstra
Boswell	Edwards	Holden
Boucher	Ehrlich	Horn
Brady	Emerson	Hostettler
Bryant	English	Hoyer
Bunning	Eshoo	Hulshof
Burr	Etheridge	Hunter
Burton	Everett	Hutchinson
Buyer	Ewing	Hyde
Callahan	Farr	Inglis
Calvert	Fawell	Istook
Camp	Fazio	Jackson (IL)
Campbell	Foley	Jenkins
Canady	Forbes	Johnson (CT)
Cannon	Fossella	Johnson (WI)
Castle	Fox	Johnson, Sam
Chabot	Frank (MA)	Jones
Chambliss	Franks (NJ)	Kanjorski
Chenoweth	Frelinghuysen	Kasich
Christensen	Gallegly	Kelly
Clayton	Ganske	Kennedy (MA)

Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Manzullo
Markey
Mascara
Matsui
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—113

Abercrombie
Andrews
Baldacci
Becerra
Bentsen
Bishop
Blagojevich
Bonior
Borski
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clyburn
Condit
Conyers
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Doggett
Engel
Ensign
Evans
Fattah
Filner
Ford
Frost
Gejdenson
Gephardt
Gordon
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Klink
Kucinich
Lampson
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Mink
Nadler
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Schumer
Scott
Serrano
Stabenow
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Torres
Towns
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Woolsey
Wynn

NOT VOTING—34

Baker
Blumenauer
Combest
Cubin
Dickey
Ehlers
Flake
Fowler
Furse
Gonzalez
Green
Houghton
John
LaFalce
Lipinski
McInnis
Miller (CA)
Myrick
Nussle
Ortiz
Pickett
Pryce (OH)
Riley
Roemer
Schiff
Smith (OR)
Snyder
Stark
Taylor (NC)
Watkins
Wexler
White
Wise
Yates

□ 1931

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 John 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. Gennet 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. LAHOOD). 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 ordered.

The vote was taken by electronic device, and there were—yeas 396, nays 2, not voting 34, as follows:

[Roll No. 637]

YEAS—396

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw

Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Snyder

NOT VOTING—34

Baker
Blumenauer
Combest
Cubin
Dellums
Dickey
Ehlers
Flake
Fowler
Furse
Gonzalez
Green
Houghton
LaFalce
Lantos
Lipinski
McInnis
Miller (CA)
Myrick
Nussle
Ortiz
Pelosi
Pickett
Pryce (OH)
Riley
Roemer
Schiff
Smith (OR)
Stark
Taylor (NC)
Watkins
Wexler
White
Yates

□ 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 SESSSION 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.

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, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. 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.

SEC. 4. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this concurrent resolution.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

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

Mr. GEPHARDT. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 193, not voting 34, as follows:

[Roll No. 638]

YEAS—205

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

NAYS—193

Abercrombie
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Goode
Goodling
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn

NOT VOTING—34

Ackerman	Green	Roemer
Baker	Houghton	Schiff
Blumenauer	LaFalce	Smith (OR)
Combest	Lipinski	Souder
Cubin	McInnis	Stark
Dickey	Miller (CA)	Taylor (NC)
Ehlers	Myrick	Watkins
Flake	Nussle	Wexler
Fowler	Ortiz	White
Furse	Pickett	Yates
Gilman	Pryce (OH)	
Gonzalez	Riley	

□ 2004

So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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 joint resolution and a concurrent resolution of the House of the following titles:

H.J. Res. 103. Joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress.

H. Con. Res. 194. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 867) ''An Act to promote the adoption of children in foster care.''.

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

S. 1371. An act to establish felony violations for the failure to pay legal child support obligations and for other purposes.

S.J. Res. 39. Joint resolution to provide for the convening of the Second Session of the One Hundred Fifth Congress.

S. Con. Res. 68. Concurrent resolution to adjourn sine die the First Session of the One Hundred Fifth Congress.

PROVIDING FOR CONVENING OF SECOND SESSION OF ONE HUNDRED FIFTH CONGRESS

Mr. ARMEY. Mr. Speaker, pursuant to House Resolution 311, I call up the Senate joint resolution (S.J. Res. 39) to provide for the convening of the Second Session of the One Hundred Fifth Congress, and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 311, the joint resolution is considered read.

The text of S.J. Res. 39 is as follows:

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. 2. 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 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, respectively, to assemble whenever, in their opinion, the public interest shall warrant it.

The joint resolution was read a third time and passed.

A motion to reconsider was laid on the table.

VACATING VOTE ON HOUSE RESOLUTION 328

Mr. FAZIO of California. Mr. Speaker, I ask unanimous consent that the vote by which House Resolution 328 was passed be vacated.

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

There was no objection.

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Speaker, I have an amendment to that resolution at the desk.

The Clerk read as follows:

Amendment offered by Mr. FAZIO of California:

Strike the election of David Price of North Carolina to the Committee on Budget.

The text of the resolution, as amended, is as follows:

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

To the Committee on Appropriations, the following Member:

Robert ''Bud'' Cramer of Alabama

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

The amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform and Oversight:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 13, 1997.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR NEWT: I respectfully request that you accept my resignation from the Government Reform and Oversight Committee, effective Friday, November 14, 1997.

Thank you for your assistance in this matter.

Sincerely,

ROB PORTMAN,
Representative.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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 read the resolution, as follows:

H. RES. 331

Resolved, That the following Member be, and he 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 read 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. MOLLOHAN] 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.

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 our borders 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 $658 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 crime 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 violent 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 them to adopt 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 patrol 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 them.

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 on alternative structures 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 the ramp-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 $390 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 all practical purposes, the bill level-funds them at $5 billion. A major new initiative is $35 million to fund the 24-hour broadcasting service to China through Radio Free Asia and the Voice of America, an initiative proposed by the Speaker and endorsed by the President.

For international organizations and peacekeeping, we provide $33 million less than 1997. Within that reduced amount, $100 million is provided for United Nations arrearages, but only if an authorization bill passes and only if that authorization bill contains real and substantial reforms as a condition for release of the money.

For Legal Services, we provide $283 million, the same level as 1997. The restrictions in last year's bill are retained, and added are new public disclosure requirements for grantees of the corporation.

In summary, I want to thank the gentleman from West Virginia [Mr. MOLLOHAN], 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 us 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)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	75,773,000	79,959,000	76,199,000	79,373,000	76,199,000	+426,000
Emergency appropriations	3,600,000	.....	.....	.....	.....	-3,600,000
Total, salaries and expenses	79,373,000	79,959,000	76,199,000	79,373,000	76,199,000	-3,174,000
Counterterrorism fund	9,450,000	29,450,000	20,000,000	29,450,000	52,700,000	+43,250,000
Emergency appropriations	20,000,000	.....	.....	.....	.....	-20,000,000
Total, Counterterrorism fund	29,450,000	29,450,000	20,000,000	29,450,000	52,700,000	+23,250,000
Administrative review and appeals:						
Direct appropriation	62,000,000	70,007,000	66,700,000	20,007,000	70,007,000	+8,007,000
Emergency appropriations	1,000,000	.....	.....	.....	.....	-1,000,000
Crime trust fund	48,000,000	59,251,000	59,000,000	59,251,000	59,251,000	+11,251,000
Total, Administrative review and appeals	111,000,000	129,258,000	125,700,000	79,258,000	129,258,000	+18,258,000
Office of Inspector General	31,960,000	33,211,000	35,211,000	33,211,000	33,211,000	+1,251,000
Total, General administration	251,783,000	271,878,000	257,110,000	221,292,000	291,368,000	+39,585,000
Appropriations	(179,183,000)	(212,627,000)	(198,110,000)	(162,041,000)	(232,117,000)	(+52,934,000)
Emergency appropriations	(24,600,000)	.....	.....	.....	.....	(-24,600,000)
Crime trust fund	(48,000,000)	(59,251,000)	(59,000,000)	(59,251,000)	(59,251,000)	(+11,251,000)
United States Parole Commission						
Salaries and expenses	4,845,000	4,799,000	4,799,000	5,009,000	5,009,000	+164,000
Legal Activities						
General legal activities:						
Direct appropriation	420,793,000	466,557,000	445,300,000	437,178,000	444,200,000	+23,407,000
Emergency appropriations	1,719,000	.....	.....	.....	.....	-1,719,000
Crime trust fund	7,750,000	7,969,000	7,969,000	7,969,000	7,969,000	+219,000
Total, General legal activities	430,262,000	474,526,000	453,269,000	445,147,000	452,169,000	+21,907,000
Vaccine injury compensation trust fund	4,028,000	4,028,000	4,028,000	4,028,000	4,028,000	.....
Independent counsel (permanent, indefinite)	3,000,000	9,500,000	9,500,000	9,500,000	9,500,000	+6,500,000
Antitrust Division	92,447,000	97,542,000	94,542,000	92,447,000	93,495,000	+1,048,000
Offsetting fee collections - carryover	-16,000,000	-10,000,000	-16,000,000	-10,000,000	-18,000,000	-2,000,000
Offsetting fee collections - current year	-58,905,000	-70,000,000	-70,000,000	-70,000,000	-70,000,000	-11,095,000
Direct appropriation	17,542,000	17,542,000	8,542,000	12,447,000	5,495,000	-12,047,000
United States Attorneys:						
Direct appropriation	923,340,000	1,018,617,000	973,000,000	986,404,000	972,460,000	+49,120,000
Emergency appropriations	10,900,000	.....	.....	.....	.....	-10,900,000
Crime trust fund	43,876,000	50,828,000	62,828,000	46,128,000	62,828,000	+18,952,000
Total, United States Attorneys	978,116,000	1,069,445,000	1,035,828,000	1,032,532,000	1,035,288,000	+57,172,000
United States Trustee System Fund	107,950,000	116,721,000	107,950,000	116,721,000	114,248,000	+6,298,000
Offsetting fee collections	-49,869,000	-116,721,000	-107,950,000	-116,721,000	-114,248,000	-64,379,000
Direct appropriation	58,081,000	.....	.....	.....	.....	-58,081,000
Foreign Claims Settlement Commission	953,000	1,226,000	1,226,000	1,226,000	1,226,000	+273,000
United States Marshals Service:						
Direct appropriation	457,495,000	475,244,000	462,944,000	471,786,000	467,833,000	+10,338,000
Crime trust fund	25,000,000	25,553,000	25,553,000	25,553,000	25,553,000	+553,000
Total, United States Marshals Service	482,495,000	500,797,000	488,497,000	497,339,000	493,386,000	+10,891,000
Federal Prisoner Detention	405,262,000	462,831,000	405,262,000	405,262,000	405,262,000	.....
Fees and expenses of witnesses	100,702,000	75,000,000	75,000,000	75,000,000	75,000,000	-25,702,000
Community Relations Service	5,319,000	7,500,000	5,319,000	5,319,000	5,319,000	.....
Assets forfeiture fund	23,000,000	23,000,000	23,000,000	23,000,000	23,000,000	.....
Total, Legal activities	2,508,760,000	2,645,395,000	2,509,471,000	2,510,800,000	2,509,673,000	+913,000
Appropriations	(2,419,515,000)	(2,561,045,000)	(2,413,121,000)	(2,431,150,000)	(2,413,323,000)	(-6,192,000)
Emergency appropriations	(12,619,000)	.....	.....	.....	.....	(-12,619,000)
Crime trust fund	(76,626,000)	(84,350,000)	(96,350,000)	(79,650,000)	(96,350,000)	(+19,724,000)
Radiation Exposure Compensation						
Administrative expenses	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	.....
Advance appropriation	.....	2,000,000	2,000,000	.....	.....	.....
Payment to radiation exposure compensation trust fund	13,736,000	4,381,000	4,381,000	4,381,000	4,381,000	-9,355,000
Advance appropriation	.....	29,000,000	29,000,000	.....	.....	.....
Total, Radiation Exposure Compensation	15,736,000	37,381,000	37,381,000	6,381,000	6,381,000	-9,355,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Interagency Law Enforcement						
Interagency crime and drug enforcement	359,430,000	294,967,000	294,967,000	294,967,000	294,967,000	-64,463,000
Federal Bureau of Investigation						
Salaries and expenses	2,257,880,000	2,482,267,000	2,475,463,000	2,495,267,000	2,445,471,000	+187,591,000
Anti-terrorism activities (emergency appropriations)	115,610,000					-115,610,000
Counterintelligence and national security	147,081,000	147,081,000	147,081,000	200,000,000	221,050,000	+73,969,000
Non-defense function				57,601,000		
Subtotal	147,081,000	147,081,000	147,081,000	257,601,000	221,050,000	+73,969,000
FBI Fingerprint identification	84,400,000	84,400,000	84,400,000	84,400,000	84,400,000	
Advance appropriation, FY 1999		47,800,000				
Health care fraud enforcement	-38,000,000					+38,000,000
Subtotal	2,566,971,000	2,761,548,000	2,706,944,000	2,837,268,000	2,750,921,000	+183,950,000
Crime trust fund	169,000,000	179,121,000	179,121,000	179,121,000	179,121,000	+10,121,000
Telecommunications carrier compliance fund		50,000,000				
Defense function		50,000,000	50,000,000			
Emergency appropriations	60,000,000					-60,000,000
Construction	41,639,000	49,006,000	38,506,000	59,006,000	44,506,000	+2,867,000
Total, Federal Bureau of Investigation	2,837,610,000	3,089,675,000	2,974,571,000	3,075,395,000	2,974,548,000	+136,938,000
Appropriations	(2,493,000,000)	(2,862,754,000)	(2,795,450,000)	(2,896,274,000)	(2,795,427,000)	(+302,427,000)
Advance appropriations		(47,800,000)				
Emergency appropriations	(175,610,000)					(-175,610,000)
Crime trust fund	(169,000,000)	(179,121,000)	(179,121,000)	(179,121,000)	(179,121,000)	(+10,121,000)
Drug Enforcement Administration						
Salaries and expenses	798,212,000	740,293,000	872,731,000	697,533,000	782,109,000	-16,103,000
Diversion control fund	-52,824,000	-58,268,000	-58,268,000	-58,268,000	-58,268,000	-5,444,000
Direct appropriation	745,388,000	682,025,000	814,463,000	639,265,000	723,841,000	-21,547,000
Emergency appropriations	5,000,000					-5,000,000
Crime trust fund	220,000,000	400,037,000	310,037,000	441,117,000	403,537,000	+183,537,000
Construction	30,806,000	5,500,000	5,500,000	10,500,000	8,000,000	-22,806,000
Total, Drug Enforcement Administration	1,001,194,000	1,087,562,000	1,130,000,000	1,090,882,000	1,135,378,000	+134,184,000
Appropriations	(776,194,000)	(687,525,000)	(819,963,000)	(649,765,000)	(731,841,000)	(-44,353,000)
Emergency appropriations	(5,000,000)					(-5,000,000)
Crime trust fund	(220,000,000)	(400,037,000)	(310,037,000)	(441,117,000)	(403,537,000)	(+183,537,000)
Immigration and Naturalization Service						
Salaries and expenses	1,590,159,000	1,651,463,000	1,606,441,000	1,430,199,000	1,657,886,000	+67,727,000
Emergency appropriations	15,000,000					-15,000,000
Immigration initiative (crime trust fund)	500,000,000	732,251,000	690,957,000	719,898,000	608,206,000	+108,206,000
Subtotal, Direct and crime trust fund	(2,105,159,000)	(2,383,714,000)	(2,297,398,000)	(2,150,097,000)	(2,266,092,000)	(+160,933,000)
Fee accounts:						
Immigration legalization fund	(1,893,000)	(1,259,000)	(1,259,000)	(1,259,000)	(1,259,000)	(-634,000)
Immigration user fee	(388,664,000)	(419,296,000)	(419,296,000)	(398,896,000)	(426,622,000)	(+37,958,000)
Land border inspection fund	(11,054,000)	(8,888,000)	(8,888,000)	(8,888,000)	(8,888,000)	(-2,166,000)
Immigration examinations fund	(567,550,000)	(646,916,000)	(667,477,000)	(646,916,000)	(785,342,000)	(+217,792,000)
Breached bond fund	(6,613,000)	(104,471,000)	(104,471,000)	(138,900,000)	(235,272,000)	(+228,659,000)
Immigration enforcement fines		(13,800,000)	(13,800,000)	(3,800,000)	(3,800,000)	(+3,800,000)
Subtotal, Fee accounts	(975,774,000)	(1,194,630,000)	(1,215,191,000)	(1,198,659,000)	(1,461,183,000)	(+485,409,000)
Construction	8,841,000	73,831,000	70,959,000	73,559,000	75,959,000	+67,118,000
Total, Immigration and Naturalization Service	(3,089,774,000)	(3,652,175,000)	(3,583,548,000)	(3,422,315,000)	(3,803,234,000)	(+713,460,000)
Appropriations	(1,599,000,000)	(1,725,294,000)	(1,677,400,000)	(1,503,758,000)	(1,733,845,000)	(+134,845,000)
Emergency appropriations	(15,000,000)					(-15,000,000)
Crime trust fund	(500,000,000)	(732,251,000)	(690,957,000)	(719,898,000)	(608,206,000)	(+108,206,000)
(Fee accounts)	(975,774,000)	(1,194,630,000)	(1,215,191,000)	(1,198,659,000)	(1,461,183,000)	(+485,409,000)
Federal Prison System						
Salaries and expenses	2,858,316,000	3,015,642,000	2,917,642,000	2,932,900,000	2,911,642,000	+53,326,000
Prior year carryover	-90,000,000	-50,000,000	-90,000,000		-90,000,000	
Direct appropriation	2,768,316,000	2,965,642,000	2,827,642,000	2,932,900,000	2,821,642,000	+53,326,000
Crime trust fund	25,224,000	26,135,000	26,135,000	6,135,000	26,135,000	+911,000
Total, Salaries and expenses	2,793,540,000	2,991,777,000	2,853,777,000	2,939,035,000	2,847,777,000	+54,237,000
Buildings and facilities	395,700,000	252,833,000	255,133,000	267,833,000	255,133,000	-140,567,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,042,000)	(3,930,000)	(3,490,000)	(3,042,000)	(3,266,000)	(+224,000)
Total, Federal Prison System	3,189,240,000	3,244,610,000	3,108,910,000	3,206,868,000	3,102,910,000	-86,330,000
Office of Justice Programs						
Justice assistance:						
Direct appropriation	101,429,000	166,665,000	162,500,000	183,165,000	173,600,000	+72,171,000
Emergency appropriations	17,000,000					-17,000,000
Total, Justice assistance	118,429,000	166,665,000	162,500,000	183,165,000	173,600,000	+55,171,000
State and local law enforcement assistance:						
Direct appropriations:						
Byrne grants (discretionary)	60,000,000		46,500,000	75,000,000	46,500,000	-13,500,000
Weed and seed fund (earmark)			40,000,000	(33,500,000)	33,500,000	+33,500,000
Byrne grants (formula)	301,000,000		491,500,000	376,500,000	462,500,000	+161,500,000
Subtotal, Direct appropriations	361,000,000		578,000,000	451,500,000	542,500,000	+181,500,000
Crime trust fund:						
Byrne grants (discretionary)		75,000,000				
Weed and seed fund (earmark)	(28,500,000)	(28,500,000)				(-28,500,000)
Byrne grants (formula)	199,000,000	505,000,000	13,500,000	128,500,000	42,500,000	-156,500,000
Community oriented policing services	1,400,000,000	1,400,000,000	1,400,000,000	1,400,000,000	1,400,000,000	
Police corps	20,000,000	20,000,000	20,000,000	40,000,000	30,000,000	+10,000,000
Law enforcement scholarship program		20,000,000				
Police recruitment grants program		5,000,000				
Prosecutorial initiatives targeting crime and violent juveniles program		100,000,000				
Juvenile crime block grant			300,000,000		250,000,000	+250,000,000
Local law enforcement block grant	523,000,000		523,000,000	503,000,000	523,000,000	
Underage drinking prevention				(25,000,000)		
Boys and Girls clubs (earmark)	(20,000,000)		(20,000,000)	(20,000,000)	(20,000,000)	
Domestic violence				(10,000,000)		
Child exploitation investigations				(2,400,000)		
Drug courts	30,000,000	75,000,000	30,000,000	40,000,000	30,000,000	
Upgrade criminal history records	50,000,000	45,000,000	45,000,000	45,000,000	45,000,000	-5,000,000
State prison grants	670,000,000	710,500,000	722,500,000	740,500,000	720,500,000	+50,500,000
State criminal alien assistance program	330,000,000	350,000,000	420,000,000	350,000,000	420,000,000	+90,000,000
Violence Against Women grants	196,500,000	248,750,000	305,500,000	263,750,000	270,750,000	+74,250,000
State prison drug treatment	30,000,000	63,000,000	63,000,000	61,200,000	63,000,000	+33,000,000
State courts assistance		50,000,000				
Other crime control programs	7,650,000	30,605,000	14,650,000	22,700,000	17,650,000	+10,000,000
Subtotal, Crime trust fund	3,456,150,000	3,697,855,000	3,857,150,000	3,594,650,000	3,812,400,000	+356,250,000
Total, State and local law enforcement	3,817,150,000	3,697,855,000	4,435,150,000	4,046,150,000	4,354,900,000	+537,750,000
Juvenile justice programs	174,500,000	230,422,000	238,672,000	235,422,000	238,672,000	+64,172,000
Crime trust fund				145,000,000		
Total, Juvenile Justice programs	174,500,000	230,422,000	238,672,000	380,422,000	238,672,000	+64,172,000
Public safety officers benefits program:						
Death benefits	30,126,000	31,003,000	31,003,000	31,003,000	31,003,000	+877,000
Disability benefits	2,200,000	2,264,000				-2,200,000
Federal law enforcement education assistance		2,000,000	2,000,000	2,000,000	2,000,000	+2,000,000
Total, Public safety officers benefits program	32,326,000	35,267,000	33,003,000	33,003,000	33,003,000	+677,000
Total, Office of Justice Programs	4,142,405,000	4,130,209,000	4,869,325,000	4,642,740,000	4,800,175,000	+657,770,000
Appropriations	(669,255,000)	(432,354,000)	(1,012,175,000)	(903,090,000)	(987,775,000)	(+318,520,000)
Emergency appropriations	(17,000,000)					(-17,000,000)
Crime trust fund	(3,456,150,000)	(3,697,855,000)	(3,857,150,000)	(3,739,650,000)	(3,812,400,000)	(+356,250,000)
Total, title I, Department of Justice	16,425,003,000	17,264,021,000	17,554,891,000	17,277,990,000	17,462,460,000	+1,037,457,000
Appropriations	(11,680,174,000)	(12,006,221,000)	(12,305,141,000)	(12,053,168,000)	(12,277,460,000)	(+597,286,000)
Advance appropriations		(78,800,000)	(31,000,000)			
Emergency appropriations	(249,829,000)					(-249,829,000)
Crime trust fund	(4,495,000,000)	(5,179,000,000)	(5,218,750,000)	(5,224,822,000)	(5,185,000,000)	(+690,000,000)
(Limitation on administrative expenses)	(3,042,000)	(3,930,000)	(3,490,000)	(3,042,000)	(3,266,000)	(+224,000)
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	22,092,000	22,700,000	22,092,000	23,450,000	+2,001,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
International Trade Commission						
Salaries and expenses	40,850,000	41,980,000	41,400,000	41,000,000	41,200,000	+350,000
Total, Related agencies	62,299,000	64,072,000	64,100,000	63,092,000	64,650,000	+2,351,000
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration	270,000,000	271,636,000	279,500,000	280,736,000	283,066,000	+13,066,000
Export Administration						
Operations and administration	36,000,000	43,126,000	41,000,000	43,126,000	42,000,000	+6,000,000
CWC enforcement	.....	3,500,000	.....	.....	1,900,000	+1,900,000
Emergency appropriations	3,900,000	.....	.....	.....	.....	-3,900,000
Total, Export Administration	39,900,000	46,626,000	41,000,000	43,126,000	43,900,000	+4,000,000
Economic Development Administration						
Economic development assistance programs	328,500,000	319,000,000	340,000,000	250,000,000	340,000,000	+11,500,000
Emergency appropriations	25,000,000	.....	.....	.....	.....	-25,000,000
Emergency appropriations (1997 supplemental)	50,200,000	.....	.....	.....	.....	-50,200,000
Subtotal	403,700,000	319,000,000	340,000,000	250,000,000	340,000,000	-63,700,000
Salaries and expenses	20,036,000	24,028,000	21,000,000	22,028,000	21,028,000	+992,000
Emergency appropriations (1997 supplemental)	2,000,000	.....	.....	.....	.....	-2,000,000
Total, Economic Development Administration	425,736,000	343,028,000	361,000,000	272,028,000	361,028,000	-64,708,000
Minority Business Development Agency						
Minority business development	28,000,000	27,811,000	25,000,000	27,811,000	25,000,000	-3,000,000
Total, Trade and Infrastructure Development	825,935,000	753,173,000	770,600,000	686,793,000	777,644,000	-48,291,000
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	45,900,000	52,196,000	46,000,000	47,917,000	47,499,000	+1,599,000
Bureau of the Census						
Salaries and expenses	135,000,000	138,056,000	136,499,000	138,056,000	137,278,000	+2,278,000
Periodic censuses and programs	210,500,000	523,126,000	550,126,000	520,726,000	555,813,000	+345,313,000
Total, Bureau of the Census	345,500,000	661,182,000	686,625,000	658,782,000	693,091,000	+347,591,000
National Telecommunications and Information Administration						
Salaries and expenses	15,000,000	18,074,000	17,100,000	16,574,000	16,550,000	+1,550,000
Public telecommunications facilities, planning and construction	15,250,000	.....	16,750,000	25,000,000	21,000,000	+5,750,000
Information infrastructure grants	21,490,000	36,000,000	21,490,000	21,490,000	20,000,000	-1,490,000
Total, National Telecommunications and Information Administration	51,740,000	54,074,000	55,340,000	63,064,000	57,550,000	+5,810,000
Patent and Trademark Office						
Salaries and expenses	61,252,000	27,000,000	22,000,000	27,000,000	27,000,000	-34,252,000
Fees collected	(601,723,000)	(629,320,000)	(664,000,000)	(629,320,000)	(664,000,000)	(+62,277,000)
(Prior year carryover)	(30,000,000)	.....	(18,000,000)	(27,000,000)	(25,000,000)	(-5,000,000)
Total, Patent and Trademark Office	(692,975,000)	(656,320,000)	(704,000,000)	(683,320,000)	(716,000,000)	(+23,025,000)
Total, Economic and Information Infrastructure	504,392,000	794,452,000	809,965,000	796,763,000	825,140,000	+320,748,000
SCIENCE AND TECHNOLOGY						
Technology Administration						
Salaries and expenses	9,500,000	9,230,000	8,500,000	8,800,000	8,500,000	-1,000,000
National Institute of Standards and Technology						
Scientific and technical research and services	268,000,000	276,852,000	276,852,000	276,852,000	276,852,000	+8,852,000
Industrial technology services	313,000,000	399,000,000	298,600,000	311,040,000	306,000,000	-7,000,000
Construction of research facilities	.....	16,692,000	111,092,000	16,000,000	95,000,000	+95,000,000
Total, National Institute of Standards and Technology	581,000,000	692,544,000	686,544,000	603,892,000	677,852,000	+96,852,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
National Oceanic and Atmospheric Administration						
Operations, research and facilities	1,854,067,000	1,476,245,000	1,391,400,000	1,999,052,000	1,512,050,000	-342,017,000
Offsetting collections - fees	-3,000,000	-3,000,000	-3,000,000	-3,000,000	-3,000,000	.....
Direct appropriation	1,851,067,000	1,473,245,000	1,388,400,000	1,996,052,000	1,509,050,000	-342,017,000
(By transfer from Promote and Develop Fund)	(66,000,000)	(62,381,000)	(63,881,000)	(62,381,000)	(62,381,000)	(-3,619,000)
(By transfer from Damage assessment and restoration revolving fund, permanent)	6,000,000	5,000,000	5,000,000	5,000,000	5,000,000	-1,000,000
(Damage assessment and restoration revolving fund)	-6,000,000	-5,000,000	-5,000,000	-5,000,000	-5,000,000	+1,000,000
Total, Operations, research and facilities	1,851,067,000	1,473,245,000	1,388,400,000	1,996,052,000	1,509,050,000	-342,017,000
Procurement, acquisition and construction	.....	503,464,000	460,600,000	.....	491,609,000	+491,609,000
Advance appropriations, FY 1999 - 2010	.....	3,485,517,000	.....	.....	.....	.....
Coastal zone management fund	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	.....
Mandatory offset	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	.....
Construction	58,250,000	.....	.....	88,000,000	.....	-58,250,000
Emergency appropriations (1997 supplemental)	10,800,000	.....	.....	.....	.....	-10,800,000
Fleet modernization, shipbuilding and conversion	8,000,000	.....	.....	15,823,000	.....	-8,000,000
Fishing vessel and gear damage fund	200,000	.....	.....	200,000	.....	-200,000
Fishermen's contingency fund	1,000,000	953,000	953,000	953,000	953,000	-47,000
Foreign fishing observer fund	196,000	189,000	189,000	189,000	189,000	-7,000
Fisheries finance program account	250,000	238,000	250,000	338,000	338,000	+88,000
Total, National Oceanic and Atmospheric Administration	1,929,763,000	5,463,606,000	1,850,392,000	2,101,555,000	2,002,139,000	+72,376,000
Total, Science and Technology	2,520,263,000	6,165,380,000	2,545,436,000	2,714,247,000	2,688,491,000	+168,228,000
General Administration						
Salaries and expenses	28,490,000	30,085,000	26,490,000	28,490,000	27,490,000	-1,000,000
Office of Inspector General	20,140,000	21,677,000	20,140,000	20,140,000	20,140,000	.....
Working capital fund (by transfer)	(3,000,000)	.....	.....	(3,000,000)	.....	(-3,000,000)
Total, General administration	48,630,000	51,762,000	46,630,000	48,630,000	47,630,000	-1,000,000
National Institute of Standards and Technology						
Construction of research facilities (rescission)	-16,000,000	.....	.....	.....	.....	+16,000,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities (rescission)	-20,000,000	.....	-5,000,000	.....	-20,500,000	-500,000
General reduction	.....	.....	.....	-10,490,000	.....	.....
United States Travel and Tourism Administration						
Salaries and expenses (rescission)	.....	.....	.....	.....	-3,000,000	-3,000,000
Total, Department of Commerce	3,800,921,000	7,700,695,000	4,103,531,000	4,172,851,000	4,250,755,000	+449,834,000
Total, title II, Department of Commerce and related agencies	3,863,220,000	7,764,767,000	4,167,631,000	4,235,943,000	4,315,405,000	+452,185,000
Appropriations	(3,807,320,000)	(4,279,250,000)	(4,172,631,000)	(4,235,943,000)	(4,338,905,000)	(+531,585,000)
Rescissions	(-36,000,000)	.....	(-5,000,000)	.....	(-23,500,000)	(+12,500,000)
Advance appropriations	.....	(3,485,517,000)	.....	.....	.....	.....
Emergency appropriations	(91,900,000)	.....	.....	.....	.....	(-91,900,000)
(By transfer)	(69,000,000)	(62,381,000)	(63,881,000)	(65,381,000)	(62,381,000)	(-6,619,000)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,704,000	1,654,000	1,654,000	1,654,000	1,654,000	-50,000
Other salaries and expenses	25,453,000	27,624,000	27,624,000	27,249,000	27,591,000	+2,138,000
Total, Salaries and expenses	27,157,000	29,278,000	29,278,000	28,903,000	29,245,000	+2,088,000
Care of the building and grounds	2,800,000	3,997,000	3,400,000	6,170,000	3,400,000	+600,000
Total, Supreme Court of the United States	29,957,000	33,275,000	32,678,000	35,073,000	32,645,000	+2,688,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,898,000	1,887,000	1,887,000	1,887,000	1,887,000	-11,000
Other salaries and expenses	13,115,000	14,269,000	13,620,000	13,909,000	13,688,000	+573,000
Total, Salaries and expenses	15,013,000	16,156,000	15,507,000	15,796,000	15,575,000	+562,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,447,000	1,483,000	1,483,000	1,483,000	1,483,000	+36,000
Other salaries and expenses	9,667,000	9,995,000	9,995,000	9,995,000	9,966,000	+299,000
Total, Salaries and expenses	11,114,000	11,478,000	11,478,000	11,478,000	11,449,000	+335,000
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	225,956,000	227,674,000	227,674,000	227,674,000	227,674,000	+1,718,000
Other salaries and expenses	2,330,044,000	2,614,166,000	2,459,395,000	2,562,103,000	2,454,726,000	+124,682,000
Emergency appropriations	10,000,000	.....	.....	.....	.....	-10,000,000
Direct appropriation	2,566,000,000	2,841,840,000	2,687,069,000	2,789,777,000	2,682,400,000	+116,400,000
Crime trust fund	30,000,000	50,000,000	40,000,000	.....	40,000,000	+10,000,000
Total, Salaries and expenses	2,596,000,000	2,891,840,000	2,727,069,000	2,789,777,000	2,722,400,000	+126,400,000
Vaccine Injury Compensation Trust Fund	2,390,000	2,450,000	2,450,000	2,450,000	2,450,000	+60,000
Defender services	308,000,000	329,529,000	329,529,000	308,000,000	329,529,000	+21,529,000
Fees of jurors and commissioners	67,000,000	69,651,000	66,196,000	68,252,000	64,438,000	-2,562,000
Court security	127,000,000	170,304,000	167,214,000	167,883,000	167,214,000	+40,214,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	3,100,390,000	3,463,774,000	3,292,458,000	3,336,362,000	3,286,031,000	+185,641,000
Administrative Office of the United States Courts						
Salaries and expenses	49,450,000	54,108,000	52,000,000	53,843,000	52,000,000	+2,550,000
Federal Judicial Center						
Salaries and expenses	17,495,000	18,425,000	17,495,000	17,495,000	17,495,000	.....
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	30,200,000	32,200,000	34,200,000	34,200,000	34,200,000	+4,000,000
United States Sentencing Commission						
Salaries and expenses	8,490,000	9,480,000	9,000,000	9,480,000	9,240,000	+750,000
General Provisions						
Judges' pay raise	.....	.....	.....	6,000,000	5,000,000	+5,000,000
Total, title III, the Judiciary	3,262,109,000	3,638,896,000	3,464,816,000	3,519,727,000	3,463,635,000	+201,526,000
Appropriations	(3,222,109,000)	(3,588,896,000)	(3,424,816,000)	(3,519,727,000)	(3,423,635,000)	(+201,526,000)
Emergency appropriations	(10,000,000)	.....	.....	.....	.....	(-10,000,000)
Crime trust fund	(30,000,000)	(50,000,000)	(40,000,000)	.....	(40,000,000)	(+10,000,000)
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	1,700,900,000	1,291,277,000	1,706,577,000	1,727,868,000	1,705,600,000	+4,700,000
Registration fees	700,000	700,000	700,000	700,000	700,000	.....
Emergency appropriations (security)	23,700,000	.....	.....	.....	.....	-23,700,000
Security	.....	.....	23,700,000	.....	23,700,000	+23,700,000
Machine-readable visa fees	.....	.....	.....	(140,000,000)	.....	.....
Fee proposal	.....	595,000,000	.....	.....	.....	.....
Total, Diplomatic and consular programs	(1,725,300,000)	(1,886,977,000)	(1,730,977,000)	(1,868,568,000)	(1,730,000,000)	(+4,700,000)
Salaries and expenses	352,300,000	363,513,000	363,513,000	363,513,000	363,513,000	+11,213,000
Capital investment fund	24,600,000	64,600,000	50,600,000	105,000,000	86,000,000	+61,400,000
Office of Inspector General	27,495,000	28,300,000	28,300,000	27,495,000	27,495,000	.....
Representation allowances	4,490,000	4,300,000	4,300,000	4,100,000	4,200,000	-290,000
Protection of foreign missions and officials	8,332,000	7,900,000	7,900,000	7,900,000	7,900,000	-432,000
Security and maintenance of United States missions	364,495,000	373,081,000	373,081,000	420,281,000	404,000,000	+39,505,000
Emergency appropriations	24,825,000	.....	.....	.....	.....	-24,825,000
Total, Security and maintenance of United States missions	389,320,000	373,081,000	373,081,000	420,281,000	404,000,000	+14,680,000
Emergencies in the diplomatic and consular service	5,800,000	5,500,000	5,500,000	5,500,000	5,500,000	-300,000
Repatriation Loans Program Account:						
Direct loans subsidy	593,000	593,000	593,000	593,000	593,000	.....
Administrative expenses	663,000	607,000	607,000	607,000	607,000	-56,000
Total, Repatriation loans program account	1,256,000	1,200,000	1,200,000	1,200,000	1,200,000	-56,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Payment to the American Institute in Taiwan	14,490,000	14,490,000	14,000,000	14,490,000	14,000,000	-490,000
Payment to the Foreign Service Retirement and Disability Fund	126,491,000	129,935,000	129,935,000	129,935,000	129,935,000	+3,444,000
Total, Administration of Foreign Affairs	2,679,874,000	2,879,796,000	2,709,306,000	2,807,982,000	2,773,743,000	+93,869,000
International Organizations and Conferences						
Contributions to international organizations, current year assessment	892,000,000	969,000,000	924,952,000	903,009,000	901,515,000	+9,515,000
Prior year assessment	.....	54,000,000	54,000,000	54,000,000	54,000,000	+54,000,000
Subtotal	892,000,000	1,023,000,000	978,952,000	957,009,000	955,515,000	+63,515,000
Contributions for international peacekeeping activities, current year	302,400,000	240,000,000	215,000,000	154,320,000	210,000,000	-92,400,000
Prior year assessment	50,000,000	46,000,000	46,000,000	46,000,000	46,000,000	-4,000,000
Subtotal	352,400,000	286,000,000	261,000,000	200,320,000	256,000,000	-96,400,000
International conferences and contingencies	.....	4,941,000	1,500,000	.....	.....	.....
Total, International Organizations and Conferences	1,244,400,000	1,313,941,000	1,241,452,000	1,157,329,000	1,211,515,000	-32,885,000
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	15,490,000	18,490,000	17,490,000	18,200,000	17,490,000	+2,000,000
Construction	6,463,000	6,463,000	6,463,000	6,463,000	6,463,000	.....
American sections, international commissions	5,490,000	5,660,000	5,490,000	5,010,000	5,490,000	.....
International fisheries commissions	14,549,000	14,549,000	14,490,000	14,549,000	14,549,000	.....
Total, International commissions	41,992,000	45,162,000	43,933,000	44,222,000	43,992,000	+2,000,000
Other						
Payment to the Asia Foundation	8,000,000	8,000,000	8,000,000	5,000,000	8,000,000	.....
Total, Department of State	3,974,266,000	4,246,899,000	4,002,691,000	4,014,533,000	4,037,250,000	+62,984,000
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	41,500,000	46,200,000	41,500,000	32,613,000	41,500,000	.....
United States Information Agency						
International information programs	440,000,000	434,097,000	430,597,000	427,097,000	427,097,000	-12,903,000
Emergency appropriations	1,375,000	.....	.....	.....	.....	-1,375,000
Total, salaries and expenses	441,375,000	434,097,000	430,597,000	427,097,000	427,097,000	-14,278,000
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	197,731,000	193,731,000	200,000,000	197,731,000	+12,731,000
Eisenhower Exchange Fellowship Program, trust fund	600,000	600,000	600,000	570,000	570,000	-30,000
Israeli Arab scholarship program	400,000	400,000	400,000	400,000	400,000	.....
International Broadcasting Operations	325,000,000	366,750,000	391,550,000	339,655,000	364,415,000	+39,415,000
Broadcasting to Cuba (direct)	25,000,000	.....	.....	22,095,000	22,095,000	-2,905,000
Radio construction	35,490,000	32,710,000	40,000,000	32,710,000	40,000,000	+4,510,000
East-West Center	10,000,000	7,000,000	.....	22,000,000	12,000,000	+2,000,000
North/South Center	1,495,000	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	30,000,000	.....
Total, United States Information Agency	1,059,410,000	1,077,788,000	1,091,928,000	1,087,527,000	1,100,858,000	+41,448,000
Arms Control and Disarmament Agency						
Arms control and disarmament activities (rescission)	.....	.....	.....	.....	-700,000	-700,000
Total, related agencies	1,100,910,000	1,123,988,000	1,133,428,000	1,120,140,000	1,141,658,000	+40,748,000
Total, title IV, Department of State	5,075,176,000	5,370,887,000	5,136,119,000	5,134,673,000	5,178,908,000	+103,732,000
Appropriations	(5,025,276,000)	(5,370,887,000)	(5,136,119,000)	(5,134,673,000)	(5,179,608,000)	(+154,332,000)
Emergency appropriations	(49,900,000)	.....	.....	.....	.....	(-49,900,000)
Rescissions	.....	.....	.....	.....	(-700,000)	(-700,000)
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Operating-differential subsidies (liquidation of contract authority)	(148,430,000)	(135,000,000)	(51,030,000)	(135,000,000)	(51,030,000)	(-97,400,000)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Maritime Security Program	54,000,000	52,400,000	35,500,000	35,000,000	35,500,000	-18,500,000
Operations and training	65,000,000	70,000,000	65,000,000	69,000,000	67,600,000	+2,600,000
Maritime Guaranteed Loan Program Account:						
Guaranteed loans subsidy	37,450,000	35,000,000	35,000,000	29,000,000	32,000,000	-5,450,000
Administrative expenses	3,450,000	4,000,000	3,450,000	4,000,000	3,725,000	+275,000
Total, Maritime guaranteed loan program account	40,900,000	39,000,000	38,450,000	33,000,000	35,725,000	-5,175,000
Total, Maritime Administration	159,900,000	161,400,000	138,950,000	137,000,000	138,825,000	-21,075,000
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	206,000	206,000	250,000	206,000	250,000	+44,000
Commission on the Advancement of Federal Law Enforcement						
Salaries and expenses	2,000,000	.....	.....	.....	.....	-2,000,000
Commission on Civil Rights						
Salaries and expenses	8,740,000	11,000,000	8,740,000	8,740,000	8,740,000	.....
Commission on Immigration Reform						
Salaries and expenses	2,196,000	500,000	496,000	459,000	459,000	-1,737,000
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,090,000	1,090,000	1,090,000	1,090,000	1,090,000	.....
Equal Employment Opportunity Commission						
Salaries and expenses	239,740,000	246,000,000	239,740,000	242,000,000	242,000,000	+2,260,000
Federal Communications Commission						
Salaries and expenses	188,079,000	219,079,000	177,079,000	185,949,000	186,514,000	-1,565,000
Offsetting fee collections - current year	-152,523,000	-162,523,000	-152,523,000	-162,523,000	-162,523,000	-10,000,000
Direct appropriation	35,556,000	56,556,000	24,556,000	23,426,000	23,991,000	-11,565,000
Federal Maritime Commission						
Salaries and expenses	14,000,000	14,300,000	13,500,000	14,300,000	14,000,000	.....
Federal Trade Commission						
Salaries and expenses	101,930,000	108,000,000	105,000,000	108,000,000	106,500,000	+4,570,000
Offsetting fee collections - carryover	-16,000,000	-10,000,000	-16,000,000	-10,000,000	-18,000,000	-2,000,000
Offsetting fee collections - current year	-58,905,000	-70,000,000	-70,000,000	-70,000,000	-70,000,000	-11,095,000
Direct appropriation	27,025,000	28,000,000	19,000,000	28,000,000	18,500,000	-8,525,000
Gambling Impact Study Commission						
Salaries and expenses	4,000,000	.....	.....	1,000,000	1,000,000	-3,000,000
Legal Services Corporation						
Payment to the Legal Services Corporation	283,000,000	340,000,000	250,000,000	300,000,000	283,000,000	.....
Marine Mammal Commission						
Salaries and expenses	1,189,000	1,240,000	1,000,000	1,240,000	1,185,000	-4,000
National Bankruptcy Review Commission						
Salaries and expenses	494,000	.....	.....	.....	.....	-494,000
Ounce of Prevention Council						
Direct appropriation	500,000	.....	.....	.....	.....	-500,000
Crime trust fund	.....	9,000,000	.....	.....	.....	.....
Securities and Exchange Commission						
Salaries and expenses	305,400,000	317,412,000	315,000,000	317,412,000	315,000,000	+9,600,000
Offsetting fee collections	-222,622,000	-249,523,000	-249,523,000	-249,523,000	-249,523,000	-26,901,000
Offsetting fee collections - carryover	-45,000,000	-32,000,000	-32,000,000	-32,000,000	-32,000,000	+13,000,000
Direct appropriation	37,778,000	35,889,000	33,477,000	35,889,000	33,477,000	-4,301,000
Small Business Administration						
Salaries and expenses	239,547,000	246,100,000	235,047,000	246,100,000	254,200,000	+14,653,000
Offsetting fee collections	-4,500,000	.....	.....	.....	.....	+4,500,000
Direct appropriation	235,047,000	246,100,000	235,047,000	246,100,000	254,200,000	+19,153,000
Office of Inspector General	9,000,000	10,600,000	9,490,000	10,600,000	10,000,000	+1,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Business Loans Program Account:						
Direct loans subsidy	1,691,000	.....	.....	.....	.....	-1,691,000
Guaranteed loans subsidy	179,700,000	173,235,000	187,100,000	181,232,000	181,232,000	+1,532,000
Micro loan guarantees	2,317,000	.....	.....	.....	.....	-2,317,000
Administrative expenses	94,000,000	94,000,000	94,000,000	94,000,000	94,000,000	.....
Total, Business loans program account	277,708,000	267,235,000	281,100,000	275,232,000	275,232,000	-2,476,000
Disaster Loans Program Account:						
Direct loans subsidy	.....	.....	.....	.....	23,200,000	+23,200,000
Administrative expenses	191,932,000	173,200,000	199,100,000	173,200,000	150,000,000	-41,932,000
Emergency appropriations	135,000,000	.....	.....	.....	.....	-135,000,000
Total, Disaster loans program account	326,932,000	173,200,000	199,100,000	173,200,000	173,200,000	-153,732,000
Surety bond guarantees revolving fund	3,730,000	3,500,000	3,500,000	3,500,000	3,500,000	-230,000
Total, Small Business Administration	852,417,000	700,635,000	728,237,000	708,632,000	716,132,000	-136,285,000
State Justice Institute						
Salaries and expenses 1/	6,000,000	13,550,000	3,000,000	13,550,000	6,850,000	+850,000
Total, title V, Related agencies	1,675,831,000	1,619,366,000	1,462,036,000	1,515,532,000	1,489,499,000	-186,332,000
Appropriations	(1,540,831,000)	(1,610,366,000)	(1,462,036,000)	(1,515,532,000)	(1,489,499,000)	(-51,332,000)
(Liquidation of contract authority)	(148,430,000)	(135,000,000)	(51,030,000)	(135,000,000)	(51,030,000)	(-97,400,000)
TITLE VI - GENERAL PROVISIONS						
DEPARTMENT OF JUSTICE						
Congressional legal expenses (sec. 616)	.....	.....	1,000,000	.....	.....	.....
GOVERNMENT-WIDE						
Defense function (by transfer)	.....	(34,025,000)	(34,025,000)	(34,025,000)	(33,169,000)	(+33,169,000)
International function (by transfer)	.....	(47,089,000)	(46,592,000)	(46,592,000)	(45,432,000)	(+45,432,000)
Domestic function (by transfer)	.....	(31,845,000)	(31,845,000)	(31,845,000)	(31,061,000)	(+31,061,000)
Total, title VI, general provisions	.....	.....	1,000,000	.....	.....	.....
Appropriations	.....	.....	(1,000,000)	.....	.....	.....
(By transfer)	.....	(112,959,000)	(112,462,000)	(112,462,000)	(109,662,000)	(+109,662,000)
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission)	-36,400,000	.....	.....	-30,310,000	-100,000,000	-63,600,000
Immigration and Naturalization Service						
Immigration Emergency fund (rescission)	-34,779,000	.....	.....	.....	.....	+34,779,000
Total, title VII, Rescissions	-71,179,000	.....	.....	-30,310,000	-100,000,000	-28,821,000
TITLE VIII - EMERGENCY SUPPLEMENTAL APPROPRIATIONS						
National Oceanic and Atmospheric Administration						
Operations, research and facilities	.....	.....	.....	.....	7,000,000	+7,000,000
Grand total:						
New budget (obligational) authority	30,230,160,000	35,657,937,000	31,786,493,000	31,653,555,000	31,816,907,000	+1,586,747,000
Appropriations	(25,275,710,000)	(26,855,620,000)	(26,501,743,000)	(26,459,043,000)	(26,709,107,000)	(+1,433,397,000)
Advance appropriations	.....	(3,564,317,000)	(31,000,000)	.....	.....	.....
Emergency appropriations	(536,629,000)	.....	.....	.....	(7,000,000)	(-529,629,000)
Rescissions	(-107,179,000)	.....	(-5,000,000)	(-30,310,000)	(-124,200,000)	(-17,021,000)
Crime trust fund	(4,525,000,000)	(5,238,000,000)	(5,258,750,000)	(5,224,822,000)	(5,225,000,000)	(+700,000,000)
(By transfer)	(69,000,000)	(175,340,000)	(176,343,000)	(177,843,000)	(172,043,000)	(+103,043,000)
(Limitation on administrative expenses)	(3,042,000)	(3,930,000)	(3,490,000)	(3,042,000)	(3,266,000)	(+224,000)
(Liquidation of contract authority)	(148,430,000)	(135,000,000)	(51,030,000)	(135,000,000)	(51,030,000)	(-97,400,000)

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 5¼ minutes.

Mr. Speaker, the gentleman is honored, I think I am more relieved to be here finally, and not any more excited 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 received 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 to 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, Therese McAuliffe, 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 law enforcement, which is robustly funded. The FBI enjoys a $136 million increase over last year in this bill; the Drug Enforcement Administration, 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 $1.4 billion, keeps us on track toward the President's promise to increase Federal funding for new policemen 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 $239 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 to $3.4 billion. The Commerce Department in this bill is increased $450 million to $4.3 billion. Of that, NOAA enjoys a $100 million increase. ATP is funded at $192 million, $82 million in new grant money.

The census, Mr. Speaker, is increased by $349 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 gentlewoman from New York [Mrs. MALONEY], the gentleman from California [Mr. BECERRA] and the gentlewoman 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 gentlewoman 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 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 prepared 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 reconferenced with the Senate, which means we would have to reconvene a conference with the Senate and bring the bill back at some future time.

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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 reconference and come back at some future 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 gentleman is absolutely correct, we could not convene a conference tomorrow. We could only convene a conference when the Members of both bodies could be accumulated some time

next week or some time later on this year, and we would have to go through an additional extended continuing resolution. We would risk the possibility of the closure of the State Department, the Commerce Department, the Justice Department.

I just caution Members, if in fact they are considering not supporting this bill or supporting the motion to recommit, it would be a bad idea. Let us get this bill passed, and let us put it to bed and say good night to the first session of the 105th Congress.

Mr. MOLLOHAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. DIXON], a very valuable member of the subcommittee.

Mr. DIXON. Mr. Speaker, I thank the gentleman for yielding this time to me, and I certainly would like to add my comments of congratulations to the chairman of the committee and the ranking member of the committee for the fine work that they have done. I think most Members realize that in this conference process it did not follow the traditional process, and I think under all the circumstances they have done an excellent job.

I rise in full support of the conference committee, and I certainly identify with the gentlemen and the ladies of the House who have expressed clear displeasure with the census language in this bill. If this was an up and down vote on census language, I would not be voting for it. But the truth of the matter is that no matter what we say about this reprehensible language, it does not prohibit sampling, statistical sampling, in the pilot program, nor does it prohibit it being used in the year 2000 but, rather, it leaves that fight to be fought another day.

The truth of the matter is that there are people who want an accurate count in the House and then there are people that want an accurate count. How do we count 270 million people in our country? Some would suggest it is door to door. I doubt that any of my colleagues really believe that.

If my colleagues look at the CONGRESSIONAL RECORD, if they read the newspapers and if they listen to the 1 minutes, we use statistical data to illustrate our point. Most of that comes from statistical sampling, not door-to-door searches.

But more importantly, we have to look at what this bill does do, and for those who are interested in 245(I), it extends past the signing of the bill for 60 days the opportunity for people to get the I–130 forms. For those who are interested in legal services, it has $30 million more than this House provided. It is at a figure of $283 million. For those who are interested in crime prevention programs, it has $64 million above last year's programs. And for those who are interested in the Ninth Circuit in California, it sets up a reasonable way to take an objective approach to how we divide the Ninth Circuit Court up.

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 extraneous 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 $118 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 improved INS 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 for us, paid by the tax dollars to fingerprint potential U.S. citizens.

And it also guarantees that citizenship cannot be granted without a full and completed 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 without an FBI background check.

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 gentlewoman from New York [Mrs. 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. SAWYER], 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 civil rights 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 the Speaker has vowed to kill the sampling issue in 1999.

This legislation aids this plan by putting into place a campaign to smear it. First the deal allows opponents to file multiple lawsuits to tie the Census up in court. The deal also allows 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 the name of politics; 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 for the execution either by a thousand cuts in the courts or through spreading confusion about the results.

We cannot allow this to happen. I urge a no vote against the Commerce-Justice-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.)

□ 2045

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 what we have secured with respect to census, I 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 such 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] and certainly 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 rise this evening 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 provide 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 undermines 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 violent relationships for battered women and children abused by their U.S. citizen and lawful permanent resident spouses and parents. These provisions were included in VAWA in an effort to free battered immigrants to seek protection for themselves and their children from ongoing abuse and to allow them to cooperate in the criminal prosecution of their abusers.

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 associate.

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 very country that INS agrees poses them a danger as the only means to obtain their permanent residency is dangerous and illogical.

Additionally, most 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 are required to travel abroad or else they will have to take their children with them. Battered immigrant women should not have to be faced with leaving their children with an abuser or in a situation in which the children cannot be adequately protected from the abuser or possibly being charged with 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 offer victims of domestic violence 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.

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 have not drawn the attention of many of my colleagues, but for which I believe the Conferees deserve my congratulations.

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 we were not successful 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 survive in 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.

Children hurting children 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 those costs down and make both short term and long term positive differences in the lives of our young people by targeting the prevention of juvenile crime.

In Texas, the Historically Black Colleges and Universities are forging ahead. The Juvenile Justice Center at Prairie View A&M University will be come a state and national resource. It will perform a vital collaborative role by focusing on measures that target the prevention of juvenile violence, crime delinquency and disorder. The University will provide comprehensive teaching, research and public service programs. There is no single answer to this problem, but this Center will be a start to bridging the programs that work for the state of Texas and other states.

I thank the Conferees for their support of this important Center.

Finally, I am gratified that an amendment which I offered before on the floor of the House and agreed to has been included in the Conference Report for Commerce-Justice-State. The language in the conference report states that the Department of Justice should consult with the National Academy of Sciences to review computer-based technologies and other approaches that could help to restrict the availability to children of pornographic images through the Internet and on-line services.

Unfortunately, this language does not go far enough; my original amendment would have provided for the identification of methods that would locate illegal pornographic images with the goal of criminally prosecuting those purveyors of such pornographic images to children. The goal of my amendment was to create a pool of understandings regarding the technological capabilities currently available for identifying digitized pornographic images stored on a computer, network, or other computer communication mediums by the use of software or other computer technologies.

The funding for this amendment would have come from funds otherwise appropriated; therefore revenue neutral to the Department of Justice, which should not exceed $750,000.

I would like strongly urge the Department of Justice to pay attention to the intent of the Amendment when implementing this section of the conference report.

I would like to also ask that Members of the House join me in support of the original intent of the amendment to help eliminate the growing threat of pornographic images that our children who use the technology must face. This is an opportunity for us to help all of our nation's children have a safer future.

Mr. MOLLOHAN. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, first I want to express my agreement with the gentleman from California on the importance of putting back in here important international financial material. But secondly, I want to congratulate the gentleman from Ohio for his work on the census and say that I plan to vote for this bill.

I try very hard to avoid cliches, but it is much too late in the session to think fresh, so I am going to have to use one. I think some of my good friends here are trying to snatch defeat from the jaws of victory. The problem I and others had with the original census language was that it said we could not go forward with the sampling process until the Supreme Court had said it was okay. That would have killed it. That is not in the bill.

We now have parallel processes. We have the sampling going forward, and we have the court process. I disagree with my friends who say, oh, allowing the court process to go forward kills sampling.

I think sampling is constitutional. I do not think the Supreme Court is going to find it unconstitutional. Indeed, I am sceptical that the Supreme Court, given its own rules on ripeness and standing, will even decide this at all.

So what we have is a situation where previously sampling could not go forward until the Supreme Court acted, and we knew the Supreme Court was not going to be able to act because of its own doctrines, and now we have a situation where it can go forward.

I do not want to argue this too strongly, because I do not want to lose you any votes on this side, but the fact is the obstacle to census sampling that existed previously has been dissolved. Now we have been told, well, there will be a subcommittee that will propagandize.

I have to be honest with you, I hope I am not being unduly modest when I say I do not think most people pay too much attention to our subcommittees. They can dance and sing and whistle, and we can still go ahead with it. Yes, it may have to face a court test, but that is to be done.

In fact, I want to congratulate the Republicans. This is one more example of their belief in judicial activism, and I want to salute the Republican conversion to the notion that when there are important decisions that are to be made, we should ask some unelected, life-tenured Federal judges to arbitrate them for us. I think that is appropriate, as long as the work is not held up until then. So I think we have the best of both worlds.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the chairman of the Subcommittee on National Security, International Affairs and Criminal Justice, the gentleman from Illinois, Mr. HASTERT.

Mr. HASTERT. Mr. Speaker, I thank the chairman. I first want to congratulate him for his hard work, and certainly the gentleman from West Virginia, the gentleman from West Virginia [Mr. MOLLOHAN], who has worked on this diligently as well. I wanted to talk a minute about the census.

There were some accusations, and I probably agree with my good friend from Massachusetts [Mr. FRANK]. We need to go forward. We need to have transparency in the system, and if there is an issue of whether this is constitutional or not constitutional, we probably ought to let the Supreme Court decide that issue. If there is an issue whether this is statutorily legal to do or not statutorily legal to do, we probably ought to let a court decide that.

But in the meantime, let me just say a couple things about transparency. Yes, there is going to be, first, a commission that looks at numbers, and, you know, it is not terrible to have four numbers, the four numbers in counting when you actually go out and count people and find out what the number is when you get counting and what the number is when you get done adjusting, which there is not an adjustment. So the number in counting, Number 1, will be the same as number 2.

Actually, when you get into sampling, which what you have is that you have a number when you get done, and that number will be X, and then it will be X plus or X minus something else, when you get done sampling. When you

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 transparency about what this 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 a 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 enumeration, counting, one by one. It has been going on in this country for 230-some years. It was prescribed 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. It is called 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 and pass this bill.

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 that is being addressed in this bill. 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 readjusted, that is after counting, I tell my friend, from door to door, to reflect the accurate 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 NEWT 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 NEWT 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 not read it, you can read it for yourself, from the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from Mississippi [Mr. PARKER], the gentleman from Virginia [Mr. BATEMAN], the gentleman from South 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 under 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 voluntarily enumerate will increase the accuracy 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 in 1991 perhaps it 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 it may 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 my friend 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 chairman from Kentucky 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 Members.

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 National Institute of Standards and Technology.

There are still some problems. I am particularly distressed at the counterproductive 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 language in here about the census. But make no mistake about that, 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 breakthrough, 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 situation in Iraq, as well, as was explained, 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 1–3/4 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 those four individuals 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.

□ 2100

Let us not inject politics into this, and let us go straight with what the experts say would be best to do for 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 lawsuit

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 16 or 17 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. ROGERS. 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 asked and was given permission to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. I want to commend the chairman, the staff and 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, $1.5 million for the Jason Foundation for Education. What the Jason Foundation will do is translate underwater research into the Internet, which means that school students and adults around the world will be able to interact with these researchers and learn more about our oceans and about what is being produced by the research that is taking place, in large part because it is the Year of the Ocean.

This is an exciting concept. I think we barely scratch the surface. What it means is that when it comes to fruition, that students will be able to interact with people at the National Gallery, at the Smithsonian, at the Kennedy Center, at colleges throughout the United States.

I saw this in action in my district where the Jason Foundation had a biologist at Yosemite talking about terminals, and the students in Wooster, Ohio could ask questions of this biologist and he could respond. It really worked out well, and it is an exciting concept. It is part of this bill.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me this time.

Mr. Speaker, I just want to say very briefly in response to my good friend, the gentleman from California [Mr. BERMAN], we were engaged in a very difficult negotiation with the White House over the last several days, and in the end we gave half a loaf on the Mexico City policy which separates abortion from family planning. We said that foreign nongovernmental organizations would be precluded, those that are subsidized by the U.S. Government, would no longer be able to lobby in foreign capitals to topple their pro-life laws. It seems to me this was a very modest proposal. This was rejected.

The good news for the pro-life said that the Speaker of the House and the majority leader have given their solemn word that the IMF issue and arrearages payments, and those arrearages payments are in dispute, there are all different, conflicting numbers as to what they should be, that those three issues are intertwined and they will move forward together or they will not move forward at all.

We have offered the White House a true compromise; they have rejected it at this point. My hope is that in the spirit of comity, I would hope that we could move to a real compromise on this, and then we could work in partnership on all three of these issues.

Mr. MOLLOHAN. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], who has worked tirelessly on all of our 13 appropriations bill.

Mr. OBEY. Mr. Speaker, I have absolutely no objection to the job done by the gentleman 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, just referred to by 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 incredibly 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 capitulates 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 same views. But the Constitution defines 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 two-thirds in both Houses. With all due respect, the only majority that the gentleman has at this moment is the majority in one House.

Now, 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 tighter 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 what I will attempt 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 remarkably irresponsible abdications of responsibility that I have seen in all of the years that I have served in Congress.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the full committee.

Mr. LIVINGSTON. 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 together 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 continue to use taxpayers' funds to lobby to use abortion as a family planning tool. It was a simple proposal. They did not want that.

So then we offered to put these together with all of the three appropriations bills that have just passed the House in the last two days. The President 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, look, this place is a place of compromise. Let us not say that we have held anybody hostage. The gentleman from New Jersey was very reasonable. He reduced his demands to simply say that he will not use taxpayers' funds to advocate abortion abroad as a family planning tool. That is not radical. The President refused it, and he refused to go along with this offer.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

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

Mrs. MORELLA. Mr. Speaker, I want to congratulate the Chairman and the ranking member for their yeoman's work in crafting this conference report and bringing this legislation to the floor. This bill has a number of important provisions which will advance and promote the national interests. I am going to cite just some of them briefly.

First of all, I want to thank the gentleman from Kentucky [Mr. ROGERS], chairman of the subcommittee, for his work to fund the programs of the National Institute of Standards and Technology. NIST is the Nation's oldest Federal laboratory, established by Congress in 1901, and its mission is to promote economic growth by working with industry to develop and apply technology, measurements and standards.

NIST currently has the need for repair and replacement of some of the critical laboratories. It has a maintenance backlog of over $300 million, and in addition, NIST requires new laboratory space. It must construct an advanced measurement laboratory. It is part of the funding appropriated for NIST. This bill includes $95 million for construction, renovation and maintenance for NIST laboratories. I applaud that.

In addition, it includes money for the core programs at NIST known as Scientific and Technical Research and Services programs, which include very important research conducted in its laboratories. The total is equivalent to the Senate-passed bill, $6 million below the amount originally authorized by the Committee on Science and appropriated by the House, but I applaud it.

Also, the bill includes $192.5 million for the advanced technology program; $113.5 million for the manufacturing extension program; $150 million for the National Oceanic and Atmospheric Administration, which actually is $150 million more than what the House had asked for.

Let me comment just briefly on the compromise on 245(i) of the Immigration Act. I think it is very important. I am glad it was done. It should include the opportunity for victims of domestic violence to be accorded that treatment.

Mr. Speaker, I want to congratulate the Chairman and ranking member for their yeoman's work in crafting this conference report and bringing this legislation to the floor. The conference report on H.R. 2267, the Commerce-Justice-State appropriations bill, contains a number of important provisions which will advance and promote the national interest.

First, I 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 laboratory. 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 Nation's arbiter of standards, NIST enables our Nation's businesses to engage each other in commerce and participate in the global marketplace.

The precise measurements required for establishing standards associated with today's increasingly complex technologies require NIST laboratories to maintain the most sophisticated equipment and most talented scientists in the world. NIST's infrastructure, however, is failing and in need of repair and replacement.

NIST currently has a maintenance backlog of over $300 million. In addition, NIST requires new laboratory space that includes a higher level of environmental control (control of both vibration and air quality) than can be achieved through the retrofitting of any of its existing facilities. In order to meet this pressing need, NIST must construct an Advanced Measurement Laboratory [AML].

As part of the funding appropriated for NIST, H.R. 2267 includes $95 million for construction, renovation and maintenance for NIST's laboratories. This funding level is slightly below the $111 million appropriated by the House, but well above the $16 million recommended by the Senate. The total should be sufficient to begin funding the construction of the AML, while at the same time allowing NIST to address some of its critical maintenance needs.

In addition, H.R. 2267 includes $276.9 million for NIST core programs, known as the Scientific and Technical Research and Services [STRS] programs, which include the important research conducted by its laboratories. This total is equivalent to the Senate passed bill and $6 million below the amount originally authorized by the Science Committee and appropriated by the House. While I would have preferred the House funding level, I understand the funding constraints under which the House and Senate Conferees had to operate.

The bill also includes $192.5 million for the Advanced Technology Program [ATP] and $113.5 million for the Manufacturing Extention Partnership [MEP] program. This level splits the difference between the House authorization and appropriation levels and the Senate appropriation for ATP. It seems to be a good compromise, and I applaud the House and Senate conferees for coming to an equitable conclusion on ATP and including the higher total for MEP.

I am pleased with the increase in funding for the National Oceanic and Atmosphere Administration—about $150 million more than the House bill.

I also want to recognize the compromise which was reached on section 245i of the immigration act. The expiration of this provision would have adversely and unfairly affected a number of families and businesses in my district. However, I am sorely disappointed that the conferees did not include the battered women immigrants provisions of the Violence Against Women Act in this compromise. The conferees demonstrated great compassion in extending the provisions of 245i until the beginning of next year; immigrants who are victims of domestic violence should be accorded the same compassionate treatment.

I am also disappointed that we have not yet found a way to repay our arrearages to the United Nations. Especially at a time when we are counting on the U.N. to maintain our position on Iraqi weapons inspections, continued delay of our debt repayment is, to say the least, embarassing.

I want to congratulate the conferees for the funding levels which were agreed to on the Legal Services Corporation. This funding is critical to assisting vulnerable people in our society. Women and children are among the vulnerable who without assistance often find themselves in abusive situations that they cannot control. The impact of these situations is significant and may result in homelessness and the loss of necessary financial resources for food, maintenance, and health care. In addition, LSC has been invaluable in allowing impoverished people to access the judicial system in support of their just claims. Much of their caseload, and almost half of the caseload in Maryland, deals with such issues as divorce, child custody, and domestic violence.

As with many eleventh hour compromises, this bill's Census provisions aren't perfect, but they have significantly improved thanks to the diligent work of many of my colleagues and the Administration.

While I am concerned that this compromise delays the decision of whether to use sampling in Census 2000 until 1999, I am pleased that, unlike the original bill, it does not significantly hinder the Bureau's critical work in preparation for Census 2000.

The failure of the 1990 Census, the GAO report on sampling, and the National Academy of Science's support of sampling should be more than enough evidence that we need to

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 who we are as a nation.

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 the outstanding job they have done, 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 to please support the legislation.

Mr. MOLLOHAN. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Ohio [Mr. SAWYER] who has provided such leadership for our caucus on this issue.

□ 2115

Mr. SAWYER. 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 the most 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 the question of whether 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 foot the bill for 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.

The fact is that there is no realistic chance for an injunction to stop the dress rehearsal or 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 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 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 direct counting methods 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 Bureau's work, 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 best Census possible, 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. SAWYER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, will the gentleman be voting for the bill?

Mr. SAWYER. 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. LAHOOD). 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. That is an amount that we owe. However, that is subject to passage of an authorization law by the Congress. Of course, that law has not yet been passed, but we have plenty of time early next year to do that, in which case the $100 million will be freed up to pay on the arrearage at the United Nations.

But there is a much bigger issue than that. If Members are concerned that at this time especially, we need to be supportive of the United Nations, then Members need to vote for this bill because in this bill are the funds to pay our annual assessment at the United Nations, which is $320 million. That is in this bill. If Members vote no, they are harming the United Nations at a very critical time.

This $320 million, if this bill does not pass, will not be paid by the United States. So if Members are worried about our standing at the United Nations, if they are worried about us not paying our bills at a time of international crisis, then imagine what the effect will be if this conference report is defeated.

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, we will be here 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 sue on behalf 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 wherever and whenever he chooses—as he has done frequently in voicing 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. Bryant.

Why do we need sampling to conduct an accurate census? The answer is simply that our history of conducting the decennial census clearly illustrates that the traditional method of enumeration, relying on a door to door count for each and every person in this country, is neither the most efficient nor the most cost-effective way to conduct the census. In fact, in 1990, the Census Bureau reported an undercount of 4 million people using the traditional method of enumeration or 1.6% of the total population. The Census Bureau estimates that nearly 5 million people will go uncounted if sampling is not implemented in the 2000 census.

The Republican leadership has a singular purpose for the 2000 Census and that is to make every effort possible to block the use of sampling. Unfortunately, I believe the language in this bill is representative of that purpose; therefore, I must oppose this bill.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today in opposition to the Census language in the Commerce, Justice, State Appropriations bill because all Americans must be counted in this nation's census.

Republican attempts to make sure that the 2000 census does not represent all Americans flies in the face of democracy. We now have the opportunity to accurately collect data from all sectors of society through the methodology of sampling. If we accept the language in this bill, we will direct the Census Bureau to separate planning and implementation activities for these ''dress rehearsal'' sites when the Census Bureau can barely support one—that is a set up for failure. If we accept this language, we will create an entire new subcommittee exclusively on the census issue—this not only wastes taxpayers' money on a method which all national organizations in the field of statistical analysis agree is the most accurate tool for determining the census, but also runs contrary to what the Republicans boast as one of their greatest accomplishments of the 104th Congress, eliminating subcommittees. Finally, if we accept this language, we will permit opponents of sampling to file suits in any court in the country, and they will file suits until they find a court to issue an injunction against the use of sampling. Such an injunction could be the death knell for sampling and with no sampling in the ''dress rehearsal'', there can be no sampling in the census and no way to avoid the inaccuracies of the 1990 census.

In 1990, four million Americans were not counted and several million were counted twice. Between 1940 and 1980 the net undercount of all Americans and legal immigrants decreased from 5.4 to 1.2 percent. However, the difference between black and non-black undercount increased from 3.4 percent in 1940 to 4.3 percent in 1970. In 1980, this undercount improved slightly to 3.7 percent, but this is still a significant miscalculation of the actual number and kind of people who make up this country. In 1990, the difference between Black and non-Black census undercount was the largest differential in the entire history of the census.

As a representative of California's 37th Congressional District, I am particularly concerned about the disproportionately high number of the California residents who were not included in the 1990 census. In 1990, 800,000 people were undercounted in California alone. The entire state represented 20% of the 1990 undercount. Because of these errors, my state was denied a Congressional seat that rightfully belonged to Californians.

My constituents deserve to be included and counted in the 2000 census and in all future census counts.

The census not only determines how the seats of the House are apportioned among the states, but is a significant force in shaping private and public sectors across the country. The census is used to allocate hundreds of billions of dollars to state and local governments. It is used to enforce the Voting Rights Act. It is used by businesses to locate specific work force populations. It is used to determine the kinds of services to provide to certain demographic areas. It is used to allocate resources for the construction of highways and the maintenance of adequate water supplies for communities.

This census is too important for it to not be accurate. Leading experts, including the National Academy of Sciences, 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 make the realization of this possibility impossible.

It is illogical, unscientific 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 waste taxpayers' money on an old 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, regrettably, I must rise in opposition to this Conference Report, because I fear that the provisions pertaining to the availability of funds to the United States Patent and Trademark Office set a terrible precedent and could have the effect of stifling long-term innovation in this country.

The House version of the Commerce-Justice-State appropriations bill included a provision, contained in every appropriations bill to date, which allows the U.S. Patent and Trademark Office, which does not receive any taxpayer funding, to spend all that it collects from its base user fees for its operations by stating that such funds ''shall remain available until expended.''

Unfortunately, the Senate version of the bill, for the first time since the PTO became self-sufficient, capped the amount of its user fees that the PTO may spend, diverting the rest to the general treasury to be used for other purposes.

I appreciate the efforts of the Chairman of the House CJS Appropriations Subcommittee, the gentleman from Kentucky [Mr. ROGERS], in trying to reconcile the differences between the House and the Senate versions of the bill. I know he did the best he could to keep the House version. However, a ''cap'' on the fees still exists in the compromise bill and I am dismayed to see, for the first time in history, that the PTO will not be able to spend appropriately all of its base fees which are set by the Congress.

We should not sanction a new tax on American innovation by holding back funds which come directly from the pockets of applicants for PTO services. In my opinion, all these fees are necessary for the efficient operation of our Patent and Trademark Office. Remember, not one tax dollar goes to the PTO. All the money they spend comes from applicants and should

be available for processing applications quickly and efficiently.

Any other result will stifle the engine of our growing economy in the information age.

I therefore will regrettably vote ''no'' on this Conference Report. We must stand up for inventors and trademark applicants in America.

Mr. BARR of Georgia. Mr. Speaker, for nearly three years almost since the day the Communications Assistance for Law Enforcement Act of 1994 or CALEA was enacted, its journey has been problematic. CALEA is now more than three years old and is expected to be fully implemented on October 25, 1998. It now appears that this may not be the case. Conflicts between the FBI and the telecommunications industry over capability standards, capacity notices, and cost reimbursements, have become commonplace and serious. I have become very concerned that delays in putting standards in place have created major handicaps in fulfilling the Act. I have also concluded that law enforcement has been using CALEA to overreach, and that the FBI is looking to use CALEA for the perfect solution to their wiretapping wishes. Indeed, many of the so-called ''punch-list'' items clearly are beyond the scope of the Act.

These and other critical matters were raised during an October 23d oversight hearing on CALEA held by the Crime Subcommittee of the Judiciary Committee. Chairman MCCOLLUM and our colleagues both sides of the aisle expressed the need for adjustments to ensure the workability of CALEA within the parameters of the Act.

As we attempt to bring this matter to a head, four issues must be dealt with as major areas of contention between industry and law enforcement: cost reimbursements, capability standards (through which the FBI has been seeking to use imposition of these standards to expand the government's wiretap capabilities; which is prohibited by CALEA's provisions), capacity notices, and compliance dates. They must all be resolved in order to put CALEA back on track.

Finally, a plan must be developed in which the government will pay to retrofit network facilities with no more than the $500 million available in the Act without shifting additional costs to industry. If we are successful, we will achieve the balance we seek between law enforcement security needs and protection of privacy concerns of individuals and industry.

Mr. ROGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. In its present form, I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. OBEY moves to recommit the conference report on H.R. 2267 to the committee on conference.

The SPEAKER pro tempore. The motion to recommit is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. OBEY. Mr. Speaker, I object to the vote on the 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:

[Roll No. 639]

YEAS—171

Abercrombie
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Minge
Mink
Moakley
Moran (VA)
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Weygand
Wise
Woolsey
Wynn

NAYS—216

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

NOT VOTING—45

Ackerman
Baesler
Baker
Blagojevich
Blumenauer
Boucher
Combest
Cubin
Dickey
Doggett
Ehlers
Ewing
Flake
Fowler
Gonzalez
Green
Houghton
King (NY)
LaFalce
Lipinski
McInnis
McIntosh
McKinney
Miller (CA)
Myrick
Neal
Nussle
Ortiz
Pickett
Pryce (OH)
Riley
Roemer
Salmon
Scarborough
Schiff
Shuster
Smith (OR)
Stark
Taylor (NC)
Watkins
Waxman
Wexler
White
Whitfield
Yates

□ 2141

Messrs. SNOWBARGER, GUTKNECHT, HOLDEN, KLINK and KANJORSKI changed their vote from ''yea'' to ''nay.''

Messrs. FORD, OWENS, BARCIA, SCHUMER and Mrs. MCCARTHY of New York changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 282, nays 110, not voting 40, as follows:

[Roll No. 640]

YEAS—282

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Carson
Castle
Chambliss
Clement
Collins
Condit
Cook
Cooksey
Costello
Cramer
Cunningham
Danner
Davis (FL)
Davis (VA)
Delahunt
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fawell
Fazio
Foley
Forbes
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Kanjorski
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer, Bob
Schumer
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Tierney
Torres
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—110

Barr
Bartlett
Becerra
Blunt
Bonior
Brown (FL)
Brown (OH)
Bryant
Campbell
Chabot
Chenoweth
Christensen
Clay
Clayton
Clyburn
Coble
Coburn
Conyers
Cox
Coyne
Crane
Crapo
Cummings
Davis (IL)
Deal
DeFazio
DeGette
DeLauro
Dellums
Doolittle
Duncan
Engel
Ensign
Fattah
Filner
Ford
Frost
Furse
Gejdenson
Gephardt
Gibbons
Hastings (FL)
Hefley
Herger
Hilleary
Hilliard
Hinchey
Hostettler
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kucinich
Largent
Levin
Lewis (GA)
Lucas
Maloney (NY)
Manzullo
McDermott
McKinney
Meehan
Meek
Millender-McDonald
Moran (KS)
Nadler
Neumann
Olver
Owens
Paul
Payne
Pease
Petri
Pombo
Rangel
Rivers
Rodriguez
Rohrabacher
Royce
Rush
Ryun
Salmon
Sanders
Sanford
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Smith, Linda
Stearns
Stokes
Stump
Stupak
Taylor (MS)
Thompson
Thurman
Towns
Traficant
Velazquez
Waters
Watt (NC)
Watts (OK)

NOT VOTING—40

Ackerman
Baesler
Baker
Blagojevich
Blumenauer
Boucher
Combest
Cubin
Dickey
Ehlers
Ewing
Flake
Fowler
Gonzalez
Green
Houghton
King (NY)
LaFalce
Lipinski
McInnis
McIntosh
Miller (CA)
Myrick
Neal
Nussle
Ortiz
Pickett
Pryce (OH)
Riley
Roemer
Schiff
Shuster
Smith (OR)
Stark
Taylor (NC)
Watkins
Waxman
Wexler
White
Yates

□ 2210

The clerk announced the following pairs:

On this vote:

Mr. Ortiz for, with Mr. Roemer against.
Mr. Riley for, with Mr. Yates against.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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. 1564. An act 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, and for other purposes.

S. 1565. An act to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act.

S. Con. Res. 69. Concurrent resolution to correct the enrollment of the bill S. 830.

S. Con. Res. 70. Concurrent resolution to correct a technical error in the enrollment of the bill S. 1026.

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. LAHOOD). Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. 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. OBEY. 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 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 12 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. OBEY. Mr. Speaker, further reserving 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 26th of November, and we have no objection on this side of the aisle.

Mr. LIVINGSTON. Mr. Speaker, will gentleman yield for a question?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Is that Peggy Lee or Pinky Lee?

Mr. OBEY. 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 public 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 that 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) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (9), (7), and (8), respectively;

(2) by inserting after paragraph (3) the following:

''(4) the term 'environmental dispute' means a dispute or conflict relating to the environment, public lands, or natural resources;'';

(3) by inserting after paragraph (5) (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)(1)(D);'';

(4) in paragraph (7) (as redesignated by paragraph (1)), by striking ''and'' at the end;

(5) in paragraph (8) (as redesignated by paragraph (1)), by striking the period at the end and inserting ''; and''; and

(6) in paragraph (9) (as redesignated by paragraph (1))

(A) by striking ''fund'' and inserting ''Trust Fund''; and

(B) by striking the semicolon at the end and inserting a period.

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—

(i) in the matter preceding paragraph (1) of the second sentence, by striking ''twelve'' and inserting ''thirteen''; and

(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.''.

SEC. 4. PURPOSE.

Section 6 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604) is amended—

(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 in implementing 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 12988 (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) INSTITUE FOR ENVIRONMENTAL CONFLICT RESOLUTION.—

''(i) 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.

''(ii) 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.''; and

(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 that 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.) (as 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 AMOUNTS.—

''(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 withdrawals.

''(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) on original issue at the issue price; or

''(B) by purchase of outstanding obligations at the market price.

''(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 amended 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, medication, 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 a contract and expend funds to obtain the services of the Institute.

''(2) PAYMENT INTO ENVIRONMENTAL DISPUTE RESOLUTION FUND.—A payment from an executive agency on a contract entered into under paragraph (1) shall be paid into the Environmental Dispute Resolution Fund established under section 10.

''(c) NOTIFICATION AND 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) NOTIFICATION DESCRIPTIONS.—In a matter involving 2 or more agencies or instrumentalities of the Federal Government, notification under paragraph (1) shall include 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 and a statement 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 (including branches or divisions of a single agency or instrumentality), the agencies or instrumentalities of the Federal Government shall obtain the concurrence of the chairperson of the President's Council on Environmental Quality before using the Foundation or Institute to provide the services described in subsection (a).

''(B) INDICATION OF CONCURRENCE OR NONCONCURRENCE.—The chairperson of the President's Council on Environmental Quality shall indicate concurrence or nonconcurrence under subparagraph (A) not later than 20 days after receiving notice under paragraph (2).

''(d) EXCEPTIONS.—

''(1) LEGAL ISSUES AND ENFORCEMENT.—

''(A) IN GENERAL.—A dispute or conflict involving agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality) that concern purely legal issues or matters, interpretation or determination of law, or enforcement of law by 1 agency against another agency shall not be submitted to the Foundation or Institute.

''(B) APPLICABILITY.—Subparagraph (A) does not apply to a dispute or conflict concerning—

''(ii) 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 government agencies; or

''(iii) a nonlegal policy or decisionmaking matter that involves 2 or more agencies that are jointly operating a project.

''(2) OTHER MANDATED MECHANISMS OR AVENUES.—A dispute or conflict involving agencies 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 ''There are authorized to be appropriated to the Fund'' and inserting the following:

''(a) TRUST FUND.—There is authorized to be appropriated to the Trust Fund''; and

(2) by adding at the end the following:

''(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There are authorized to be appropriated to the Environmental Dispute Resolution Fund established under section 10—

''(1) $4,250,000, 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 ''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), 5607(a)) are each amended by striking ''Fund'' and inserting ''Trust Fund'' each place it appears.

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

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 17 AND H.R. 2687

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H. Con. Res. 17 and H.R. 2687.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2697

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2697.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3000

Mr. RUSH. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 3000.

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.

DISAPPROVING CANCELLATIONS TRANSMITTED BY PRESIDENT ON OCTOBER 6, 1997—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–172)

The Speaker pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2631, ''An Act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45.''

Under the authority of the Line Item Veto Act, on October 6, 1997, I canceled 38 military construction projects to save the taxpayers $287 million. The bill would restore all of the 38 projects.

The projects in this bill would not substantially improve the quality of life of military service members and their families, and most of them would not likely use funds for construction in FY 1998. While the bill does restore funding for projects that were canceled based on outdated information provided by the Department of Defense, I do not endorse restoration of all 38 projects.

The Administration remains committed to working with the Congress to restore funding for those projects that were canceled as a result of data provided by the Department of Defense that was out of date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 13, 1997.*

The SPEAKER pro tempore. The objections of the President will be spread

at large upon the Journal, and the veto message and the bill will be printed as a House document.

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the message, together with the accompanying bill, be referred to the Committee on Appropriations.

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

There was no objection.

HOLOCAUST VICTIMS REDRESS ACT

(Mr. LEACH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEACH. Mr. Speaker, the bill would authorize up to $25 million as a U.S. contribution to organizations serving survivors of the Holocaust living in the United States and an additional $5 million for archival research by the U.S. Holocaust Museum to assist in the restitution of assets looted or extorted from Holocaust victims. It would also declare that it is the sense of Congress that all governments take appropriate action to ensure that artworks confiscated by the Nazis—or in the aftermath of World War II by the Soviets—be returned to their original owners or their heirs.

The genesis for this proposal dates back to hearings which the Committee on Banking and Financial Services held over the past year, chronicling how the Nazis looted gold from the central banks of Europe, as well as from individual Holocaust victims.

Following World War II, the Tripartite Gold Commission, consisting of the United States, the United Kingdom and France, was created to oversee the recovery and return of Nazi-looted gold to the countries from which it was stolen. Most of the gold recovered during that period was long ago returned to claimant countries. However, a small portion of that gold remains to be distributed. The amount of gold in TGC custody, amount to six metric tons, is worth anywhere from $50 million to $70 million depending on the price of gold at a given time. Fifteen nations hold claim to some portion of that gold.

The case for speedy final distribution of the remaining gold pool to Holocaust survivors is compelling. The moral case for such a distribution has been increased by the horrific revelation in the recently released report from Under-Secretary of State Stuart Eizenstat that Nazi Germany co-mingled victim gold, taken from the personal property of Holocaust victims, including their dental fillings, with monetary gold, resmelting it into gold bars which the Nazis traded for hard currency to finance the war effort.

This bill would put the Congress on record in strong support of the State Department's appeal to claimant nations to contribute their TGC gold to Holocaust survivors and strengthen the Department's hand in seeking this goal by authorizing the President to commit the United States to a voluntary donation of up to $25 million for this purpose. A voluntary contribution on our part would go a long way in facilitating a similar gesture of generosity from others who may be claimants of the gold pool or who may have reason to provide redress for actions taken during the dark night of the human soul we call the Holocaust.

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 identified $198 million in 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, Congress recognized that some of these assets held in 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 documentary 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 Eizenstat 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 activities that would 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 supremacist notion that certain modern art was degenerate 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 are confiscated while others 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 Vichy government tried to object on international 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 no longer to be citizens. Hence, the Nazis 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 before us 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 within Florida A&M 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.

CONSIDERING AS ADOPTED REMAINING MOTIONS TO SUSPEND THE RULES CONSIDERED 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. 2233, 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 distribution system 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 H8069.)

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 H8088.)

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 H8090.)

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 H8091.)

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 Bootle 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 29.

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 indemnification 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 defense 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 this from occurring.

This bill would allow these flight demonstrations, which are important to product development and company sales, to take place.

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 reconsider 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; and

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 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) 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 exploration of the ocean, the sustainable use of ocean resources, and the conservation of these resources for future generations.

The text of House Concurrent Resolution 131, as amended, is as follows:

H. CON. RES. 131

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;

Whereas the ocean is critical to national security, is the common means of transportation among coastal nations, and carries 95 percent of the 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 any 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 resource,s 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 the United States and international focus on the oceans in 1998, to—

(A) review United States oceanography and marine resource management policies and programs;

(B) identify opportunities to streamline, better direct, and increase interagency cooperation in oceanographic research and marine resource management policies and programs; and

(C) develop scientific, educational, and resource management programs which will advance the exploration of the ocean and the sustainable use of ocean resources.

Amend the title so as to read: ''Concurrent resolution acknowledging 1998 as the International Year of the Ocean and expressing the sense of Congress regarding the ocean.''.

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 44302(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 44306(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 44308(b)(1) of title 49, United States Code, is amended by inserting after the second sentence the following: ''Any such policy may authorize the binding 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 such title is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) pay the amount of a binding arbitration award made under paragraph (1); and''.

SEC. 5. EXTENSION OF PROGRAM.

(a) IN GENERAL.—Section 44310 of title 49, United States Code, is amended by striking ''September 30, 2002'' and inserting ''December 31, 1998''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 1997.

SEC. 6. USE OF AIRCRAFT FOR DEMONSTRATION.

Section 40102(a)(37)(A) 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; or''.

(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 noncontroversial 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 airlines ferrying troops and supplies 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 signature of the indemnification agreement between the DOT Secretary and the head of another U.S. Government agency will coinstitute 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 binding arbitration of a dispute between 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 public aircraft.

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 airline insurance claims can 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 new provision on 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 them in air 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 for customers, this bill will make clear that these aircraft retain their status as public aircraft when leased back to the manufacturer from the Government for these limited purposes. This provision will certainly not allow anyone to lease 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 the House debated on September 29, 1997. I urge support for this legislation.

TRIBUTE TO ED NICHOLS UPON HIS RETIREMENT

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

Mr. KLECZKA. Mr. Speaker, I rise today to dispel a myth. Most of us who frequent this Chamber, if we ever stop to consider it, probably think the mace just magically appears and disappears at the start and conclusion of each session. The truth is much harder to believe. For the past 21 years, without missing a single day, a gentleman named Ed Nichols has faithfully carried out the ceremonial duties associated with the mace. An historic symbol of the duty of the Sergeant at Arms to keep order in the House of Representatives, the mace, right behind me, lets us know at a glance when we are meeting in the full session.

Ed has decided to retire at the end of the 105th Congress, and that end has come tonight. His career on Capitol Hill began in 1976 with the office of Sergeant at Arms. Previous to that, he spent several years in the Navy living for a time in Japan with his wife Joan. As assistant to the Sergeant at Arms, Ed's duties extended beyond the care and feeding of the mace, to include accompanying delegations of Members for a variety of activities, most recently to the funeral services for our late colleague Walter Capps.

Members new to the institution found Ed a willing and friendly source of information as they struggled to get a handle on the legislative process. Perhaps this is where we will miss Ed most of all.

The sense of loss we feel in Ed's retirement is tempered by the knowledge that a long-cherished dream is about to become a reality. Ed and his beloved wife Joan recently purchased a beautiful home on Maryland's Eastern Shore. Their two sons, Ron and Bobby, and their daughter Susan, along with their four grandchildren, are blocking off vacation time at this home as this tribute is being delivered tonight.

Ed leaves behind a career of dedication to this institution that will not be forgotten or easily duplicated. We join together today to wish him the very best, which is what he gave to us every day.

Ed, good fishing, good golfing, good luck, and, good God, please don't write a book.

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

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 1982 and 1983, 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 matter, 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-caucus 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 the institution of the House, and that is probably because he is dedicated to it and committed to it and loves this place. You can tell that when you talk to the other people who work around this body and how much they are going to miss Ed Nichols as he leaves to go to his chosen retreat on the Eastern Shore to fish and enjoy time with his family.

I came here 5 years ago, and he was the first person I noticed as I walked in for my first vote. He was the epitome of the dignity that I expected to find after having been honored by my constituents as they chose me to come and represent them. He is the person we looked toward as we walked onto the floor of the House for votes, who personified the traditions of this great place, the seriousness of this great institution, and the love that those of us who are committed to this House now 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, after I was sworn in, who 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.

So, Ed, I want to thank you form 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 came 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 every other 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 clearly 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 obviously 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.

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 of 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.

□ 2330

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 GINGRICH. 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 Godspeed.

Mrs. MORELLA. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentlewoman from Maryland.

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, when they have watched C-Span, they have called and said, who 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 where you lived, Ed. I really wanted 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, there is a statue of Will Rogers there 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 a new adventure.'' May you enjoy your adventure, because you certainly left an impact here. Thank you. Godspeed.

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 the staff, and I have great respect and particular appreciation for those who serve 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 Jo 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 very orderly and respectful 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 you enjoy your retirement in good 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,
Washington, DC, November 13, 1997.

Speaker NEWT GINGRICH,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Following is the list of Members I have 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.

CONSIDERING AS PASSED AND ADOPTED S. 1565, TECHNICAL CORRECTIONS TO NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT; S. 1559, CENTER FOR HISTORICALLY BLACK HERITAGE; S. CON. RES. 70, CORRECTING TECHNICAL ERROR IN ENROLLMENT OF S. 1026

Mr. THUNE. Mr. Speaker, I ask unanimous consent that the following measures be taken from the Speaker's desk and be considered as passed or adopted respectively:

S. 1565, to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act; S. 1559, to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University; and S. Con. Res. 70, to correct a technical error in the enrollment of the bill S. 1026.

The text of S. 1565 is as follows:

S. 1565

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

SECTION 1. TECHNICAL CORRECTIONS TO NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) ADJUSTMENT OF STATUS.—Section 202(a)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the matter preceding subparagraph (A), by striking ''Notwithstanding section 245(c) of the Immigration and Nationality Act, the'' and inserting ''The''; and

(2) in subparagraph (B)—

(A) by striking ''is otherwise eligible to receive an immigrant visa and''; and

(B) by striking ''(6)(A), and (7)(A)'' and inserting ''(6)(A), (7)(A), and (9)(B)''.

(b) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the matter preceding subparagraph (A), by striking ''Notwithstanding section 245(c) of the Immigration and Nationality Act, the'' and inserting ''The''; and

(2) in subparagraph (D)—

(A) by striking ''is otherwise eligible to receive an immigrant visa and'';

(B) by striking ''exclusion'' and inserting ''inadmissibility''; and

(C) by striking ''(6)(A), and (7)(A)'' and inserting ''(6)(A), (7)(A), and (9)(B)''.

(c) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as added by section 203(a)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended (1) in clause (i),in the matter preceding subclause (I), by inserting ''of this paragraph'' after ''subparagraph (A)''; (2) in clause (ii), by striking ''this clause (i),'' and inserting ''clause (i)''.

(d) TEMPORARY REDUCTION IN DIVERSITY VISAS.—Section 203(d) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in paragraph (1) by inserting ''otherwise'' before ''available under that section''; and

(2) in paragraph (2)(A)—

(A) by striking ''309(c)(5)(C)'' and inserting ''309(c)(5)(C)(i)''; and

(B) by striking ''year exceeds—'' and inserting ''year; exceeds''.

(e) TEMPORARY REDUCTION IN OTHER WORKERS' VISAS.—Section 203(e)(2)(A) of the Nicaraguan Adjustment and Central American Relief Act is amended by striking ''(d)(2)(A), exceeds—'' and inserting ''(d)(2)(A); exceeds''.

(f) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect upon the enactment of the Nicaraguan Adjustment and Central American Relief Act (as contained in the District of Columbia Appropriations Act, 1998); and

(2) shall be effective as if included in the enactment of such Act.

The text of S. 1559 is as follows:

S. 1559

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

SECTION 1. CONSTRUCTION OF A CENTER FOR REGIONAL BLACK CULTURE.

(a) FINDINGS.—Congress makes the following findings:

(1) Currently 500,000 historically important artifacts of the Civil War era and the early days of the civil rights movement 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, design, construction, furnishing, and equipping 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 be appropriated 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 expanded.

The text of Senate Concurrent Resolution 70 is as follows:

S. CON. RES. 70

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. 635f) is amended by striking 'until' and all that follows through 'but' and inserting 'until the close of business on September 30, 2001, but'.''.

LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND ACT

Mr. THUNE. Mr. Speaker, I ask further unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 156), to provide certain benefits of the Pick-Sloan Missouri River Basin Program to the Lower Brule Sioux Tribe, and for other purposes, and that the bill be considered as passed.

The text of S. 156 is as follows:

S. 156

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) under the Act of December 22, 1944, commonly known as the ''Flood Control Act of 1944'' (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Fort Randall and Big Bend projects are major components of the Pick-Sloan Missouri River Basin program, and contribute to the national economy by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(3) the Fort Randall and Big Bend projects overlie the eastern boundary of the Lower Brule Indian Reservation, having inundated the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Lower Brule Sioux Tribe and the homeland of the members of the Tribe;

(4) Public Law 85–923 (72 Stat. 1773 et seq.) authorized the acquisition of 7,997 acres of Indian land on the Lower Brule Indian Reservation for the Fort Randall project and Public Law 87–734 (76 Stat. 698 et seq.) authorized the acquisition of 14,299 acres of Indian land on the Lower Brule Indian Reservation for the Big Bend project;

(5) Public Law 87–734 (76 Stat. 698 et seq.) provided for the mitigation of the effects of the Fort Randall and Big Bend projects on the Lower Brule Indian Reservation, by directing the Secretary of the Army to—

(A) as necessary, by reason of the Big Bend project, protect, replace, relocate, or reconstruct—

(i) any essential governmental and agency facilities on the reservation, including schools, hospitals, offices of the Public

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) roads, bridges, and incidental matters or facilities in connection with those facilities;

(B) provide for a townsite adequate for 50 homes, including streets and utilities (including water, sewage, and electricity), taking into account the reasonable future growth of the townsite; and

(C) provide for a community center containing space and facilities for community gatherings, tribal offices, tribal council chamber, offices of the Bureau of Indian Affairs, offices and quarters of the Public Health Service, and a combination gymnasium and auditorium;

(6) the requirements under Public Law 87–734 (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;

(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 as a consequence of the failure of the Federal Government to fulfill the obligations of the Federal Government under the laws referred to in paragraph (4);

(8) the economic and 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 Basin 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 power program 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) FUNDING.—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 from the Program.

(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) PAYMENT OF INTEREST TO TRIBE.—

(1) ESTABLISHMENT OF ACCOUNT AND TRANSFER OF INTEREST.—The Secretary of the Treasury shall, in accordance with this subsection, transfer any interest that accrues on amounts deposited under subsection (b) into a separate account established by the Secretary of the Treasury in the Treasury of the United States.

(2) PAYMENTS.—

(A) IN GENERAL.—Beginning with the fiscal year immediately following the fiscal year during which the aggregate of the amounts deposited in the Fund is equal to the amount specified in subsection (b), and for each fiscal year thereafter, all amounts transferred under paragraph (1) shall be available, without fiscal year limitation, 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 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). The Secretary of the Treasury may only withdraw funds from the account for the purpose specified in this paragraph.

(C) PAYMENTS TO TRIBE.—The Secretary of the Interior shall use the amounts transferred under subparagraph (B) only for the purpose of making payments to the Tribe.

(D) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (C) only for carrying out projects and programs pursuant to the plan prepared under section 5.

(3) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this subsection may be distributed to any member of the Tribe on a per capita basis.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CULTURAL PRESERVATION.

(a) PLAN.—

(1) 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 section 4(d)(2). In developing the plan, the Tribe shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(2) REQUIREMENTS FOR PLAN COMPONENTS.—The plan shall, with respect to each component of the plan—

(A) identify the costs and benefits of that component; and

(B) provide plans for that component.

(b) CONTENT OF PLAN.—The plan shall include the following programs and components:

(1) EDUCATIONAL FACILITY.—The plan shall provide for an educational facility to be located on the Lower Brule Indian Reservation.

(2) COMPREHENSIVE INPATIENT AND OUTPATIENT HEALTH CARE FACILITY.—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)(1), determines to be—

(A) needed; and

(B) unavailable through facilities of the Indian Health Service on the Lower Brule Indian Reservation in existence at the time of the determination.

(3) WATER SYSTEM.—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 at Big Bend Dam and at other locations on the Lower Brule Indian Reservation in South Dakota.

(5) OTHER PROJECTS AND PROGRAMS.—The plan shall provide for such other projects and programs for the educational, social welfare, economic development, and cultural preservation of the Tribe as the Tribe considers to be appropriate.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this Act, including such funds 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 affecting—

(A) any right of the Tribe that is not otherwise addressed in this Act; or

(B) 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 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, 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 adopted; 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;

Whereas in pursuit of this goal, the United Nations set up a special multinational commission of experts to oversee the completion

of this task (the United Nations Special Commission—UNSCOM), and that task could and should have been 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 provision 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 hamper the work 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 to compel Iraqi compliance with United Nations Security Council resolutions, such military action should be undertaken with the broadest feasible multi-national 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) if it is necessary, however, 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 set up a special 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;

Whereas for 6½ years Iraq has pursued a policy of deception, lies, concealment, harassment, and intimidation in a deliberate effort to hamper the work 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 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

Mr. GILMAN. Mr. Speaker, I want to express my support for the resolution that our colleague, Mr. LANTOS, has introduced, and to commend him for his forthrightness on the issue of Saddam Hussein. I am pleased to cosponsor this bill. The current crisis with Iraq is, at its core, yet another effort by Saddam to evade sanctions and to isolate the United States from its allies.

It was decided by the member states of the United Nations, under the auspices of the U.N. Security Council, over 6 years ago, that the civilized world would no longer countenance Saddam's efforts to threaten the region and the world through chemical, biological, and nuclear means. Accordingly, UNSCOM was created to uncover and destroy Iraq's weapons of mass destruction.

The sanctions which followed were imposed upon Iraq to ensure its compliance, and were to remain in place until that capability no longer existed. However, the Iraqi regime has evaded UNSCOM's efforts at every turn, and UNSCOM inspectors have been harassed, intimidated, and deceived on a regular basis. It is testament to UNSCOM's persistence that progress in eliminating Iraq's capabilities has been made over the years. But Saddam's capabilities have not been completely eliminated.

It has become clear that Saddam Hussein's repeated refusal to permit American inspectors from participating in UNSCOM inspections cannot be allowed to stand. While all of us support resolving this latest crisis through diplomatic means, Saddam must know that force will be used, if necessary, to ensure that the U.N. Security Council resolutions are complied with.

The bill expresses the sense of the house supporting the use of force as a last resort to assure the destruction of Iraq's capability to produce and deliver weapons of mass destruction—preferably through a multilateral effort. However, the bill advocates unilateral action by the United States if necessary.

Saddam must know that our resolve is greater than his, and that we will not be swayed by our collective determination to eliminate his capability to create and inflict weapons of mass destruction upon his neighbors and the world. Accordingly, I urge our colleagues' support for this bill.

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.

OMITTED FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, NOVEMBER 12, 1997

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

HOUSE OF REPRESENTATIVES,
Washington, DC, November 11, 1997.

Hon. TOM RIDGE,
Governor, Commonwealth of Pennsylvania, Harrisburg, PA.

DEAR MR. GOVERNOR: This letter is to officially notify you of my resignation as United States Representative to the First District of Pennsylvania. President Clinton has given me the opportunity to continue my lifetime of public service by nominating me to be Ambassador to Italy, the nation of my heritage.

I thank the people of the First District for the opportunity to serve them, this country and this institution. It has been a great honor.

Thank you.

Sincerely,

THOMAS M. FOGLIETTA.

OMITTED FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, NOVEMBER 12, 1997, DURING CONSIDERATION OF H.R. 2709

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, the Iran Missile Proliferation Sanctions Act of 1997 is intended to close loopholes in our counterproliferation laws in order to address a matter of critical concern to our national security, the risk that Iran may soon obtain from firms in Russia and elsewhere the capability of producing its own medium and long-range ballistic missiles.

This legislation enjoys extremely strong support on both sides of the aisle. At last count, over 263 Members had asked to be listed as cosponsors, including both the Speaker, Mr. GINGRICH, and the Democratic leader, Mr. GEPHARDT. A companion measure in the Senate has 84 cosponsors, led by the Senate majority leader, Mr. LOTT, and by Mr. LIEBERMAN of Connecticut.

The urgency for this legislation is apparent from press reports. For more

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 are 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 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 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 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 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 have led the fight against the Chemical Weapons Convention.

Mr. Speaker, in the 1980's 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 example of its neighbors in Iraq and become the next threat to international stability. Accordingly, I urge my colleagues to join in support of this measure.

Mr. Speaker, the Iran Missile Proliferation Sanctions Act of 1997 is intended to close loopholes in our counter-proliferation laws in order to address a matter of critical concern to our national security—the risk that Iran may soon obtain from firms in Russia and elsewhere the capability to produce its own medium and long-range ballistic missiles.

This legislation enjoys extremely strong support on both sides of the aisle. At last count, 263 Members had asked to be listed as cosponsors, including both the Speaker, Mr. GINGRICH, and the Democratic Leader, Mr. GEPHARDT. A companion measure in the Senate currently has 84 cosponsors, led by the Senate Majority Leader, Mr. LOTT, and by Mr. LIEBERMAN of Connecticut.

Once implemented, this bill will help to stop the scourge of missile proliferation that directly threatens our troops and our allies throughout Europe and Asia. It will help the Administration in its efforts to stop Russian institutes and research facilities from assisting Iran's medium and long range missile program, and will defuse the growing Iranian missile threat in the Persian Gulf and the Middle East.

The urgency for this legislation is apparent from recent press accounts regarding the status of Iran's ballistic missile program. For more than a year, our government has been in a constant dialog with the Russian leadership on the issue of Russian assistance to the Iranian ballistic missile program.

On April 14 of this year in a letter to Senator MCCONNELL, the President assured the Congress that the Administration will ''continue to engage the Russians at the highest levels on this sensitive subject to prevent any transfer or cooperation inconsistent with Russian government policy and contrary to its assurances to us.''

However, several months—and many meetings—later, on September 11, State Department Spokesman Jim Foley noted that ''We're very concerned by reports indicating that Russian entitles may have provided * * * missile assistance to Iran. * * * While we appreciate * * * assurances [from the Russian government], we remain disturbed by the discrepancy between these assurances and reports of Russian firms cooperating with Iran.''

The meetings go on, more talks are scheduled, more summits are 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 produce its own ballistic missiles within less than a 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.

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-term economic relations with our own Nation. Under this legislation, firms that sell missile technology to Iran will be denied all arms export licenses, all dual use export licenses, and all U.S. foreign assistance for at least two years.

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 S. 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 JON 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 embracing 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

II which belonged to victims of the Holocaust, and for other purposes; to the Committee on International Relations.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 103. Joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

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. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

H.R. 1090. An act to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error.

H.J. Res. 91. Joint Resolution granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact.

H.J. Res. 92. Joint Resolution granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact.

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code.

H.R. 2813. 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 Corpsman in the Republic of Vietnam during the Vietnam conflict.

SINE DIE ADJOURNMENT

Mr. PEASE. Mr. Speaker, pursuant to Senate Concurrent Resolution 68, and as the designee of the majority leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with the provisions of Senate Concurrent Resolution 68, the Chair declares the 1st session of the 105th Congress adjourned sine die.

Thereupon (at 10 o'clock and 44 minutes p.m.), pursuant to House Concurrent Resolution 68, the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5913. A letter from the Assistant Secretary for Nuclear and Chemical and Biological Defense Programs, Department of Defense, transmitting the report on the Deep Digger program required by Senate Report 105–29; to the Committee on National Security.

5914. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's semiannual report on the activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking and Financial Services.

5915. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Technical Amendment to Definition of Deposits in Banks or Trust Companies [No. 97–38] (RIN: 3069–AA63) received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5916. A letter from the Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting Final Interpretations and Waivers——National Center or Centers for Research in Vocational Education, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

5917. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the notice of final interpretations and waivers—National Center or Centers for Research in Vocational Education, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

5918. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the notice of final regulations— Standards for Conduct and Evaluation of Activites Carried out by the Office of Educational Research and Improvement: Designation of Exemplary and Promising Programs, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

5919. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the notice of final eligibility and selection criteria—National Awards Program for Model Professional Development, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

5920. A letter from the Acting Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule— Prevailing Wage Policy for Nonagricultural Immigration Programs—received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5921. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting notification that no exceptions to the prohibition against favored treatment of a government securities broker or dealer were granted by the Secretary for the calendar year 1996, pursuant to 31 U.S.C. 3121 nt.; to the Committee on Commerce.

5922. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [IL158a; FRL–5900–3] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5923. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Michigan [MI38–01–6734; FRL–5884–1] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5924. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation Request, Maintenance Plan and Mobile Emissions Budget for the Richmond Ozone Nonattainment Area [VA062–5030 and VA080–5030; FRL–5921–3] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5925. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Comprehensive Guideline for Procurement of Products Containing Recovered Materials [SWH-FRL–5909–6] (RIN: 2050–AE23) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5926. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 98–15), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5927. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Ambassador Frank Wisner's report on the question of Russian-Iranian missile cooperation; to the Committee on International Relations.

5928. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled ''Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes,'' pursuant to Public Law 103—236, section 527(f); to the Committee on International Relations.

5929. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Federal Open Market Committee; Rules Regarding Availability of Information [Docket No. R–0983] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5930. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 1997, and the semiannual management report on the status of audit followup for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5931. A letter from the the Chief Administrative Officer, the U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 1997, through September 30, 1997 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 105—170); to the Committee on House Oversight and ordered to be printed.

5932. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report with respect to the ''Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,'' pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5933. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting the report on a hurricane and storm damage reduction project for the Lake Cataouatche area on the west bank of the Mississippi River in the vicinity of New Orleans, Louisiana, pursuant to Public Law 104—303, section 101(b)(11); (H. Doc. No. 105—171); to the Committee on

Transportation and Infrastructure and ordered to be printed.

5934. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R3000 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–87–AD; Amdt. 39–10193; AD 97–23–05] (RIN: 2120–AA64) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5935. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R3000 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–87–AD; Amdt. 39–10193; AD 97–23–05] (RIN: 2120–AA64) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5936. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland DHC–6 Series Airplanes (Federal Aviation Administration) [Docket No. 91–CE–45–AD; Amdt. 39–10197; AD 97–23–09] (RIN: 2120–AA64) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5937. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Colored Federal Airway Amber 15 (A–15); AK (Federal Aviation Administration) [Airspace Docket No. 96–AAL–14] (RIN: 2120–AA66) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5938. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Change Using Agency for Restricted Areas R–5107B and J, White Sands Missile Range, NM, and R–5111D, Elephant Butte, NM [Airspace Docket No. 97–ASW–15] (RIN: 2120–AA66) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5939. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Crescent City, Imperial County and Red Bluff, CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–18] (RIN: 2120–AA66) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5940. A letter from the Chairman, National Transportation Safety Board, transmitting the 1995 annual report of the Board's activities, pursuant to 49 U.S.C. 1904; to the Committee on Transportation and Infrastructure.

5941. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Certain Payments Made Pursuant to a Securities Lending Transaction [Notice 97–66] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5942. A letter from the United States Trade Representative, transmitting a draft of proposed legislation to modify the marketing of certain silk products and containers; to the Committee on Ways and Means.

5943. A letter from the Secretary of Energy, transmitting notification that the Department of Energy requires an additional 45 days to transmit the Implementation Plan for addressing the issues described in the Defense Nuclear Facilities Safety Board's Recommendation 97–2 concerning criticality safety, pursuant to 42 U.S.C. 2286d(e); jointly to the Committees on National Security and Commerce.

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 chapters 83 and 84 of title 5, 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–AG03) 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. GOSS: 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 reeducation camp internees are eligible for refugee status under the Orderly Departure Program; to the Committee on the Judiciary.

By Mr. BOYD:

H.R. 3038. A bill to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University; to the Committee on Resources.

By Mr. STUMP (for himself, Mr. EVANS, Mr. QUINN, and Mr. FILNER):

H.R. 3039. 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. 3040. A bill to monitor and analyze energy use, and conduct continuous commissioning in Federal buildings to optimize building energy system; to the Committee on Commerce.

By Mr. DIAZ-BALART:

H.R. 3041. A bill to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act; to the Committee on the Judiciary.

By Mr. KOLBE (for himself and Mr. PASTOR):

H.R. 3042. A bill 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; to the Committee on Education and the Workforce, 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. FRANKS of New Jersey:

H.R. 3043. A bill to amend section 485(f)(1)(F) of the Higher Education Act of 1965 to provide for the disclosure of all criminal incidents that manifest evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity, or disability; to the Committee on Education and the Workforce.

By Mr. MINGE:

H.R. 3044. A bill to amend the Internal Revenue Code of 1986 to provide that economic subsidies provided by a State or local government for a particular business to locate or remain within the government's jurisdiction shall be taxable to such business, and for other purposes; to the Committee on Ways and Means.

By Mr. KASICH (for himself, Mr. INGLIS of South Carolina, Mr. BOYD, Mr. GOSS, Mr. HOBSON, Mr. MILLER of Florida, Mr. HOEKSTRA, Mr. OBEY, and Mrs. THURMAN):

H.R. 3045. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Rules, and the Budget, 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. FOX of Pennsylvania (for himself, Mr. ABERCROMBIE, Mr. WELDON of Pennsylvania, Mr. RAMSTAD, Mr. SAXTON, Mr. GILMAN, Mr. KINGSTON, Mr. QUINN, Mr. SMITH of New Jersey, and Mr. BACHUS):

H.R. 3046. A bill to provide for financial assistance for higher education to the dependents of Federal, State, and local public safety 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. 3047. 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. 3048. 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 Treaty, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mrs. MEEK of Florida, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. WATT of North Carolina, Mr. HASTINGS of Florida, Ms. BROWN of Florida, and Ms. WATERS):

H.R. 3049. A bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 3050. A bill to establish procedures and remedies for the prevention of fraudulent and deceptive practices in the solicitation of telephone service subscribers, and for other purposes; to the Committee on Commerce.

By Mr. CUMMINGS (for himself and Mr. WYNN):

H.R. 3051. A bill to designate the Department of Veterans Affairs Medical Center located at 10 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. WATERS):

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 Miccosukee Tribe on the Tamiami Indian 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 Oregon, and Mr. YOUNG of Alaska):

H.R. 3056. A bill to provide for the preservation and sustainability of the family farm through the transfer of responsibility for operation and maintenance of the Flathead Indian Irrigation Project, Montana; to the Committee on Resources.

By Mr. HILL:

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. THURMAN, Ms. MCCARTHY of Missouri, Mr. CRAMER, Ms. FURSE, Mrs. MINK of Hawaii, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Ms. HOOLEY of Oregon, Mr. WYNN, Mr. KILDEE, Ms. ROS-LEHTINEN, Ms. VELAZQUEZ, Mrs. CLAYTON, Mr. WEYGAND, Mr. HAMILTON, Mr. TIERNEY, Mr. ALLEN, Mr. DIAZ-BALART, Mr. RODRIGUEZ, Mr. REYES, Mr. HINOJOSA, Mr. LAMPSON, Mr. GEJDENSON, Mr. BROWN of California, Mrs. MORELLA, Mr. QUINN, Mr. CAMPBELL, Mr. BRADY, Ms. GRANGER, Mr. PASCRELL, Mr. MENENDEZ, Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Massachusetts, Mr. CLAY, Mr. POSHARD, 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 kindergarten through 3d grade; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mr. ROMERO-BARCELO, Mr. REYES, Mr. SANDLIN, Mr. LAMPSON, Mr. CUMMINGS, and Ms. KILPATRICK):

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 code, to require 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. FILNER, Mr. GUTIERREZ, Mr. HINCHEY, Mr. OLVER, Mr. PALLONE, Mr. RUSH, Mr. SCHUMER, Mr. THOMPSON, Mr. TORRES, Mr. TOWNS, Ms. WATERS, and Mr. WATTS of Oklahoma):

H.R. 3060. A bill to amend the Consumer Credit Protection Act to protect consumers from inadequate disclosures and certain abusive practices in rent-to-own 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 stale 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. MCHALE, Mr. ENGLISH of Pennsylvania, Mr. MASCARA, and Mr. DOYLE):

H.R. 3062. A bill to require the provision of information sufficient for homebuyers and homweowners 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 bring on an airplane to 1 piece of carry-on baggage per passenger; to the Committee on Transportation and Infrastructure.

By Ms. LOFGREN:

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 90 days notice 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 5, United States Code, relating to labor-management relations; to the Committee on Government Reform and Oversight.

By Ms. MCKINNEY (for herself, Mr. CLYBURN, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON, and Mrs. CLAYTON):

H.R. 3068. A bill to provide that a State may use a proportional voting system for multiseat congressional 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. STUPAK, Ms. ESHOO, and Ms. DELAURO):

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 Commerce.

By Mr. PALLONE (for himself, Ms. JACKSON-LEE, Ms. MILLENDER-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. GEPHARDT, Mrs. MORELLA, Mr. CUMMINGS, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BONIOR, Ms. DELAURO, Mr. ENGEL, Ms. ESHOO, Mr. FARR of California, Mr. FAZIO of California, Mr. FILNER, Mr. FROST, Mr. GUTIERREZ, Mr. HINCHEY, Mr. LANTOS, Mr. MCDERMOTT, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. PAYNE, Ms. SANCHEZ, Mr. TOWNS, Ms. WATERS, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, and Ms. JACKSON-LEE):

H.R. 3072. A bill to amend title XIX 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. BILBRAY, Mr. CUNNINGHAM, Mr. FARR of California, Mr. FILNER, Ms. HARMAN, Ms. LOFGREN, Ms. ROYBAL-ALLARD, 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. CAMPBELL, Mr. BONO, and Mr. CONDIT):

H.R. 3073. A bill to prohibit certain oil and gas leasing activities on portions of the Outer Continental Shelf, consistent with the President's Outer Continental Shelf moratorium statement of June 26, 1990; to the Committee on Resources.

By Mr. RIGGS (for himself, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. FARR

of California, Mr. FILNER, Ms. HARMAN, Ms. LOFGREN, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Mr. HORN, Mr. LOBIONDO, Mr. MCDERMOTT, Mr. GILCHREST, Mr. KLUG, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Mr. SHERMAN, Ms. WOOLSEY, Mr. CAMPBELL, Mr. BONO, and Mr. PALLONE):

H.R. 3074. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on certain portions of the Outer Continental Shelf; to the Committee on Resources.

By Mr. ROGAN:

H.R. 3075. A bill to amend section 274 of the Immigration and 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. SANDLIN:

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. SANDLIN:

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. SAXTON:

H.R. 3079. A bill to amend the Internal Revenue Code of 1986 to remove the requirement of a mandatory beginning date for distributions from individual retirement accounts; 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, Mrs. MORELLA, Mr. MCCOLLUM, Mr. GEPHARDT, Mr. WAXMAN, Mr. CLEMENT, Mr. NADLER, Mr. HINCHEY, Mr. LEVIN, Mr. FORD, Mr. MEEHAN, Mr. DELLUMS, Mr. ENGEL, Mr. LEWIS of Georgia, Mr. LANTOS, Mr. OLVER, Mrs. LOWEY, Mr. ROMERO-BARCELO, Ms. CARSON, Mr. PALLONE, Mrs. KENNELLY of Connecticut, Mr. FILNER, Mr. REYES, Mr. GUTIERREZ, Mr. HASTINGS 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. CAMPBELL, 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 retirement savings 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 on Grilamid TR90; 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 equipment; 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 orsecondary schools to instruct prospective teachers and classroom teachers; to the Committee on Education and the Workforce.

By Ms. WOOLSEY (for herself, Mr. KILDEE, 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 childcare 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. BLILEY:

H. Con. Res. 196. 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. ARMEY, 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. KINGSTON, Mr. LAHOOD, 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 calling 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. MANTON, 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. KAPTUR, Mr. FRELINGHUYSEN, and Mr. BILIRAKIS):

H. Con. Res. 200. Concurrent resolution expressing the sense of the Congress that a series ofpostage 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 committeesof 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 concurrence 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. ARMEY:

H. Res. 331. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. BLAGOJEVICH (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. GEPHARDT (for himself, Mr. ENGEL, and Mr. PASCRELL):

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 actions taken by the Secretary of the Treasury and the United States Executive Directors at the international financial institutions to comply with the requirements of 1621 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. 45: Mr. HALL of Texas.
H.R. 51: Mr. JONES.
H.R. 59: Mr. CAMPBELL, Mr. STENHOLM, Mr. GOODE, Mr. DEAL of Georgia, Mr. BRYANT, and Mr. SMITH of Michigan.
H.R. 80: Mrs. TAUSCHER.
H.R. 135: Mr. ADAM SMITH of Washington.
H.R. 146: Mr. HALL of Texas.
H.R. 165: Mr. 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. 594: Mr. DEUTSCH 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. GEKAS.
H.R. 915: Mr. POSHARD.
H.R. 925: Ms. HOOLEY of Oregon and Mrs. TAUSCHER.
H.R. 983: Mr. ENGEL.
H.R. 991: Ms. HOOLEY of Oregon.
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. 1060: Mr. CLYBURN.
H.R. 1061: Mr. WOLF.
H.R. 1062: Mr. KASICH and Mr. ARMEY.
H.R. 1063: Mr. DUNCAN and Mr. JOHNSON of Wisconsin.
H.R. 1104: Mr. MEEHAN.
H.R. 1114: Mr. POMEROY, Mr. PALLONE, Mr. MOAN of Kansas, and Mr. MICA.
H.R. 1126: Mr. GOSS, Mr. MCINTOSH, Ms. BROWN of Florida, Mr. GILMAN, and Mr. SPRATT.
H.R. 1132: Mr. MALONEY of Connecticut.
H.R. 1151: Mr. ORTIZ.
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. BARRETT of Nebraska and Mr. MORAN of Kansas.
H.R. 1280: Mr. QUINN.
H.R. 1283: Mr. FRELINGHUYSEN 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. CAMPBELL.
H.R. 1356: Mr. DUNCAN.
H.R. 1375: Mrs. MCCARTHY of New York.
H.R. 1378: Mr. ROGAN.
H.R. 1415: Mr. GUTIERREZ, Mr. TORRES, Mr. BORSKI, Mr. WELDON of Pennsylvania, Mr. TIAHRT, Mr. YATES, and Ms. LOFGREN.
H.R. 1325: Mr. ACKERMAN.
H.R. 1507: Mr. LAMPSON and Mr. PAYNE.
H.R. 1521: Ms. HARMAN.
H.R. 1524: Mr. ENGEL.
H.R. 1531: Mr. PALLONE.
H.R. 1555: Mr. GUTIERREZ.
H.R. 1560: Mr. PAPPAS and Ms. HOOLEY of Oregon.
H.R. 1573: Mrs. MORELLA, Ms. DELAURO, Mr. FOLEY, Ms. KILPATRICK, and Ms. THURMAN.
H.R. 1608: Mr. SNYDER and Ms. HOOLEY of Oregon.
H.R. 1636: Mr. COSTELLO.
H.R. 1679: Mr. DELAHUNT.
H.R. 1689: Mr. BISHOP, Mr. VENTO, Mr. FRANKS of New Jersey, Ms. SLAUGHTER, and Mr. HERGER.
H.R. 1711: Mr. ORTIZ.
H.R. 1715: Mr. GOODLING.
H.R. 1736: Ms. SLAUGHTER and Mr. SHAYS.
H.R. 1742: Mr. BEREUTER.
H.R. 1749: Ms. KAPTUR.
H.R. 1761: Mr. MALONEY of Connecticut, Mr. BOYD, Mrs. MEEK of Florida, and Mr. MCINTYRE.
H.R. 1766: Mr. SMITH of New Jersey.
H.R. 1776: Mr. ENGEL.
H.R. 1786: Mr. FATTAH, Mr. CONYERS, Mr. COYNE, Mr. TALENT, Mr. BERMAN, Mr. RUSH, Ms. ESHOO, Mr. TORRES, Mrs. MORELLA, Mr. OWENS, Ms. BROWN of Florida, Ms. ROYBAL-ALLARD, Mr. WAXMAN, Ms. RIVERS, Ms. FURSE, and Mr. SANDERS.
H.R. 1788: Mr. ROTHMAN.
H.R. 1802: Mr. HASTINGS of Washington and Mr. HERGER.
H.R. 1807: Ms. FURSE, Ms. WOOLSEY, and Mr. DOYLE.
H.R. 1822: Mrs. TAUSCHER.
H.R. 1870: Mr. POSHARD, Ms. SANCHEZ, and Ms. HOOLEY of Oregon.
H.R. 1872: Mr. CRAPO, Mr. MANTON, Mr. SHIMKUS, Mr. PICKERING, Mr. MCINTOSH, Mrs. THURMAN, Ms. DELAURO, Mr. MCDERMOTT, Mr. LATOURETTE, and Mr. FRELINGHUYSEN.
H.R. 1891: Mr. TANNER.
H.R. 1984: Mr. PEASE.
H.R. 1987: Mrs. KENNELLY of Connecticut and Mr. THOMPSON.
H.R. 2004: Mr. MCGOVERN and Mr. SPRATT.
H.R. 2009: Mr. LAMPSON, Mrs. MCCARTHY of New York, Mr. TORRES, and Mr. KENNEDY of Rhode Island.
H.R. 2019: Mr. TIAHRT.
H.R. 2034: Mr. WATKINS.
H.R. 2088: Ms. FURSE.
H.R. 2090: Mr. CAMPBELL.
H.R. 2094: Mr. SAXTON and Mr. GILCHREST.
H.R. 2130: Mr. NADLER, Mrs. TAUSCHER, and Mr. MORAN of Virginia.
H.R. 2182: Mr. PRICE of North Carolina.
H.R. 2183: Mr. BARRETT of Wisconsin and Mr. GILCHREST.
H.R. 2186: Mr. CRAPO.
H.R. 2191: Mr. BARCIA of Michigan and Mr. CALVERT.
H.R. 2202: Mr. ENSIGN and Mr. DAVIS of Virginia.
H.R. 2211: Mr. MARTINEZ and Mr. ENGEL.
H.R. 2224: Mr. ENGEL.
H.R. 2228: Ms. SANCHEZ.
H.R. 2231: Mr. MCCRERY and Mr. HOEKSTRA.
H.R. 2275: Mr. THOMPSON.
H.R. 2290: Mr. ANDREWS, Mr. FORD, and Ms. KILPATRICK.
H.R. 2313: Mr. SANFORD.
H.R. 2321: Mr. TALENT and Mr. BARR of Georgia.
H.R. 2327: Mr. LIVINGSTON, Mr. TURNER, and Mr. LATOURETTE.
H.R. 2351: Mrs. JOHNSON of Connecticut and Mr. ACKERMAN.
H.R. 2365: Mrs. LOWEY, Mr. SCHUMER, and Mr. SERRANO.
H.R. 2374: Mrs. MCCARTHY of New York.
H.R. 2377: Mr. CRAMER and Mr. KIND of Wisconsin.
H.R. 2396: Ms. PELOSI.
H.R. 2397: Mr. STUPAK.
H.R. 2408: Mr. MCGOVERN.
H.R. 2431: Mr. POSHARD.
H.R. 2432: Mr. RAHALL.
H.R. 2438: Mr. ARMEY, Mr. SMITH of Oregon, Mr. DUNCAN, Mr. SHADEGG, and Mr. SENSENBRENNER.
H.R. 2450: Mr. LUTHER.
H.R. 2453: Mr. MORAN of Virginia.
H.R. 2454: Mr. MASCARA.
H.R. 2456: Mr. SANDLIN.
H.R. 2457: Mr. MASCARA.
H.R. 2459: Mr. SENSENBRENNER.
H.R. 2468: Mr. DEFAZIO, Mr. STOKES, Mr. HOLDEN, Mr. PAYNE, Mr. SANDERS, Mr. THOMPSON, and Mr. WYNN.
H.R. 2481: Mrs. CHENOWETH.
H.R. 2490: Mr. BARR of Georgia, Mr. CANNON, Mr. CHABOT, Mrs. EMERSON, Mr. GOODLING, and Mr. SCHIFF.
H.R. 2495: Ms. NORTON.
H.R. 2497: Mr. JONES, Mr. ENGLISH of Pennsylvania, Mr. COOK, Mr. REDMOND, Mr. ROEMER, and Mr. SMITH of Texas.
H.R.2499: Mr. BISHOP and Mr. CANNON.
H.R. 2500: Mr. PETERSON of Pennsylvania, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. TURNER, Mr. POMBO, Mr. PICKERING, Mr. WICKER, Mr. BILBRAY,
Mr. LATHAM, Mr. GALLEGLY, Mr. PEASE, Mr. LAMPSON, Mr. WYNN, Mr. SHAW, Mr. BLUMENAUER, Ms. DANNER, Mr. ENGLISH of Pennsylvania, Mr. MICA, Mr. HERGER, and Mr. WAMP.
H.R. 2503: Mr. DEUTSCH.
H.R. 2509: Mr. COYNE, Mr. TRAFICANT, and Mr. BISHOP.
H.R. 2517: Mr. GIBBONS, Mr. NORWOOD, Mr. FRANKS of New Jersey, Mr. DUNCAN, Mr. ENSIGN, Mr. GOODE, Mr. COBLE, Mr. REDMOND, Mrs. MYRICK, Mr. SCHUMER, Mr. BOB SCHAFFER, Mr. SCHIFF, and Mr. SHAYS.
H.R. 2519: Ms. MCCARTHY of Missouri.
H.R. 2525: Mr. OWENS, Ms. KILPATRICK, Mr. LEWIS of Georgia, and Ms. LOFGREN.
H.R. 2540: Mrs. MALONEY of New York.
H.R. 2545: Mr. GEJDENSON, Mrs. MEEK of Florida, Mr. STRICKLAND, Mr. HAYWORTH, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, Mr. GUTIERREZ, Mr. TORRES, and Mr. BARTLETT of Maryland.
H.R. 2565: Mr. BLILEY.
H.R. 2566: Mr. ENGEL.
H.R. 2568: Mr. FOLEY.
H.R. 2590: Mr. ROTHMAN.
H.R. 2593: Mr. SANDLIN, Mr. DAVIS of Illinois, Mr. COBURN, Mr. SPENCE, Mr. WEYGAND, Mr. COOK, and Mr. CHABOT.
H.R. 2596: Mr. BEREUTER, Mr. LUTHER, Mr. BARCIA of Michigan, and Mr. THOMPSON.
H.R. 2609: Mr. TAUZIN, Mr. THOMPSON, and Mr. RIGGS.
H.R. 2611: Mr. SHAW, Mr. HALL of Texas, Mr. RADANOVICH, Mr. PORTER, and Mr. PAPPAS.
H.R. 2625: Mr. CALLAHAN, Mr. ROHRABACHER, and Mr. MICA.
H.R. 2627: Mr. PICKETT, Mr. INGLIS of South Carolina, Mr. BARTLETT of Maryland, Mr. METCALF, and Mrs. FOWLER.
H.R. 2635: Mr. COSTELLO.
H.R. 2649: Ms. SLAUGHTER and Mrs. ROUKEMA.
H.R. 2650: Mr. ACKERMAN, Mr. KLINK, and Mrs. ROUKEMA,
H.R. 2671: Mr. THOMPSON.
H.R. 2678: Mr. PORTER.
H.R. 2693: Mr. BISHOP, Mr. THOMPSON, and Mr. ENGEL.
H.R. 2695: Mr. LEWIS of Georgia, Ms. HOOLEY of Oregon, and Mr. MARTINEZ.
H.R. 2704: Mr. ACKERMAN and Mr. WAXMAN.
H.R. 2713: Mrs. MALONEY of New York.

H.R. 2723: Mr. NEY.
H.R. 2733: Mr. DEUTSCH and Mr. ACKERMAN.
H.R. 2734: Mr. CRAPO and Mr. CRANE.
H.R. 2750: Mr. GOODLING.
H.R. 2755: Ms. NORTON and Mr. THOMPSON.
H.R. 2757: Mr. KIND of Wisconsin, Mr. KENNEDY of Rhode Island, Mr. LAMPSON, and Mr. GUTIERREZ.
H.R. 2760: Mr. SMITH of Oregon and Mr. MARTINEZ.
H.R. 2761: Mr. WAXMAN.
H.R. 2774: Mr. ABERCROMBIE, Mr. BARRETT of Wisconsin, Mr. BOEHLERT, Mr. CLAY, Mr. CONYERS, Mr. ENGEL, Mr. LEWIS of Georgia, Mrs. MORELLA, Mr. RANGEL, and Mrs. ROUKEMA.
H.R. 2777: Mrs. LOWEY.
H.R. 2779: Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. THOMPSON, and Ms. WOOLSEY.
H.R. 2786: Mr. BOB SCHAFFER.
H.R. 2796: Mr. HOSTETTLER, Mr. CUNNINGHAM, Mr. TAYLOR of North Carolina, and Ms. CHRISTIAN-GREEN.
H.R. 2797: Mr. FROST.
H.R. 2807: Mr. GALLEGLY.
H.R. 2818: Mr. VENTO.
H.R. 2820: Mr. ACKERMAN, Mr. SCHUMER, Ms. FURSE, Mr. THOMPSON, Mr. GREEN, Ms. SLAUGHTER, Mr. FROST, Mr. WEXLER, and Mr. HOLDEN.
H.R. 2826: Mr. THOMPSON and Mr. FORD.
H.R. 2827: Mr. BOB SCHAFFER.
H.R. 2828: Mr. KILPATRICK and Ms. KAPTUR.
H.R. 2829: Mr. BARCIA of Michigan, Mr. BENTSEN, Mr. BLILEY, Mr. COBURN, Mr. CONYERS, Mr. DELAHUNT, Mr. DELLUMS, Mr. FRELINGHUYSEN, Mr. GOODE, Ms. GRANGER, Mr. HAYWORTH, Mr. HEFNER, Mr. HOBSON, Ms. HOOLEY of Oregon, Ms. KAPTUR, Mrs. KENNELLY of Connecticut, Mr. LEVIN, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. NADLER, Mr. OWENS, Mr. PASTOR, Mr. PRICE of North Carolina, Mr. RAHALL, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SPRATT, Mr. WELDON of Pennsylvania, Mr. WISE, Mr. WYNN, Mr. KANJORSKI, and Mr. LEWIS of Georgia.
H.R. 2846: Mr. ISTOOK, Mr. ENSIGN, Mr. DICKEY, Mr. BACHUS, Mrs. CUBIN, Mr. HUTCHINSON, Mr. BOEHNER, Mr. CANADY of Florida, Mr. RIGGS, Mr. TALENT, Mr. HOEKSTRA, Mr. PETERSON of Pennsylvania, Mr. WELDON of Florida, Mr. MCINTOSH, and Mr. OWENS.
H.R. 2850: Mrs. THURMAN, Mr. SCHUMER, Mrs. MINK of Hawaii, Ms. FURSE, Mr. DEUTSCH, Ms. WOOLSEY, and Mrs. MALONEY of New York.
H.R. 2854: Mr. STARK, Mr. CLEMENT, Mr. MASCARA, and Mr. BOEHLERT.
H.R. 2864: Mr. PETERSON of Pennsylvania.
H.R. 2869: Mr. PETERSON of Pennsylvania.
H.R. 2870: Mr. HASTERT and Mrs. MALONEY of New York.
H.R. 2871: Mr. PETERSON of Pennsylvania.
H.R. 2873: Mr. PETERSON of Pennsylvania.
H.R. 2875: Mr. PETERSON of Pennsylvania.
H.R. 2877: Mr. PETERSON of Pennsylvania.
H.R. 2879: Mr. PETERSON of Pennsylvania.
H.R. 2881: Mr. PETERSON of Pennsylvania.
H.R. 2892: Mr. WALSH, Mr. BISHOP, Mr. SOUDER, and Mr. WOLF.
H.R. 2900: Ms. DEGETTE, Mr. ACKERMAN, and Ms. KILPATRICK.
H.R. 2905: Mr. FROST and Mr. PASCRELL.
H.R. 2912: Mr. TANNER, Mr. VISCLOSKY, and Mr. NEY.
H.R. 2921: Mr. BOEHNER, Mr. BOSWELL, Mr. DEFAZIO, Mr. PETRI, Mr. NUSSLE, Mr. BALLENGER, Mr. LATHAM, Mr. JONES, Mr. THORNBERRY, Ms. DANNER, Mr. CRAPO, Mr. LARGENT, Mr. CLYBURN, Mr. LATOURETTE, Mr. BEREUTER, and Mr. DICKEY.
H.R. 2922: Mrs. THURMAN, Mr. HUNTER, and Mr. LATOURETTE.
H.R. 2930: Mr. SPRATT, Mr. DAVIS of Illinois, Mr. EVERETT, Mr. KILDEE, Mr. TANNER, Mr. WATT of North Carolina, Mr. PRICE of North Carolina, Ms. VELAZQUEZ, Mr. MICA, and Mrs. MEEK of Florida.
H.R. 2936: Mr. LAHOOD.
H.R. 2938: Mr. CANADY of Florida, Mr. WEXLER, and Mr. WELDON of Florida.
H.R. 2939: Mr. PEASE and Mr. CAMPBELL.
H.R. 2942: Mr. BACHUS, Mrs. EMERSON, Mr. LATOURETTE, and Mr. MORAN of Kansas.
H.R. 2943: Mr. CANADY of Florida.
H.R. 2953: Mr. THOMPSON.
H.R. 2955: Mr. LEVIN.
H.R. 2960: Mr. SANDLIN, Mr. HALL of Texas, and Mr. THOMPSON.
H.R. 2973: Mrs. THURMAN and Mr. STENHOLM.
H.R. 2985: Mr. SENSENBRENNER and Mrs. THURMAN.
H.R. 2990: Mrs. MINK of Hawaii, Ms. SLAUGHTER, Mr. BURR of North Carolina, Mrs. LOWEY, Mr. PRICE of North Carolina, Mr. PASTOR, Mr. CLAY, and Mr. ENGEL.
H.R. 2992: Mr. HAYWORTH.
H.R. 3000: Mr. LIVINGSTON, Ms. DANNER, Mr. MANZULLO, and Mr. TANNER.
H.R. 3005: Mr. FILNER, Mr. FROST, Mr. SHAYS, and Mr. THOMPSON.
H.R. 3010: Mr. PORTER.
H.R. 3026: Mr. LOBIONDO.
H.R. 3027: Mr. PALLONE, Mrs. LOWEY, Mr. STARK, Mr. ACKERMAN, Ms. PELOSI, Ms. DEGETTE, Mr. MILLER of California, Mr. MCGOVERN, Mr. MEEHAN, Mr. OLVER, Mr. SERRANO, Mr. STOKES, Ms. NORTON, Mr. RUSH, Mr. DELAHUNT, Mr. MATSUI, Mr. YATES, Ms. WATERS, Mr. WEYGAND, Mr. KENNEDY of Massachusetts, and Mrs. MALONEY of New York.
H.R. 3028: Mr. KENNEDY of Massachusetts and Mrs. MALONEY of New York.
H.J. Res. 66: Mr. TORRES.
H.J. Res. 71: Mr. NEAL of Massachusetts and Mr. CALVERT.
H.J. Res. 78: Mr. PETERSON of Minnesota.
H.J. Res. 89: Ms. HOOLEY of Oregon.
H.J. 100: Mr. OLVER.
H.J. Res. 102: Mr. WAXMAN and Mr. DEUTSCH.
H. Con. Res. 19: Mr. CALVERT and Mr. YATES.
H. Con. Res. 27: Ms. CARSON, Mr. HILLIARD, and Mr. LANTOS.
H. Con. Res. 65: Mr. WHITE.
H. Con. Res. 106: Ms. NORTON.
H. Con. Res. 135: Mr. ENGEL.
H. Con. Res. 148: Mr. CALVERT.
H. Con. Res. 150: Mr. HILL.
H. Con. Res. 152: Mr. POSHARD
H. Con. Res. 160: Mr. BLUMENAUER.
H. Con. Res. 174: Ms. SLAUGHTER
H. Con. Res. 176: Mr. PORTER.
H. Con. Res. 181: Mr. ROTHMAN, Mr. DEUTSCH, Ms. HOOLEY of Oregon, Mr. HINCHEY, Mr. SCHUMER, and Ms. SLAUGHTER.
H. Con. Res. 182: Ms. SLAUGHTER.
H. Con. Res. 185: Mr. LEWIS of Georgia, Mr. GILMAN, Mr. FRANKS of New Jersey, Mr. SERRANO, Ms. SLAUGHTER, Mr. KING of New York, Mr. MINGE, Mr. HINCHEY, Mrs. MORELLA, Mr. OBERSTAR, Mr. MCGOVERN, and Mr. TIERNEY.
H. Con. Res. 187: Ms. STABENOW, Ms. LOFGREN, Mrs. MINK of Hawaii, Ms. SLAUGHTER, and Mr. DELAY.
H. Con. Res. 188: Mr. LEVIN.
H. Res. 37: Mrs. THURMAN, Mr. EVERETT, Mr. CANNON, and Ms. KAPTUR.
H. Res. 45: Mr. MALONEY of Connecticut.
H. Res. 83: Mr. KENNEDY of Massachusetts.
H. Res. 144: Mr. POMEROY, Mr. PAPPAS, and Ms. HOOLEY of Oregon.
H. Res. 211: Mr. HILLEARY and Mr. KLECZKA.
H. Res. 212: Mr. BURR of North Carolina, Mr. BAESLER, and Mr. GILCHREST.
H. Res. 224: Ms. STABENOW and Mr. STUPAK.
H. Res. 231: Mr. KENNEDY of Massachusetts.
H. Res. 246: Mr. DOYLE, Mr. TALENT, Mr. MARKEY, and Mr. LAZIO of New York.
H. Res. 251: Ms. NORTON, Mr. BONIOR, and Mrs. MALONEY of New York.
H. Res. 267: Mr. TAUZIN, Mr. KIM, Mr. LAZIO of New York, Mr. LAFALCE, Mr. BEREUTER, Mr. FOSSELLA, Mr. HOBSON, Mr. MCINNIS, Mr. HERGER, Mr. ISTOOK, Mr. ROHRABACHER, Mr. GINGRICH, Mr. LOBIONDO, and Mr. NEY.
H. Res. 279: Ms. DANNER, Mr. BARRETT of Wisconsin, Mr. DIAZ-BALART, Mr. FOLEY, and Mr. PASCRELL.
H. Res. 322: Mr. HAMILTON, Mr. FALEOMAVAEGA, Mr. MENENDEZ, Mr. FOLEY, and Mr. WAXMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2497: Mrs. JOHNSON of Connecticut.
H.R. 2697: Mr. DOGGETT.
H.R. 3000: Mr. RUSH.
H. Con. Res. 187: Mr. DOGGETT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

28. The SPEAKER presented a petition of the Essex County Board of Supervisors, Elizabethtown, New York, relative to Resolution No. 235 expressing strong opposition to Federal law requiring Canadian citizens to fill out visa forms before entering the United States; to the Committee on the Judiciary.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, THURSDAY, NOVEMBER 13, 1997 No. 160—Part II

Senate

TIME TO CLEAN UP AMERICA'S COAL-FIRED POWERPLANTS

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 icecaps. 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.*

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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1970, many of the old, dirty powerplants 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, unfair 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 by every nation in the world. If the United States can be the first to master these new engines of the future, we can also be the first to build and export them.

The challenge, Mr. President, is to find the 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. 1354, which is 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 not under the jurisdiction of a State commission as eligible recipients of universal service support.

Universal Service provides intercarrier support for the provision of telecommunications services in rural and high-cost areas throughout the United States. However, section 254(e) of the Communications Act states that only an eligible carrier designated under section 214(e) of the Communications Act, shall be eligible to receive specific Federal universal support after the FCC issues regulations implementing the new universal service provisions into the law. Section 214(e) does not account for the fact that State commissions in a few States have no jurisdiction over certain carriers. Typically, States also have no jurisdiction over tribally owned common carriers which may or may not be regulated by a tribal authority that is not a State commission per se.

The failure to account for these situations means that carriers not subject to the jurisdiction of a State commission have no way of becoming an eligible carrier that can receive universal service support. This would be the case whether these carriers are traditional local exchange carriers that provide services otherwise included in the program, have previously obtained universal service support, or will likely be the carrier that continues to be the carrier of last resort for customers in the area.

This simple amendment will address this oversight within the amendments made by the Telecommunications Act of 1996, and prevent the unintentional consequences it will have on common carriers which Congress intended to be covered under the umbrella of universal service support.

Mr. DASCHLE. Would this bill have any effect on the existing jurisdiction of State commissions over new or incumbent local exchange carriers, or providers of commercial mobile radio services?

Mr. McCAIN. No, this bill does nothing to alter the existing jurisdiction that State commissions already have 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 interest in this matter.

Mr. DASCHLE. I thank the Senator 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 do can repay the debt we owe them. But we must note that debt, recognize it and make certain 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 20 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, the 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. After completely destroying 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 inevitable 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 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

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 were they by 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 commitment to America's ideals and way of life that has been shown by so many brave young soldiers and sailors over the years.

We owe a debt to all these people for keeping our nation free and safe in a dangerous world. And we owe a continuing debt of gratitude to those today who serve, guarding our country, our homes and our freedom. Like all good things, freedom must be won again and again. I hope all of us will remember those, immigrants 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.

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 created a legacy that will long endure 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 in our State and working to end sex discrimination and break down long standing gender barriers. Through the years, her work in the legislature also carried over to other minority groups who found in Jean a voice, and a visionary willing to lead them on what was often a long, hard struggle for equal treatment under the law. Senior citizens, the disabled, single mothers, they were all important to Jean, and in turn, she helped make them important to each of us.

It was through working with Jean that I came to realize the importance of many of the issues that I have taken on in my own legislative career. Women'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 where Jean and I both cut 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 Legislator's Network, and 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 of Jean Ford are 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 would number 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, and 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.

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 commended 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.

Unfortunately, we had no hearings at all in 4 months—January, February, April or August—and none is anticipated in December. I repeat that we have never had a day go by this session without having a backlog of at least 20 judicial nominations awaiting a hearing. Even with the virtual frenzy of last-minute hearings, we will close the year with more than 30 nominees having never been accorded a confirmation hearing.

I acknowledge that the majority leader has allowed the Senate to proceed to confirm 13 judicial nominees in the last week, but that still leaves eight outstanding nominees on the Senate Calendar still to be considered.

I understand that Senator BOXER has received a commitment from the Republican leadership to proceed to consideration of the longstanding nomination of Margaret Morrow by the middle of February next year. I commend the Senator from California for achieving what appeared to be impossible, getting the Senate to debate this outstanding nominee. I deeply regret that we have not proceeded to debate and vote to confirm Margaret Morrow to the District Court for the Central District of California this year. Hers is the nomination that has been stalled before the Senate the longest, since June 12.

She has twice been reported to the Senate favorably by the Judiciary Committee. She has been unfairly maligned and her family and law partners made to suffer for far too long without cause or justification. Some have chosen to use her nomination as a vehicle for partisan political, narrow ideological, and conservative fund raising purposes. She deserved better treatment. The people of California deserved to have this nominee confirmed and in place hearing cases long ago. The wait can never be rectified or justified.

I hope that the Republican leadership will not require any of the other nominees currently pending on the calendar to remain hostage to their inaction. Ann Aiken was finally reported favorably by the Judiciary Committee earlier this month. Her nomination was first received in November 1995, 2 years ago. She had an earlier hearing in September 1996 and another last month. This is a judicial emergency vacancy that should be filled without further delay.

G. Patrick Murphy would be a much-needed addition to the District Court for the Southern District of Illinois. He

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 a judicial emergency that ought to be filled without delay.

Frederica Massiah-Jackson is a Pennsylvania State court judge. The Senate should move to consider her nomination without the months of delay that will ensue following adjournment.

As we enter the final hours of this session, the Senate has confirmed 36 of the President's 77 judicial nominations. 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 want to thank 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 many 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. When 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 Federal 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. Beaty, Jr., Judge Richard A. Paez, M. Margaret McKeown, Susan Oki Mollway, Margaret M. Morrow, Clarence J. Sundram, Ann L. Aiken, 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 year, I hope that the 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 are witnessing 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 that the Founders created 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 fulfil its constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing 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 confirmation 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 claims to have canceled section 642 pursuant to the authority delegated to him by Congress in the Line Item Veto Act. Under the Act the President is permitted to cancel in whole any dollar

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 government function, 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 would be reduced as a result of Federal employees shifting to FERS. Unfortunately for the President, these contributions do not represent a ''dollar amount of discretionary budget authority'' as defined by the Line Item Veto Act. Therefore those funds could not be canceled pursuant to that Act.

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 Budget Act. This was done deliberately, so that the cancellation authority provided by the Line Item Veto Act is part of a larger, established system of budgetary tools that Congress imposes on itself or has delegated to the President to control federal spending.

The Line Item Veto Act provides a detailed definition of what represents a ''dollar amount of discretionary budget authority.'' The definition specifically allows the President to cancel the ''entire dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included,'' which appears to be the definition which the President used to justify the cancellation of section 642. However, in doing so it appears that the President's advisors failed to realize that section 642 does not constitute ''budget authority'' as defined in section 3 of the Budget Act. That definition also applies to Part C of title X of the Budget Act, which as I mentioned is the Line Item Veto Act.

''Budget authority'' is defined in the Budget Act as ''provisions of law that make funds available for obligation and expenditure * * * borrowing authority * * * contract authority * * * and offsetting receipts and collections * * *.'' Section 642 does not make any funds specifically available, so it does not meet that definition of budget authority. Nor does it provide authority to borrow money or the authority to obligate funds for future expenditure. This means that in order to qualify as budget authority, the $854 million reduction in CSRS employee contributions the President purported to cancel using the Line Item Veto Act would have to be offsetting receipts.

Unfortunately for the President, his 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 clear and unambiguous. That is the reason for 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's understanding that prior to the attempted cancellation of section 642 that the President's own documents classified employee contributions to retirement accounts as governmental receipts that are counted as revenue and not offsetting receipts that offset budget authority and outlays?

Mr. DOMENICI. The Senator from Alaska is correct. In the President's Budget for Fiscal Year 1998 there is a proposal to increase employee contributions to both CSRS and FERS. This proposal is shown on page 317 of the Budget, in Table S–7 that shows the impact of tax relief provisions and other revenue measures, as an increase in governmental receipts. This same proposal is listed under ''miscellaneous receipts'' in Table 3–4 showing Federal receipts by source on page 59 of the Analytical Perspectives document that accompanied the FY 98 Budget. The fact that section 642 would have resulted in a reduction in employee contributions to CSRS does not alter their treatment under the Budget Act; they are still governmental receipts collected from employees through the government's sovereign powers and not offsetting receipts collected as a result of a business-like or market oriented activity.

Mr. STEVENS. I thank the Senator from New Mexico 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 limited to the cancellation 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 reach a dollar amount of discretionary budget authority provided in some other law that is not the one before the President. The Treasury and General Government Appropriations Act did not provide $854 million in discretionary budget authority for section 642, so that amount could not be rescinded under the terms of the Line Item Veto Act. The $854 million figure came from the President's estimates of the loss of employee contributions to CSRS government-wide. As we have explained above that loss is not budget authority, so it cannot be canceled. But even if it were, the President could not reach dollar amounts of discretionary budget authority government-wide unless the dollar amount of budget authority needed government-wide was provided in the specific appropriations law before him.

As the definition of cancel in section 1026 of the Budget Act clearly states, in the case of a dollar amount of discretionary budget authority the term ''cancel'' means ''rescind''—a term which itself has a long history in congressional-executive branch relations. The recission of budget authority in a specific law does not change the operative effect of a general provision in that specific law with respect to budget authority provided in another law. As the statement of managers accompanying the Line Item Veto Act makes clear, the delegated authority in the Act does not permit the President to strike out or rewrite the law. It merely allows him discretionary authority to close the doors to the Federal Treasury and refuse to spend funds appropriated by Congress in that particular law.

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 distinction recognizes that provisions of law that result in new direct spending may not actually provide budget authority that can be canceled 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 enacted years before. Such provisions create a legal obligation or right that may be exercised in the future, 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 specific provision of law that applies to budget authority provided in a law other than the appropriations law the provision is in, then he may only do so if that provision is new direct spending under the Line Item Veto Act.

Section 642 is not an ''item of new direct spending'' as defined in section 1026 of the Budget Act because it results in savings to the government

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 delegated authority by 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. Issues that should 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 every State of 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, I am disappointed 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, but it 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 subsidy race that the U.S. 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 a long winter. 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. 1507. An act to amend the National Defense Authorization Act for Fiscal Year 1998 to make certain technical corrections.

S. 1519. An act to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing 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.''

S. Con. Res. 62. Concurrent resolution authorizing of the brochure entitled ''How Our Laws Are Made.''

S. Con. Res. 63. Concurrent resolution authorizing printing of the pamphlet entitled ''The Constitution of the United States of America.''

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. An act to make technical corrections to title 11, United States Code, and for other purposes.

H.R. 2440. An act to make technical amendments to section 10 of title 9, United States Code.

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.

H.R. 2979. An act to authorize acquisition of certain real property for the Library of Congress, and for other purposes.

H.J. Res. 95. Joint resolution granting the consent of Congress to the Chickasaw Trail Economic Development Compact.

H.J. Res. 96. Joint resolution granting the consent and approval of Congress for the States of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Transit Regulation Compact.

The message also announced that the House 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

Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease.

The message further announced that the House agrees to the amendments of the Senate to 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, with amendments, in which it requests the concurrence of the Senate.

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 SIGNED

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 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. 923. 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. 1258. 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 veterans 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. 2813. 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 Corpsman in the Republic of Vietnam during the Vietnam conflict.

H.J. Res. 91. Joint resolution granting the consent of Congress to the Apalachicola-Chattahooche-Flint River Basin Compact.

H.J. Res. 92. Joint resolution granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact.

The enrolled bills and joint resolution were signed subseqently by the 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. 867) to promote the adoption of children in foster care, with an amendment, in which it requests the concurrence of the Senate.

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. 1228. 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, furnishing and equipping of a Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes.

S. 1505. An act to make technical and conforming amendments to the Museum and 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, with an amendment, in which it requests the concurrence of the Senate:

S. 731. An act to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate numbered 1–60, 62, and 63 to the bill (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, 364, and 18–R before the Indian Claims Commission; and that the House disagrees to the amendment of the Senate numbered 61 to the said bill.

At 3:54 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 103. Concurrent resolution concerning the situation in Kenya.

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.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 476. An act to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

At 6:25 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 196. Concurrent resolution to correct the enrollment of the bill S. 830.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2796. An act 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.

H.R. 3034. An act 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, 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 amendment 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 received from the House of Representatives 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 from the United States to Stanislaus County, California; to the Committee on Commerce, Science, and Transportation.

H.R. 404. 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 needed for use for a law enforcement or 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 town of Jemez Springs, New Mexico; to the Committee on Energy and Natural Resources.

H.R. 764. An act to make technical corrections to title 11, 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 Environment and Public Works.

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 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. 1534. 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 Federal 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 rebuilt vehicle; to the Committee on Commerce, Science, and Transportation.

H.R. 2232. 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 internationally adopted children 10 years of age 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 repeal certain agricultural research, extension, and education programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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; to the Committee on Foreign Relations.

H.R. 2535. An act to amend the Higher Education Act of 1965 to allow the consolidation of student loans under the Federal Family Loan Program and Direct Loan Progam; to the Committee on Labor and Human Resources.

H.R. 2616. An act to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools; to the Committee on Labor and Human Resources.

H.R. 2920. An act to amend the Illegal Immigration Reform and Immigration Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system; to the Committee on the Judiciary.

The following measures were read and referred as indicated:

H. Con. Res. 130. Concurrent Resolution 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.

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. 699. 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. 923. 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. 1258. 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.

REPORTS OF COMMITTEE

The following reports of committee were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998'' (Rept. 105–155).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 569: A bill to amend the Indian child Welfare Act of 1978, and for other purposes (Rept. No. 105–156).

By Mr. SPECTER, from the Committee on Veterans Affairs, without amendment:

S. 464: A bill to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error (Rept. No. 105–157).

S. 999: A bill to specify the frequency of screening mammograms provided to women veterans by the Department of Veterans Affairs (Rept. No. 105–158).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1172: A bill for the relief of Sylvester Flis.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, 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 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)

Capt. Henry G. Ulrich, III, 0000

(The above nomination was reported with the recommendation that he be confirmed.)

By Mr. HATCH, 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. 1526. A bill to authorize an exchange of land between the Secretary of Agriculture and Secretary of the Interior and the Big

Sky Lumber Company; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 1527. A bill to encourage and to assist in the permanent settlement of all litigation and other claims to the waters of the Walker River Basin and to conserve and stabilize the water quantity and quality for fish habitat and recreation in the Walker River Basin, consistent with the Walker River Decree issued by the United States District Court for the District of Nevada; to the Committee on Energy and Natural Resources.

By Mr. ROBB:

S. 1528. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide for the equitable waiver of certain limitations on the election of survivor reductions of Federal annuities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. WYDEN, Mrs. FEINSTEIN, and Mr. TORRICELLI):

S. 1529. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

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 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; read the first time.

By Ms. SNOWE:

S. 1531. A bill to deauthorize certain portions of the project for navigation, Bass Harbor, Maine; to the Committee on Environment and Public Works.

S. 1532. A bill to amend the Water Resources Development Act of 1996 to deauthorize the remainder of the project at East Boothbay Harbor, Maine; to the Committee on Environment and Public Works.

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.

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.

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.

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.

By Mr. CHAFEE:

S. 1537. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 2-{{1-{{(2,3-dihydro-2-oxo-1H-benzimidozal-5-yl) amino}; to the Committee on Finance.

By Mr. SANTORUM:

S. 1538. 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 purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE:

S. 1539. A bill to suspend until December 31, 2002, the duty on N-{4-(Aminocarbonyl)phenyl}4-{{(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)amino) carbonyl}-2-oxopropyl}azo}benzamide; to the Committee on Finance.

S. 1540. A bill to suspend until December 21, 2002, the duty on Butanamide, N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-2-{{-(trifluoro-methyl)phenyl}azo}-; to the Committee on Finance.

S. 1541. A bill to suspend until December 31, 2002, the duty on 1,4 - Benzenedicarboxylic acid, 2 - {{1 - {{(2,3-dihydro - 2-oxo-1H-benzimidazol-5 - yl)amino carbonyl}-2-oxopropyl}azo}-,dimethyl ester; to the Committee on Finance.

S. 1542. A bill to suspend until December 31, 2002, the duty on Butanamide, 2,2′-{1-2,-ethanediylbis(oxy - 2,1-phenyleneazo) }bis{N-(2,3 - dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-; to the Committee on Finance.

S. 1543. A bill to suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-chloro-2-{{5-hydroxy-3-methyl-1-(3 - sulfophenyl) - 1H-pyrazol-4-yl}az0}-5-methyl-.calcium salt (1:1); to the Committee on Finance.

S. 1544. A bill to suspend until December 31, 2002, the duty on 4 - {{5- {{{4-(Aminocarbonyl)phenyl} amino}carbonyl} -2-methoxyphenyl}azo} - N - (5- chloro-2, 4-dimethozyphenyl) - 3-hydroxynaphthalene-2-carboxamide; to the Committee on Finance.

S. 1545. 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. 1546. A bill to suspend until December 31, 2002, the duty on Butanamide, 2,2′ - {3,3′-dichloro{1,1′ - biphenyl}-4,4′ - diyl)bis(azo)}bis{N - (2,3-dihydro - 2-oxo-1H-benzimidazol-5yl)-3-oxo; to the Committee on Finance.

S. 1547. A bill to suspend until December 31, 2002, the duty on Butanamide, N,N′-(3,3′dimethyl{1,1′-byphenyl}-4,4′-diyl)bis{2,4-dichlorophenyl) azo}-3-oxo-; to the Committee on Finance.

S. 1548. A bill to suspend until December 31, 2002, the duty on N-(2,3- Dihydro-2-oxo-1H-benzimidazol-5-yl)-5-methyl-4-{(methylamino) sulphonyl} phenyl}azo}naphthalene-2-carboxaminde; 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-1H-benzimidazol-5-yl) amino}carbonyl}-2-hydroxyl-1-naphthalenyl}azo}-, butyl ester; to the Committee on Finance.

S. 1550. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 4-{{(2,5-dichlorophenyl)amino}carbonyl}-2-{{2-hydroxy - 3-{{(2 - methoxyphenyl) amino}carbonyl}-1-naphthalenyl}-,methyl ester; to the Committee on Finance.

By Mr. TORRICELLI:

S. 1551. A bill for the relief of Kerantha Poole-Christian; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 1552. A bill to provide for the conveyance of an unused Air Force housing facility in La Junta, Colorado, to the City of La Junta; to the Committee on Armed Services.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1553. A bill to amend the Marine Protection, Research, and Santuaries 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.

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.

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.

By Mr. LEAHY:

S. 1556. A bill to improve child nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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.

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.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1559. A bill to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University; considered and passed.

By Mr. FAIRCLOTH:

S. 1560. 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.

By Mr. WARNER:

S. 1561. A bill to reform the conduct of Federal elections; to the Committee on Rules and Administration.

By Mr. BAUCUS:

S. 1562. A bill to authorize an exchange of land between the Secretary of Agriculture and Secretary of the Interior and Big Sky Lumber Co; to the Committee on Energy and Natural Resources.

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.

By Mr. D'AMATO:

S. 1564. A bill to provide redress for inadequate restitution of assets siezed by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes; considered and passed.

By Mr. ABRAHAM:

S. 1565. A bill to make technical corrections to the Nicaraguan Adjustment and

Central American Relief Act; considered and passed.

By Mr. THURMOND:

S. 1566. 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. BREAUX:

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 flunitrazepam 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.

By Mr. LOTT:

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 sine die 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 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 land 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. These 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 BAUCUS and Congressman HILL and completing the original act of 1993 in the next session of Congress.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. WYDEN, Mrs. FEINSTEIN, and Mr. TORRICELLI):

S. 1529. A bill to enhance Federal enforcement of hate crimes, and 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. So it 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 of Women Legal Defense Fund, 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 understate 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 violence 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 do 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 punish racial 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 gays and lesbians.

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 resources for programs specifically targeted at preventing hate crimes.

Finally, the bill addresses the growing problem of adults who recruit juveniles to committee hate crimes. In Montgomery County, Tennessee, a white supremacist founded a hate group known as the ''Aryan Faction,'' and recruited new members by going into local high schools. The group then embarded on a violent spree of firebombings and arsons before being apprehended. Hate crimes disproportionately involve juveniles, and the bill directs the Sentencing Commission to study this problem and determine appropriate additional sentencing enhancements for adults who recruit juveniles to commit hate crimes.

The structure of this bill 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. Combating hate crimes has always been a bipartisan issue in the Senate. The Hate Crimes Statistics Act has overwhelming bipartisan support, and it was extended last year by a unanimous vote. The Hate Crimes Sentencing Enhancement Act was enacted in 1994 by a 92–4 vote in the Senate.

The bill we are introducing today is the next step in our bipartisan effort to combat hate violence. This bill is an essential part of the battle against bigotry, and I urge the Senate to give high priority when Congress returns to session in January.

Mr. WYDEN. Mr. President, I am pleased to join my colleagues, Senators KENNEDY and SPECTER, in introducing a bill that will make it clear that this country will no more tolerate violence directed at gays, women, or people with disabilities. This legislation will end the bizarre double standard which says that hate crimes motivated by one sort of prejudice are a Federal crime, while those motivated by other biases are not. It will assure that every American who becomes a victim of a hate crime has equal standing under Federal law, because hatred and violence are always wrong.

This bipartisan bill is based on a common conviction that this country still has work to do in rooting out hatred, prejudice and the violence they generate. Hate crimes—the threat or use of force to injure, intimidate or interfere with another person solely because of the person's race, color, religion or national origin—cannot be tolerated in our society. That point has already been enshrined in law and passage of the Hate Crimes Statistics Reporting Act in 1990, followed by the Hate Crimes Penalty Enhancement Act in 1993 and the 1996 resolution condemning church burnings.

Our bill simply seeks to offer the same protection to victims of gay bashing, woman beating and crimes against people with disabilities that has already been offered to victims of bias crimes based on racial and ethnic discrimination.

Today, the perpetrator who hurls a brick at someone because he is Asian-American can be prosecuted under Federal law. The one who attacks gay men to ''teach them a lesson'' cannot. The perpetrator who burns a black church or defaces a synagogue can be prosecuted under Federal law. The one who targets people in wheelchairs or blind people cannot. This legislation would erase that double standard from the books. Hate crimes are all the same, and they are never acceptable.

I urge my colleagues to join us in moving forward with this important legislation when we return here next year.

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 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; read the first time.

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.

TEENS AND TOBACCO USE

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 that up to 70% 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 Chaloupa, a renowned researcher who has spent the last decade studying the effect of prices 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 10th 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, perhaps 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 as Chairman of the Judiciary Committee is 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 as addictive as heroin or cocaine.

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, cigarettes were responsible for almost 23% 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 note 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 as illicit drugs.

CURBING 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 are 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 future; and the addictive nature of tobacco products.

The 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 keep a teen from smoking, we may very well be keeping an adult from smoking. The important thing to keep in mind 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 teen 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, whereas 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 on the effect of advertising in terms of getting kids to start smoking. Movies, TV and peer pressure seem to be key factors, but kids deny that.

These facts lead me to conclude that it is in the national interest for us to undertake a campaign which will discourage the advertising of tobacco products to children and youth. In so doing, however, we must be mindful of 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 teen smoking. However, the U.S. has never had a national counter-advertising campaign.

Restrictions on youth access are also an important part of the no-teen-smoking equation. While there is not a solid 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 the home.

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 hypocritical 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. Most of these suits, but not all, were based on the fact that the States' Medicaid costs were rising dramatically because of the costs of treating unhealthy smokers.

Subsequent to those suits, negotiations began with the tobacco industry, the AGs, a representative from the public health community, and the litigants from a large class-action tobacco suit, the Castano suit.

As some of my colleagues may be aware, Mrs. Castano is the lead plaintiff in the first class action lawsuit filed against the tobacco company in March 1994. She has testified before our Committee in favor of the proposed settlement and has presented a very compelling story.

Quite simply, Mrs. Castano related to us that her goal is to raise the public awareness about the power of nicotine. She told the Committee she believes that if the proposed agreement's health provisions were enacted, it would have prevented her husband's death. Peter Castano began smoking at 14, attempted to quit numerous times, and died of lung cancer at the age of 47 after smoking 33 years.

Mrs. Castano's legal team organized 64 law firms with individual pending cases and combined them into a large class eventually representing 60% of smokers, and this large class was had a place at the negotiation table.

Many of us watched the progress of those negotiations as we would watch a cliff-hanger sports event. We wanted a victory, but we couldn't believe our team could come from behind and win.

On June 20, those Attorneys General, led by Mississippi General Mike Moore, who had brought the first suit, made a dramatic announcement that a settlement had been reached. Six days later, the Senate Judiciary Committee held the first of the 16 congressional hearings that have been held thus far, during which we heard testimony from the tobacco industry, the State Attorneys General, and the public health community.

The settlement, which was ratified by the five major tobacco companies and which must have many of its provisions approved by Congress through implementing legislation, offers our Nation a once-in-a-generation opportunity to reduce teen smoking and to undertake a major anti-tobacco, anti-addiction initiative never before thought possible.

At this point, it would be useful to give a brief summary of the proposal which has been submitted to the Congress.

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 banned 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. The FDA 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. If not successful, penalties may be assessed against the tobacco companies up to $2 billion a year.

In return, future class-action lawsuits involving tobacco company liability would be banned. This would settle suits 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. Current 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), punitive damage awards would be banned. Nevertheless, claimants could seek punitive damages for conduct taking place after the settlement is adopted and implementing legislation is passed.

That 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 serious new national war on tobacco by implementing certain liability reforms in exchange for enhanced FDA regulation, substantial industry payments, and, in short, a new national commitment.

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 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 third hearing, the Committee 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: First, 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 provision 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 Congress has the wherewithal to 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 Administrations spanning 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 inconceivable to those of us in the public health community that this nation's single most preventable cause of death is also its least regulated.

They continued:

> As past Surgeons 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 has as its goal 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 for us to approve the 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 engender 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 all 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 also 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 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, we should keep 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-tobacco, 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 oversight of 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 will be devoted toward a National Institutes of Health Trust Fund for biomedical research, similar to the legislation drafted by our colleagues Senator Connie 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, I have also made State 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 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 their past reprehensible marketing of tobacco. It will significantly enhance research related to diseases associated with tobacco use, such as cancer, lung, cardiovascular and stroke—similar to Mack-Harkin. This fund would provide an additional $95 billion for biomedical research, a goal which clearly must rank at the top of our national agenda in this day of ever-emerging medical discoveries.

In earlier versions of this legislation, I had considered making these punitive damages not tax-deductible. However, upon further reflection about the precedent this would set in tax law, and the fact that the June 20 proposal was intended to be tax deductible, the bill I am introducing today does not contain that provision at this time.

Fifth, my legislation contains a substantial new program to enhance significantly Indian health care efforts, particularly related to tobacco use. This provision will be funded at $200 million per year.

Sixth, significant new funding is provided to States for anti-smoking, anti-addiction efforts. States will receive $186 billion directly. These funds will be allocated based on the agreement of the State attorneys general. States will be able to use whatever portion of the funds that would have been attributable to their State Medicaid match with no strings whatsoever. The portion that would be attributable to the Federal Medicaid match must be used for delineated health-related anti-tobacco programs. None of these funds are considered to be part of the Medicaid program, however. The Federal anti-tobacco program, administered by HHS, will provide an additional $92 billion to States, half of which will be administered through a block grant program.

Seventh, in a departure from the AG's agreement and the FDA rule, which regulates tobacco as a restricted medical device, the bill treats tobacco products as their own class and as unapproved drugs. However, the bill provides the FDA with substantial new authority over tobacco products, including 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.

Eighth, 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 abate 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-tobacco 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 subrogation law. 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 $398.3 billion in the Trust Fund. Of this amount, $303 billion reflects settlement for compensatory damages and $95 billion for the settlement of punitive damages for bad acts of the tobacco industry prior to the legislative settlement of the claims.

These amounts are deposited into two accounts: a state account 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. Four members are 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.

Basically, the Protocol establishes restrictions on advertising by industry and includes general and specific restrictions, format and content requirements for labeling and advertising, and sets a ban on nontobacco items and services, contents and games of chance, and sponsorship of events.

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 between these parties, 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 is no longer afforded. The restrictions 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 I stated, the restrictions were placed in the Protocol because current statutory restrictions on tobacco advertising contained in a FDA final rule, and in other proposed legislation, 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, I have made the restrictions contractual. 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, the wisest and 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 may be banned if it advertises 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 *44 Liquormart, Inc.* v. *Rhode Island*, 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, nonmisleading commercial messages for reasons unrelated to the preservation of a fair bargaining process'' will be subject to a stricter review than a 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 it accords to commercial speech. If this trend continues, a court is more likely to find that restrictions on tobacco—a legal product—is 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 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 fees are to 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 restrictions, and the obligation to make 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 consent decree, 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. It is 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:

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 immune from such class action claims 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.

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 that future liability.

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.

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 nonsignatories—such as 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.

FDA JURISDICTION OVER TOBACCO PRODUCTS

It is may surprise some in this body to learn that the current provision in food and drug law that established the efficacy standard for drugs was enacted in 1962 through Judiciary Committee leadership when Senator Kefauver was chairman.

As the current chairman of the committee, I has great reservation about embarking down a path that appears to turn the world upside down and gut the normal safety and efficacy 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 help patients—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 equate the treatment of cigarettes with 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 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.

Frankly, I am of the school that unfettered FDA authority is a bad idea. As a conservative, the notion of giving any Federal agency unfettered authority is a not a good idea.

Anyone who argues for the principle of unfettered FDA authority apparently has not ever read FDA's organic statute, the Federal, Food, Drug, and Cosmetic Act. This important law has its origins in the 1906 Pure Food and Drugs Act safeguards our Nation's supply of food, drugs, cosmetic, medical and radiological devices. My version of this law contains 254 pages of ''fetters'' on the FDA. And this does not even include the many pages of additional ''fetters'' placed on FDA in the Public Health Service Act provisions relating to the regulation of biologicals.

Frankly, I am not sure that many other executive agencies have as many fetters placed upon it as FDA. And that is a good thing. FDA performs such critical public health missions as approving new drugs and medical devices.

In a democratic society it is only reasonable to expect that the American public—which has some much at stake with respect to FDA's decisions—will require its elected representatives to watch closely what FDA is doing and enact legislation that will improve the efficiency of its operations.

Just this last Sunday, Congress completed its latest exercise in fettering the FDA when this Senate passed, and passed by a unanimous voice vote I must add, the FDA Modernization Act of 1997. This bill takes up fully 22 pages in the CONGRESSIONAL RECORD.

So if anyone is under the false impression that ''unfettered FDA authority'' is the norm, I would only invite them to read the statute and its latest modification.

The Congress would not, and should not, pass a bill that says in essence that FDA has unfettered authority over tobacco any more than we would pass laws that said that FDA has plenary, unfettered power over drugs and devices.

As I said earlier, the real question tobacco products is not if but what precise authority we give FDA over these products.

I think that Attorney General Mike Moore got it right as when he told several Senate Committees that all he asked from the public health community is to be told exactly how tobacco should be regulated.

There was no intent by the Attorney Generals, the Castano plaintiffs group, the public health representatives to act to undermine FDA's ability to regulate tobacco. For that matter, we must recognize that, even while they were, and are, litigating the issue of FDA authority in the Federal courts, the industry negotiators made unprecedented concessions in terms of FDA's authority in the June 20 agreement.

It is possible, as many legal experts believe, that the Fourth Circuit Court will rule that FDA does not have the authority to regulate tobacco.

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 the environment 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 laws.

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.

Call it what it is: 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 FDC statute by the two new prohibited acts that S. 1530 creates in section 301 of the act. It will be against 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 proposed chapter IX includes many tough provisions including, tobacco product health risk management 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 that will advise the Secretary 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 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 legislation is always 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 not constrained by 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 approach is preferable than to continue to stretch a perhaps already overstretched statute.

If any in this body believe that my proposal falls short, I hope they will tell me how. If some believe it is too lenient here 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 public health community 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 toward providing 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 $1.50.

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 predicates payments upon a Federal licensing fee, I estimate that when fully phased in year six, cigarette prices will go up an additional $1.09 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 increases 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 the settlement negotiations.

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 grants 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 twofold for Indian men and more than fourfold 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 some parts of the 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, in the context 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 reservation.

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 treated as States 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 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 public health payments in order to carry out the provisions 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 and result in a disproportionate allocation of limited IHS dollars for tobacco related illnesses.

Accordingly, my bill establishes a supplemental fund for the IHS to augment its program mission of providing 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 intend to work closely with 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. This bill contains a program 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.

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. If 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 60's-era left-leaning initiatives. 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 the 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 on the Hatch web page 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 308 pages, I think this is the most efficient way to make it available to the public. And, as I just said, I welcome suggestions.

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 ANALYSIS

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 30% 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.

TITLE I—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 $398 billion, of which $95 billion are considered punitive damages and will be used to fund a biomedical research trust fund.

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 will be advised by a board composed of the Trustees and representatives of State attorneys general, public health experts, the Castano plaintiffs, and the tobacco industry. The initial $10 billion down payment from the tobacco industry, the continued annual payments, and any look-back or surcharge payments or penalties will be deposited into the Settlement Trust Fund.

The Settlement Trust Fund consists of a State Account and a Federal Account. Generally, as specified in section 101(c), the funds are distributed as follows: First, a portion of the total funds are set aside in the Federal Account for a transitional agriculture assistance program, a limited fund for asbestos-related litigation (where it can be proven that tobacco use was a cause of injury), 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. The 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 provisions 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 under 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 therefrom 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 will be ineligible from becoming a participating manufacturer in the future.

TITLE II—NATIONAL PROTOCOL AND LIABILITY PROVISIONS

SUBCHAPTER A—PROTOCOL RESTRICTIONS ON ADVERTISING

Section 201. REQUIREMENT. To be eligible for the liability protections contained in Subtitle C, each tobacco manufacturer shall enter into a binding and enforceable contract (''the Protocol'') in each state, with the Attorney General on behalf of the Chief Executive Officer of the state and representatives of the Castano litigants. As part of the protocol, a participating manufacturer shall agree, in any contract entered into with a distributor and retailer, to require the distributor and retailer to comply with the applicable terms of the protocol.

Section 211. APPLICATION OF SUBCHAPTER. The following provisions will be considered part of the Protocol.

Section 212. AGREEMENT TO PROHIBIT ADVERTISING. Parties to the executed Protocol agree that they will not use any form of outdoor product advertising, nor will they advertise in any arena or stadium where athletic, musical, artistic or other social or cultural events or activities occur. Parties also agree not to use human images or cartoon characters in tobacco-related advertising, labeling or promotional materials, and not to advertise tobacco products on the Internet. Parties also agree to limit point of sale advertising of tobacco products both in terms of number of advertisements and format, except in adult-only stores and tobacco outlets.

Section 213. GENERAL RESTRICTIONS. Parties agreeing to the Protocol will not use a trade or brand name of a non-tobacco product as the trade or brand name for a cigarette or smokeless tobacco product, except for products sold in the United States before January 1, 1995. Parties further agree to limit the media in which tobacco products will be advertised and will not make payments for placement of tobacco products in television programs, motion pictures, videos or video game machines.

Section 214. AGREEMENT ON FORMAT AND CONTENT REQUIREMENTS FOR LABELING AND ADVERTISING. Those signing the Protocol agree to limit tobacco-related advertising to black text on white background, except in certain cases such as vending areas not visible from the outside and adult publications. Further, parties using audio or video formats agree to certain limits, such as restrictions on music or sound.

Section 215. AGREEMENT TO BAN NON-TOBACCO ITEMS AND SERVICES, CONTESTS AND GAMES OF CHANCE, AND SPONSORSHIP OF EVENTS. Parties to the Protocol agree to ban all non-tobacco merchandise bearing the brand name, logo or other identifier of tobacco products. They also agree not to offer any gift or item in connection with the purchase of a tobacco product. Parties agree not to sponsor any athletic, musical, artistic or other social/cultural event in which identifiers of tobacco products are used, although the use of a corporate number in use in the United States prior to January 1, 1995 would be permissible.

SUBCHAPTER B—PROVISIONS RELATING TO LOBBYING

Section 220. APPLICATION OF SUBCHAPTER. The provisions of this subchapter will be considered part of the Protocol.

Section 221. AGREEMENT TO PROVISIONS RELATING TO LOBBYING. A manufacturer signing the Protocol must require that any lobbyists it retains will sign an agreement consenting to comply with applicable laws and regulations governing tobacco products, including this Act and the consent decree under this Act, and agreeing not to support or oppose any Federal or State legislation without express consent from the manufacturer.

Section 222. AGREEMENT TO TERMINATE CERTAIN ENTITIES. Parties to the Protocol agree that, within one year of enactment, the Tobacco Institute and the Council for Tobacco Research, U.S.A. will be terminated, and that any successor organizations will meet strict guidelines with respect to membership and activities and will be subject to oversight by the Department of Justice.

SUBCHAPTER C—OTHER PROVISIONS

Section 225. APPLICATION OF SUBCHAPTER. The provisions of this subchapter will be considered part of the Protocol.

Section 226. DETERMINATION OF PAYMENT AMOUNT. Manufacturers agreeing to the Protocol will determine the percentages each specific manufacturer must pay.

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 operation, receive petitions for attorneys' 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 for the applicable year. Awards made by the panel will be paid by the participating manufacturers and will not be paid from the Trust Fund.

Section 228. LIMITATIONS WITH RESPECT TO INDIAN COUNTRY. Participating manufacturers will agree not to conduct any activity within Indian country that is otherwise prohibited under this Act, and agrees to sell or otherwise distribute tobacco products to an Indian tribe or tribal organization under the same terms and conditions as the manufacturer imposes on others.

Section 231. 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 232. 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 the subject of a proceeding 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 233. PRIVATE ENFORCEMENT OF PROTOCOL. A participating manufacturer may also seek a declaratory judgment in Federal District 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 contract. In general, 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 234. REMOVAL. The Act allows removal to Federal court of state claims which seek to enforce the Protocol.

SUBTITLE B—CONSENT DECREES

Section 241. CONSENT DECREES. For a State to receive funding under Title V, for a manufacturer to receive liability protections under subtitle C, and for settlement of the Castano claims, consent decrees must be signed effective on the date of enactment.

The consent decrees shall include provisions relating to restrictions on tobacco advertising and youth access, restrictions on trade associations and lobbying, disclosure on tobacco smoke constituents, disclosure of nontobacco ingredients in tobacco products, disclosure of all documents relating to health, toxicity, and addiction, the obligation of manufacturers to make payments for the benefit of States, the obligation of manufacturers to deal only with distributors and retailers that comply with all laws regarding tobacco products, requirements for warnings, labeling, and packaging, the dismissal of pending litigation as required under this Act, and any other matters deemed appropriate by the Secretary.

The consent decrees shall not include information on tobacco product design, performance, or modification, manufacturing standards and good manufacturing practices, testing and regulation with respect to toxicity and ingredients, and the national goals relating to reductions in underage use of tobacco. Constitutional claims shall be waived and the provisions are severable. The decree must be approved by the Attorney General. The decree shall remain in effect regardless of amendments to the Act, except as superseded by said amendments. A state may only seek injunctive enforcement of the consent decree in state court. The Attorney General will regulate to ensure consistency of state court rulings regarding consent decrees which are not exclusively local.

Section 242. STATE ENFORCEMENT OF CONSENT DECREES. A State may bring an injunctive action to enforce the terms of a consent decree which falls within its jurisdiction. It can only seek criminal or monetary relief for a subsequent violation of an injunction previously granted.

Section 243. NON-PARTICIPATING MANUFACTURERS. Provides an incentive for manufacturers to participate in the national tobacco control protocol. Non-participating firms will not be protected by the civil liability protections of this bill. A non-participating company will be required to transfer funds to the National Tobacco Settlement Trust Fund in an amount based on the proportion of the market share of the sales of the firm. Each non-participating manufacturer shall place into an escrow reserve fund each year an amount equal to 150% of its share of the annual payment required of participating manufacturers.

SUBTITLE C—LIABILITY PROVISIONS

Section 251. DEFINITIONS. Defines pertinent terms used in Subtitle C.

CHAPTER 1—IMMUNITY AND LIABILITY FOR PAST CONDUCT

Section 255. APPLICATION OF CHAPTER. This chapter is the sole enforcement mechanism and exclusive remedy for any 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 256. 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 dependence, are hereby terminated. All participating manufacturers are hereby immune from any future action brought by a State or local governmental entity, as a class action,

or as a civil action based on tobacco addiction or dependence. Individual personal injury claims arising from the use of tobacco are preserved.

Section 257. 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 defendants. 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; they shall not be jointly and severally liable with non-participating manufacturers; and actions involving participating and non-participating manufacturers shall be severed. Permissible 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 fraudulent transferees, or any entity for suit designated to survive a defunct signatory. Vicarious liability for agents applies. Subsequent development of reduced risk tobacco is not admissible or discoverable.

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 year. Signatories shall receive credit of 80% of amounts paid under judgments or settlements for the year involved. Any amount awarded over $1,000,000 may be paid in the following year. Each annual payment shall not exceed $1,000,000, unless all judgments in the first year can be paid without exceeding the aggregate annual cap. Defendants shall bear their own attorneys' fees and costs.

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 not based 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 title 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 if the participating manufacturer demonstrates that the judgment or settlement is unenforceable under this chapter.

Section 261. STATE ELIGIBILITY. A state shall be eligible to receive funds under this act if (1) (by the effective date of the act) it adopts sections 256 through 259 as unqualified state law and any defendant in a civil action under this act shall have a right to a prompt interlocutory appeal to the highest court of the state to enforce the requirements of state law; and (2) it withdraws and dismisses any claims required to be dismissed under section 256.

Within 6 months of the effective date of this act (with special provision for states whose legislature do not meet within that time frame), and annually thereafter, the AG shall certify that each state eligible to receive funds has complied with this section—states not certified shall not receive funds. No state claim may be maintained in any court of that state if it does not comply with subsection (a)(1) herein. This chapter governs any action by a state which is not in compliance with subsection (a)(1) herein but is otherwise maintainable in the state.

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 law described in section 302. A State must enforce 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 ensure compliance, 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, grants under sections 1901 and 1921 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 age 18. It will be unlawful for a person to distribute a tobacco product to an individual under age 18. Persons who violate this section, and employers of employees who violate the 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 such acts) in a public place. Penalties are imposed for violations of this provision. Law enforcement agencies are required to notify promptly the parent(s) or guardians about such violations. Persons who sell 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 apply.

The model law also requires employers who distribute tobacco products at retail to implement a program to ensure that employees are not distributing tobacco products to minors in violation of the preceding requirements. The model also requires appropriate state and local law enforcement officials to enforce the Act in a manner reasonably expected to reduce the extent to which individuals under age 18 have access to tobacco products. Under certain conditions, states are authorized to use individuals under age 18 to test compliance with this act. The Act also sets forth requirements for states to license persons engaged in the distribution of tobacco products, and describes the procedures which will be used for suspension, revocation, denial and non-renewal of licenses. States are required to report annually on compliance with the Act.

SUBTITLE B—REQUIRED REDUCTION IN UNDERAGE USAGE

Section 311. PURPOSE. Encourages achievement of dramatic and immediate reductions in the number of underage consumers of tobacco through substantial financial surcharges on manufacturers if targets are not met.

Section 312. DETERMINATION OF UNDERAGE USE BASE PERCENTAGES. Sets forth a methodology for the Secretary of HHS to set base percentages for the calculation by age group of children who use tobacco products.

Section 313. 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 314. 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 315. APPLICATION OF SURCHARGES. If the Secretary determines that the national goals have not been met in any year following year five, she will make a report to Congress outlining changes to the national program established in this act that she believes must be undertaken to move the country toward achievement of the national goals. 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 the amount that the goal is not met by eleven or more percentage points. In the case of smokeless tobacco products, which represent one-seventh of youth use of tobacco products, the potential lookback penalties will be $15 million per applicable percentage point for each of the first five 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 five percentage point increments, respectively.

Five years after the surcharge provisions are applicable (the eleventh year after passage), the surcharge payments will be increased. 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 by which the goal is not met. (E.g., If cigarette usage failed to meet the applicable target by 6 percentage points, in year 6 the surcharge assessment is $700 million, and in year 11 is $1.75 billion.) For smokeless tobacco products, the corresponding surcharge amounts will be $30 million and $60 million, respectively. This section provides an annual cap on surcharge payments for cigarettes of $5 billion for the first five years in which the surcharges apply under the Act (the sixth year after passage) and $10 billion thereafter. For smokeless tobacco products, the analogous caps are, $500 million and $1 billion, respectively.

Any surcharge imposed under this section is the joint and several obligation of all participating manufacturers (subject to the abatement provisions contained in section

316) as allocated by the market share of each manufacturer. Any funds generated under this section will be available to the Trust Fund.

Section 316. ABATEMENT PROCEDURES. A manufacturer who becomes subject to any surcharge that might be imposed under section 315 must first pay the surcharge, and then may petition the Secretary for abatement of the surcharge. The Secretary is required to hold a hearing on the abatement petition, during which the burden will be on the participating manufacturer to prove by a preponderance of the evidence that the manufacturer should be granted the abatement. The Secretary will make her decision based on criteria described in this section. She may abate all or part of the surcharge, but this is totally at her discretion. Judicial review of the Secretary's decision may be sought.

Section 317. INCENTIVES FOR EXCEEDING THE NATIONAL TOBACCO PRODUCTS USE REDUCTION GOALS. In any year, including the first five program years, that the ultimate national tobacco product use reduction goals are exceeded (a 60% reduction for cigarettes and a 45% reduction for smokeless tobacco products, tobacco manufacturers will be assessed reduced payments. This section provides that for payments related to cigarettes, for each percentage point by which the 60% reduction goal has been exceeded payments will be reduced by a factor of 1/80 per percentage point. (E.g., if cigarette use dropped by 80% from the base year in a given year, the payment would be reduced by 20/80th's, or 25%). The corresponding factor for smokeless tobacco products is 1/110 per percentage point that the 45% goal is exceeded.

TITLE IV—HEALTH AND SAFETY REGULATION OF TOBACCO PRODUCTS

SUBTITLE A—GENERAL AUTHORITY

Section 401. Amendments to Definitions Contained in the Federal Food, Drug, and Cosmetic Act. This title grants clear jurisdiction over tobacco products and establishes the framework for the Secretary of Health and Human Service, acting through the Food and Drug Administration, to oversee a new comprehensive regulatory system for tobacco products. ''Tobacco product'' and other relevant terms are defined for the first time in the FDA's basic regulatory statute, the Federal Food, Drug, and Cosmetic Act. This section adds two important new prohibited acts to the FD&C statute that make it illegal to manufacture and market tobacco products that do not comply with the new Tobacco Products chapter, Chapter IX. The bill amends the definition of ''drug'' to give FDA authority to regulate tobacco products as unapproved drugs if they do not comply with new Chapter IX. No change is made in the definition of ''medical device'' and this bill does not contemplate that tobacco products shall be regulated as restricted medical devices.

Adds a new Chapter IX to the Federal Food, Drug and Cosmetic Act, which will be entitled ''Health and Safety Regulatory Requirements Relating to Tobacco Products. It will contain the following new sections.

Section 900. Definitions. Definitions of the term ''cigarette,'' ''cigarette tobacco,'' ''nicotine,'' ''smokeless tobacco,'' ''tar,'' ''tobacco additive,'' and ''tobacco product'' will be added to the FD&C Act.

Sec. 901. Statement of General Duties. The Secretary of HHS is directed to undertake a number of regulatory activities, detailed in section 902 through section 908, in furtherance of the comprehensive health promotion and disease prevention program that the PROTECT Act establishes for tobacco products.

Sec. 902. Tobacco Product Health Risk Management Standards. This section directs the Secretary to issue regulations, through routine notice and comment rulemaking procedures and in consultation with public health experts, that establish rigorous controls over the composition of tobacco products. These regulations will include provisions relating both to 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 reduce or eliminate constituents of tobacco products, or to ban tobacco products after the Secretary considers relevant factors. These factors include: reduction of public health risks; capacity of the health care 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 a joint resolution of 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 prescribe the methods used in, and the facilities and management controls used for, the manufacturing of tobacco products. The GMP regulations will contain requirements for registration and inspection of the tobacco product manufacturing establishments.

The GMP regulations promulgated by the Secretary shall contain provisions relating to pesticide residue levels and will provide for an advisory committee to recommend to the Secretary whether to approve, consistent with the public health, petitions for variances to the established residue level standards. The GMP requirements established by the Secretary shall include record keeping and reporting standards for tobacco products.

Sec. 904. Tobacco Product Labeling, Warning, and Packaging Standards. Section 904 stipulates new warning statements for both cigarettes and smokeless tobacco products. Section 904 provides format and type-size requirements and stipulates rotation schedules for tobacco product labels. Section 904 grants the Secretary the authority to issue regulations to revise tobacco product labeling statements and exempts tobacco product exports from these labeling requirements.

Sec. 905. Reduced Risk Tobacco Products. This section requires the Secretary to issue regulations that create incentives for the development and commercial distribution of reduced risks tobacco products. Under section 905 manufacturers of new technologies that reduce the negative health effects 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 other tobacco products.

Section 906. Tobacco Product Marketing Restrictions. Section 906 prohibits the sale of tobacco products to persons under 18 years of age and generally requires retailers to conduct sales in a face-to-face manner and to verify the age of tobacco purchasers. Under this section, cigarettes must be sold in packages with no fewer than twenty cigarettes; no free samples may be distributed; the vending machine sales must be eliminated except in certain limited adult facilities; and mail order sales must be accompanied by age verification procedures.

Section 907. Tobacco Products Scientific Advisory Committee. This requires the Secretary to establish a Tobacco Products Scientific Review Committee to assist in the development and in an on-going assessment of the effectiveness of the tobacco product health risk management standards required by section 902, the tobacco product good manufacturing standards required by section 903, the tobacco product labeling, warning, and packaging standards required by section 904, the reduced risk tobacco product provisions of section 905, and the tobacco product marketing restrictions required by section 906. This committee will primarily consist of experts in science, medicine, and public health but will also include experts in law and ethics and include representatives of both pro-, and anti- tobacco use groups.

Section 908. Report to Congress. Section 908 requires the Secretary to report to Congress biennially on the effectiveness of new Chapter IX and the other relevant provisions 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 report will contain information on current use patterns and health effects of tobacco products with a particular emphasis on use of these products by those under 18 years of age. The Secretary shall also report to the Congress on recommended changes in legislation that will increase the effectiveness.

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 requirement does not conflict with a requirement of section 902, 903, 904, or 905.

Section 402. Repeals. This section repeals the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act.

TITLE V—PAYMENTS TO STATES AND PUBLIC HEALTH PROGRAMS

SUBTITLE A—PAYMENTS TO STATES

Section 501. Reimbursement for State Expenditures. The Trustees will make available to the states one-half of the Trust Fund 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 Generals' agreement. The funds will be utilized by the States under two sets of conditions. Utilizing the Medicaid matching percentage rates, the portion of the funds which would have been attributable to the state matching share shall be used by the State for any purpose it deems appropriate. Federal subrogation is waived, and the amount that otherwise would have been returned to the Federal government will be retained by the State, but may only be used for certain specified anti-tobacco-related purposes as outlined in section 502.

Section 502. Requirements for States' Use of Certain Funds. As a condition of receiving funds which otherwise would have been returned to the Federal government, a state must submit to the Trustees a plan that describes the anti-tobacco programs for which the funds will be used, the measurable objectives that will be used to evaluate the program outcome, the procedures which will be

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 maintain records to allow the Trustees to evaluate the plan and its effectiveness. State plans and amendments thereto are deemed to be approved unless disapproved by the Trustee within 90 days of submission. Each year, the State must provide the Trustees with an assessment of the plan, including the effectiveness of the plan in reducing the number of children and adults 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, States must use the funds for anti-tobacco 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 products public 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. This punitive damages 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, 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.

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 Sustances Research Agenda. Funds provided under this section are expended as follows: NIH Director's Discretionary Fund, 2%; Research Facilities, 2%; health information communications, 1%; national cancer research and demonstration centers under section 414 of the Public Health Service Act, 10%; and, the 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 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, with the funds specified in section 101(c)(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 the PROTECT Act, including the additional costs attributable to the new regulatory responsibilities placed on the Food and Drug Administration under this Act. In carrying out this section, the Secretary may act under the general authorities provided under section 301 of the Public Health Service Act. In carrying out this program the Secretary must act in concert with state and local public health officials and non-governmental organizations and will consider, as appropriate, the public health recommendations made by the Castano class action plaintiffs.

This section requires the Secretary to undertake a substantial public education program, including the development and dissemination of materials that alert, in the most appropriate and effective fashion, the public to the risks of tobacco use, with a special emphasis on materials and techniques that are targeted to young Americans. The Secretary is also directed to make a special effort to inform current adult users of tobacco products of the health benefits of ceasing use of these products. Among the public education and information techniques authorized by this section is a publicly financed nationally directed counter-advertising campaign. The Secretary is also directed to develop and make available a model state anti-tobacco use and tobacco cessation program.

Section 522 directs the Secretary to make available at least one half the funds available under this section through section 101(c)(3)(C) to states in the form of vountary anti-tobacco use and tobacco cessation program block grants. Eligible activities for this block grant will be the same as those specified under 502(e). To the extent possible, the Secretary will harmonize the program management requirements under sections 502 and 522. The formula for the block grant will be devised by the Secretary but shall include such relevant factors as the number of children residing in each participating state.

TITLE VI - STANDARDS TO REDUCE INVOLUNTARY EXPOSURE TO TOBACCO SMOKE

Section 601. DEFINITIONS. Defines pertinent terms used in this section.

Section 602. SMOKE-FREE ENVIRONMENT POLICY. Requires a public facility to implement a smoke-free environment policy, which prohibits tobacco use within the facility and on facility property within the immediate vicinity of the facility's entrance. Requires the policy to be posted in a clear and prominent manner. Exceptions are granted to facilities which meets the requirements of a Specially Designated Smoking Area. No exception would be granted for restaurants, prisons, and congressional office buildings and the Capitol Building. There are special rules for schools and other facilities serving children.

Section 603. PREEMPTION. Precludes preemption of any other Federal, State, or local law in this area.

Section 604. REGULATIONS. Sets a 6-month period to promulgate the title's regulations.

Section 605. EFFECTIVE DATE. Sets an effective date of 6 months after the date the rules are promulgated, or 1 year after date of Act's enactment, whichever is later.

TITLE VII—PUBLIC DISCLOSURE OF HEALTH RESEARCH

Section 701. PURPOSE. Sets the purpose of this title to disclose previously nonpublic or confidential documents by tobacco product manufacturers.

Section 702. 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 which will contain documents described in 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 assessment of fees policy. Provides 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.

TITLE VIII—AGRICULTURAL TRANSITION PROVISIONS

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 Title VIII.

SUBTITLE A—TOBACCO PRODUCTION TRANSITION

CHAPTER 1—TOBACCO TRANSITION CONTRACTS

Section 811. TOBACCO TRANSITION ACCOUNT. Establishes the Tobacco Transition Account within the Trust Fund. Through this account, compensation will be made to quota owners and tobacco farmers. Economic assistance block grants to affected states will also be provided through the Transition Account.

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 payment 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 phaseout period, buyout payments will be made to quota owners as a compensation for the lost value they experience associated with the ending of 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 three of 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. The payments shall be determined by multiplying 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 a group's 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 program will be terminated. Any individual receiving tobacco quota buyout payments are ineligible for this program.

Section 817. FARMER OPPORTUNITY GRANTS. Amends the Higher Education Act of 1965 to establish a grant payment for tobacco farmers and their families to pay for higher education. Grants will be made in the amount of $1,700 per year, rising to $2,900 annually by 2019. Academic eligibility requirements will mirror the standards regulating Pell Grants. Receipt of a Farmer Opportunity Grant will not affect a student's eligibility to receive other income-based assistance.

CHAPTER 2—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 provide block grants to tobacco growing states to assist areas that are largely 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 block grant will be based on (1) the number of counties within the state dependent 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 831. INTERIM REFORM OF TOBACCO PRICE SUPPORT PROGRAM. Amends Section 106 of the Agricultural Act of 1949 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 832. TERMINATION OF TOBACCO PRICE SUPPORT PROGRAM. Amends Section 101 of the Agricultural Act of 1949 to repeal the tobacco price support program after 2001.

CHAPTER 2—TOBACCO PRODUCTION ADJUSTMENT PROGRAMS

Section 835. TERMINATION OF TOBACCO PRODUCTION ADJUSTMENT PROGRAMS. Amends the Agricultural Adjustment Act of 1938 to exclude tobacco from the provisions of the Act, effectively ending the Tobacco Production Adjustment Program.

SUBTITLE C—FUNDING

Section 841. TRUST FUND. Provides for the transfer of funds from Tobacco Transition Account (in the Trust Fund) to the Commodity Credit Corporation (CCC).

Section 842. COMMODITY CREDIT CORPORATION. Allows the Secretary to use the CCC in carrying out the provisions of this title.

TITLE IX—MISCELLANEOUS PROVISIONS

Section 901. PROVISIONS RELATING TO NATIVE AMERICANS. Provides that the requirements of this Act relating to the manufacturer, distribution and sale of tobacco products will apply on Indian lands as defined in section 1151 of title 18 of the U.S. Code. Any federal tax or fee imposed on the manufacture, distribution or sale of tobacco products will be paid by any Indian tribe engaged in such activities, or by persons engaged in such activities on such Indian lands, to the same extent such tax applies to other entities.

The Secretary, in consultation with the Secretary of the Interior, is authorized to treat Indian tribes as a state for purposes of this Act. The Secretary is authorized to provide any such tribe grant assistance to carry out the licensing and enforcement functions in accordance with a plan submitted and approved by the Secretary as in compliance with the Act.

A participating tobacco manufacturer shall not engage in any activity within Indian country that is prohibited under the Protocol. A state may not impose obligations or requirements relating to the application of this Act to Indian tribes and organizations.

Recognizing that tobacco use remains a significant risk factor for Indians and that cigarette smoking is more than twofold for Indian men and more than fourfold for Indian women over non-Indians, a supplemental fund is established for the Indian Health Service to raise the health status of Indians. The fund is established at $5 billion to be allotted to IHS at increments of $200 million annually for 25 years.

Section 902. WHISTLEBLOWER PROTECTIONS. A tobacco manufacturer or distributor may not retaliate against an employee for disclosing a substantial violation of law related to this Act to the Secretary, the Department of Justice, or any State or local authority. Said employee may file a civil action in federal court if he believes such retaliation has occurred (within two years of the retaliation). The court may order reinstatement of the employee, order compensatory damages, or other appropriate remedies. Employees who deliberately participate in the violation or knowingly provide false information are excluded from this section.

Section 903. LIMITED ANTITRUST EXEMPTION. Federal and state antitrust laws shall not apply to certain actions by manufacturers, which are taken pursuant to this Act, including entering into the Protocol or consent decree, refusing to deal with noncomplying distributors, or other actions meant to comply with plans or programs to reduce the use of tobacco by children. In order for the exemption to apply, such plans or programs must be approved by the Attorney General pursuant to a process set forth in this section.

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 Migratory Bird Conservation Commission, Senator COCHRAN and I recognize the importance of protecting and conserving migratory bird populations and habitat.

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.''

A doctrine has developed in 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 to misunderstand me. I strongly support the Migratory Bird Treaty Act. We must protect our migratory bird resources from overexploitation. I would not weaken the Act's protections.

The fundamental goal of 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.

Under 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, would be 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 for 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 for 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 the former Soviet Union.

(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 game 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 received 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 bait, have been fraught with interpretive difficulties on the part of law enforcement, the hunting community, and courts of law. Hunters who desire to comply with applicable regulations 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. 704) is amended—

(1) by inserting ''(a)'' after ''SEC. 3.''; and

(2) by adding at the end the following:

''(b)(1) No person shall—

''(A) 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

''(B) 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 planting, harvesting, or manipulation after harvest; or

''(II) entering or exiting of areas by hunters or normal hunting activities such as decoy placement or bird retrieval, if reasonable care is used to minimize the scattering of grains, agricultural seeds, or other feed.

''(C) The taking of any migratory game bird, except 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;

''(ii) accepted agricultural operations or procedures; or

''(iii) the alteration for wildlife management purposes of a crop or other feed on the land where it was grown, other than distribution of grain or other feed after the grain or other feed is harvested or removed from the site where it was grown.

''(3) As used in this subsection:

''(A)(i) 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 such birds to, on, or over an area where hunters are attempting to take them, by—

''(I) placing, exposing, depositing, distributing, or scattering salt, grain, or other feed grown off-site;

''(II) redistributing grain or other feed after it is harvested or removed from the site where grown;

''(III) altering agricultural crops, other than by accepted agricultural planting, harvesting, or manipulation after harvest, altering millet planted for nonagricultural purposes (planted millet), or altering 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.

''(ii) The term 'baiting' does not include—

''(I) redistribution, alteration, or concentration of grain or other feed caused by flooding, whether natural or man induced; or

''(II) alteration of natural vegetation on the site where grown, other than alteration described in clause (i)(IV).

''(iii) With respect only to the taking of waterfowl, the term 'baiting'—

''(I) does not include, with respect to the first special September waterfowl hunting season locally in effect or any subsequent waterfowl hunting season, an alteration of planted millet or other vegetation (as specified in such regulations), other than an alteration described in clause (i)(IV), occurring before the 10-day period preceding the opening date (as published in the Federal Register) of that first special season; and

''(II) does not include, with respect to the first regular waterfowl hunting season locally in effect or any subsequent waterfowl hunting season, such an alteration occurring before the 10-day period preceding the opening date (as published in the Federal Register) of that first regular season.

''(B) The term 'baited area' means any area that contains salt, grain, or other feed referred to in subparagraph (A)(i) that was placed in that area by baiting. Such an area shall remain a baited area for 10 days following complete removal of such salt, grain, or other feed.

''(C) The term 'accepted agricultural planting, harvesting, and manipulation after harvest' means techniques of planting, harvesting, and manipulation after harvest that are—

''(i) used by agricultural operators in the area for agricultural purposes; and

''(ii) approved by the State fish and wildlife agency after consultation with the Cooperative State Research, Education, and Extension Service, the Natural Resources Conservation Service, and the United States Fish and Wildlife Service.

''(D) The term 'accepted agricultural operations or procedures' means techniques that are—

''(i) used by agricultural operators in the area for agricultural purposes; and

''(ii) approved by the State fish and wildlife agency after consultation with the State Cooperative State Research, Education, and Extension Service, the State Office of the Natural Resources Conservation Service, and the United States Fish and Wildlife Service.

''(E) The term 'accepted soil stabilization practices' means techniques that are—

''(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 Cooperative State Research, Education, and Extension Service, the State Office of the Natural Resources Conservation Service, and the United States Fish and Wildlife Service.

''(F) With respect only to planted millet or other vegetation (as designated in migratory bird hunting regulations issued by the Secretary of the Interior) planted for nonagricultural purposes, the term 'planted'—

''(i) subject to clause (ii), means sown with seeds 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.

''(G) The term 'migratory game bird' means any migratory bird included in the term 'migratory game birds' under part 20.11 of title 50, Code of Federal Regulations, as in effect October 3, 1997.''.

SEC. 4. PENALTIES.

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 ''(1) 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.

THE VETERANS' STUDENT LOAN DEFERMENT ACT OF 1997

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 up 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 involved 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. 1534

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. 1078(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 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).''.

(b) FEDERAL PERKINS LOANS.—Section 464(c) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(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 $610 per ton to $445 per ton by 2001. 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, 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's inventory at the beginning of the new crop year as well as a reasonable carryover to permit orderly marketing at the end of the crop year.

The 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 for export or crushing. The bill would permit additional peanuts to also be used for sale to the Department of Defense, 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 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 OSTEOPOROSIS AND RELATED BONE DISEASES ACT OF 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 more 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. Half 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 that has no known cure; thus, prevention 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 noninvasive and painless and is as predictive of future fractures as high cholesterol or high blood pressure is 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 of these diseases 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. However, if the toll 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 OSTEOPOROSIS.—

(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 OSTEOPOROSIS 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 OSTEOPOROSIS.—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 proportion of the population comprised 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 noninvasive, 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 OSTEOPOROSIS 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 diseases 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 Diabetics 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 minorities), 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 therapies for prevention and treatment, and the role of exercise; and

(vi) rehabilitation.

(D) Further educational efforts are needed to increase public 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 703(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 radioisotopic 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) 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;

''(C) is receiving chemotherapy or long-term gluococorticoid (steroid) therapy;

''(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 1861(rr)(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 benefits for bone mass measurement under this section. The Secretary may vary such standards based on the clinical and risk-related characteristics of qualified individuals.

''(d) RESTRICTIONS ON COST-SHARING.—

''(1) IN GENERAL.—Subject to paragraph (2), nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to bone mass measurement under the plan (or health insurance coverage offered in connection with a plan).

''(2) LIMITATION.—Deductibles, coinsurance, and other cost-sharing or other limitations for bone mass measurement may not be imposed under paragraph (1) to the extent they exceed the deductibles, coinsurance, and limitations that are applied to similar services under the group health plan or health insurance coverage.

''(e) PROHIBITIONS.—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, solely for the purpose of avoiding the requirements of this section;

''(2) provide incentives (monetary or otherwise) to individuals to encourage such individuals not to be provided bone mass measurements to which they are entitled under this section or to providers to induce such providers not to provide such measurements to qualified individuals;

''(3) prohibit a provider from discussing with a patient osteoporosis preventive techniques or medical treatment options relating to this section; or

''(4) penalize or otherwise reduce or limit the reimbursement of a provider because such provider provided bone mass measurements to a qualified individual in accordance with this section.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an individual who is a participant or beneficiary to undergo bone mass measurement.

''(g) NOTICE.—A group health plan 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 of this section as if such section applied to such plan.

''(h) LEVEL AND TYPE OF REIMBURSEMENTS.—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.

''(i) 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 2723(a)(1) shall not be construed as superseding a State law described in paragraph (1).''.

(B) CONFORMING AMENDMENT.—Section 2723(c) of such Act (42 U.S.C. 300gg–23(c)), 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 subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 702(a) 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 radioisotopic 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) 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;

''(C) is receiving chemotherapy or long-term gluococorticoid (steroid) therapy;

''(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.—The standards established under section 2706(c) of the Public Health Service Act shall apply to benefits provided under this section in the same manner as they apply to benefits provided under section 2706 of such Act.

''(d) RESTRICTIONS ON COST-SHARING.—

''(1) IN GENERAL.—Subject to paragraph (2), nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to bone mass measurement under the plan (or health insurance coverage offered in connection with a plan).

''(2) LIMITATION.—Deductibles, coinsurance, and other cost-sharing or other limitations for bone mass measurement may not be imposed under paragraph (1) to the extent they exceed the deductibles, coinsurance, and limitations that are applied to similar services under the group health plan or health insurance coverage.

''(e) PROHIBITIONS.—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, solely for the purpose of avoiding the requirements of this section;

''(2) provide incentives (monetary or otherwise) to individuals to encourage such individuals not to be provided bone mass measurements to which they are entitled under this section or to providers to induce such providers not to provide such measurements to qualified individuals;

''(3) prohibit a provider from discussing with a patient osteoporosis preventive techniques or medical treatment options relating to this section; or

''(4) penalize or otherwise reduce or limit the reimbursement of a provider because such provider provided bone mass measurements to a qualified individual in accordance with this section.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an individual who is a participant or beneficiary to undergo bone mass measurement.

''(g) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

''(h) 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 731(a)(1) shall not be construed as superseding a State law described in paragraph (1).''.

(B) CONFORMING AMENDMENTS.—

(i) 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''.

(ii) Section 732(a) of such Act (29 U.S.C. 1191a(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''.

(iii) 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 605(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.

''(a) IN GENERAL.—The provisions of section 2706 (other than subsection (g)) shall apply to health insurance 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.

''(b) 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 respect to osteoporosis detection or prevention.

''(2) CONSTRUCTION.—Section 2762(a) shall not be construed as superseding a State law described in paragraph (1).''.

(2) CONFORMING AMENDMENTS.—Section 2762(b)(2) of such Act (42 U.S.C. 300gg–62(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 on or after January 1, 1999.

(2) INDIVIDUAL MARKET.—The amendments made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

SEC. 3. OSTEOPOROSIS RESEARCH.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by adding at the end the following new section:

''RESEARCH ON OSTEOPOROSIS AND RELATED DISEASES

''SEC. 442A. (a) EXPANSION OF RESEARCH.—The Director of the Institute, the Director of the National Institute on Aging, the Director 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 subsection, provide for one or more of the following:

''(1) Investigator-initiated research.

''(2) Funding for investigators beginning their research careers.

''(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—

''(i) conduct basic and clinical research;

''(ii) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

''(iii) conduct training programs for such individuals;

''(iv) develop model continuing education programs for such professionals; and

''(v) disseminate information to such professionals and the public;

''(B) may use the funds to provide stipends for health and allied health professionals enrolled in training programs described in subparagraph (A)(iii); and

''(C) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director 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 not exceeding 5 years if the operations of such center have been reviewed by an appropriate 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.

''(d) DEFINITION OF RELATED BONE DISEASES.—For purposes of this section, the term 'related bone diseases' includes—

''(1) Paget's disease, a bone disease characterized by enlargement and loss of density with bowing and deformity of the bones;

''(2) osteogenesis imperfecta, a familial disease marked by extreme brittleness of the long bones;

''(3) hyperparathyroidism, a condition characterized by the presence of excess parathormone in the body resulting in disturbance of calcium metabolism with loss of calcium from bone and renal damage;

''(4) hypoparathyroidism, a condition characterized by the absence of parathormone resulting in disturbances of calcium metabolism;

''(5) renal bone disease, a disease characterized by metabolic disturbances from dialysis, renal transplants, or other renal disturbances;

''(6) primary or postmenopausal osteoporosis and secondary osteoporosis, such as that induced by corticosteroids; and

''(7) other general diseases of bone and mineral 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 necessary 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 necessary 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 authorized to be appropriated $10,000,000 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 RESEARCH.—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 National 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.—Authorizations of appropriations under this subsection are in addition to amounts authorized to be appropriated for biomedical research relating to osteoporosis and related bone diseases under any other provision of law.''.

SEC. 4. FUNDING FOR INFORMATION CLEARINGHOUSE ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) of the Public Health Service Act (42 U.S.C. 284e(d)) is amended by adding at the end the following sentence: ''In addition to other authorizations of appropriations available for the purpose of the establishment and operation of the information clearinghouse under subsection (c), there are authorized to be appropriated for such purpose $1,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 and 2001.''.

By Mr. SANTORUM:

S. 1538. 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 purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ACT AMENDMENTS ACT OF 1997

Mr. SANTORUM. Mr. President, I rise to offer a measure to revise the Honey Research, Promotion and Consumer Information Act, the statute under which the National Honey Board is organized.

Briefly, my bill would impose a penny per pound assessment on handlers and importers of honey. This will increase the research budget of the Honey Board by approximately $500,000; and enable the industry to fund research programs aimed at addressing the serious problems caused by viruses, parasitic mites, and Africanized bees.

The bill also changes the constitution of the National Honey Board to improve packer representation on the board to reflect the imposition of a new assessment on honey handlers. Under my amendments, packers would have a total of four seats versus the current two. Producer and importer representation on the board will not change.

In developing my legislation, I worked the American Beekeeping Federation, which represents more than 1,400 honey producers nationwide. The amendments have the support of a broad coalition including producers, packers, and importers, and I encourage my colleagues to join me in this effort by approving this legislation.

By Mr. CHAFEE:

S. 1537. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 2-{{1-{{(2,3-dihydro-2-oxo-1H-benzimidozal-5-yl) amino}; to the Committee on Finance.

S. 1539. A bill to suspend until December 31, 2002, the duty on N-{4-(Aminocarbonyl)phenyl}4-{{(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)amino) carbonyl}-2-oxopropyl}azo}benzamide; to the Committee on Finance.

S. 1540. A bill to suspend until December 21, 2002, the duty on Butanamide, N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-2-{{-(trifluoromethyl)phenyl}azo}-; to the Committee on Finance.

S. 1541. A bill to suspend until December 31, 2002, the duty on 1,4-Benzenedicarboxylic acid,2-{{1-{{(2,3-dihydro - 2 - oxo - 1H - benzimidazol - 5-yl)amino carbonyl}-2-oxopropyl}azo}-, dimethyl ester; to the Committee on Finance.

S. 1542. A bill to suspend until December 31, 2002, the duty on Butanamide, 2,2′- { 1-2,-ethanediylbis (oxy-2,1-phenyleneazo) }bis{N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-; to the Committee on Finance.

S. 1543. A bill to suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-chloro-2-{{5-hydroxy-3-methyl-1- (3-sulfophenyl)-1H-pyrazol-4-yl}azo}-5-methyl-.calcium salt (1:1); to the Committee on Finance.

S. 1544. A bill to suspend until December 31, 2002, the duty on 4 - {{5-{{{4-(Aminocarbonyl)phenyl } amino } carbonyl } -2-methoxyphenyl}azo}-N-(5-chloro-2, 4-dimethozyphenyl) -3-hydroxynaphthalene-2-carboxamide; to the Committee on Finance.

S. 1545. 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. 1546. A bill to suspend until December 31, 2002, the duty on Butanamide, 2,2′-{3,3′-dichloro{1,1′-biphenyl} -4,4′-diyl)bis(azo) }bis{N-(2,3-dihydro-2-oxo-1H-benzimidazol-5yl)-3-oxo; to the Committee on Finance.

S. 1547. A bill to suspend until December 31, 2002, the duty on Butanamide, N,N′-(3,3′dimethyl{1,1′-byphenyl } -4,4′ -diyl) bis { 2,4-dichlorophenyl)azo}-3-oxo-; to the Committee on Finance.

S. 1548. A bill to suspend until December 31, 2002, the duty on N-(2,3-Dihydro-2-oxo-1H-benzimidazol-5-yl)-5-methyl-4-{(methylamino) sulphonyl}phenyl}azo}naphthalene-2-carboxaminde; 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-1H-benzimidazol-5-yl)amino}carbonyl}-2-hydroxyl-1-naphthalenyl}azo}-, butyl ester; to the Committee on Finance.

S. 1550. A bill to suspend until December 31. 2002, the duty on Benzoic acid, 4-{{(2,5-dichlorophenyl) amino}carbonyl}-2{{2-hydroxy-3-{{(2-methoxypheny)amino}carbonyl}-1-naphthalenyl}-, methyl ester; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

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 and pay 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 these 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 will help 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 now, 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.

By Mr. CAMPBELL:

S. 1552. A bill to provide for the conveyance of an unused Air Force housing facility in La Junta, Colorado, to the city of La Junta; to the Committee on Armed Services.

THE LA JUNTA AIR BASE LAND CONVEYANCE ACT OF 1997

Mr. CAMPBELL. Mr. President, by way of legislation, I offer my support to the city of La Junta, Colorado, for its innovative and impressive response to the challenges facing the Lower Arkansas Valley. City officials have seized a unique opportunity to alleviate La Junta's housing crisis, expand the local Head Start program and increase access to child care, and solve Otero Junior College's dormitory problems.

The city of La Junta, in conjunction with Otero Junior College, has proposed to take over the recently closed La Junta Air Base family housing site. Until one year ago, when it was farmed out to a civilian defense contractor, the Air Force's test range for its bomber pilots was housed in La Junta. Since then, several federal agencies have expressed interest in the site, but none has asserted their formal desire to reuse the facility.

Further, taxpayers are spending nearly $100,000 annually to maintain an empty facility, while the city and residents of La Junta are losing out on a significant supplement to the local tax

base. 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.

Given 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 in the House of Representatives to convey 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 Congress 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 contaminants were present in that dredged 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 years to come as far as we have in cleaning 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 funds 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. With 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 the Federal ocean dumping criteria set forth in section 227.6 of title 40, Code of 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 other provisions of law 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 applicant, in a quantity exceeding 25,000 cubic yards, shall comply with the requirements of this Act, including the criteria 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 damages limitation 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 the 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 until the mid-20th century, punitive damages were quite rare. ''For example, the highest punitive damages award affirmed on appeal

in California through the 1950's was $10,000. But the punitive damage landscape began to change dramatically in the 1960's. California's record for punitive damage awards affirmed on appeal soared to $15 million in the 1980's, an increase of 1,500 fold in just 30 years.'' In Alabama, according to Olson, an aggregate of only $409,000 in punitive damages had been affirmed on appeal during the period 1974–1978. The comparable total just 15 years later skyrocketed to $90 million.

Indeed, punitive damage lawyers have largely succeeded in taking over the civil justice compensation system. In 1960, according to a Rand study, punitive damages accounted for just 2% of total damages in civil cases in San Francisco, California. Thirty years later, according to Rand, punitive damages accounted for an amazing 59% of all damages in financial injury cases, and an even more amazing 80% in Alabama.

And the size of these awards is staggering and, I must add, irrational. Take the recent CSX Railroad case. Even though a federal probe found the railroad blameless in a tank car explosion on CSX owned tracks which caused relatively minor harm to some 20 plaintiffs in Louisiana, a state jury awarded $2.3 million in compensatory and $2.5 billion in punitive damages against CSX. Although the Louisiana Supreme Court at least temporarily barred this irrational verdict—because under Louisiana law no verdict for damages may be made until all the underlying claims are decided—a far more common practice is for courts to halve or reduce the punitive portion of the award. Of course, half of $2.5 billion is still a staggering amount to pay for any private entity. From coffee spills at McDonald's to medical malpractice, in the words of Morton Kondracke in a recent article in Roll Call, ''trial lawyers reap exorbitant profits by trolling for clients and convincing juries to sock it to supposedly deep-pocketed defendants. Consumers pay the bill as companies pass on their massive insurance premiums through higher prices.''

Indeed, the very efficiency of the American market has been weakened by these trends. Certainly, increased litigation and unnecessarily large punitive damage awards have increased the price of doing business. Undoubtedly, these costs have been passed on to consumers and have led to a decrease in productivity and a rise in unemployment. This is supported by a fairly recent study done by Representative and law professor Tom Campbell and other scholars, under the aegis of Stanford University, which demonstrated that in jurisdictions that reform the civil liability process—including placing caps on punitive damages—productivity and employment rise.

Furthermore, untenable jury verdicts create what Rand calls a ''shadow effect'' whereby verdicts totaling tens of billions of dollars send signals as to what other juries might do. Thousands of cases are settled, regardless of their merits, for fear of irrational verdicts. As a result of the shadow effect, consumers nationwide have been adversely affected through the withdrawal of products, producers, services, and service providers from the marketplace, and from excessive liability costs passed on to consumers through higher prices.

But the worst cost to our society is the delegitimization of the judicial process as a means of dispute resolution. Litigation today is often seen as an unpredictable ''crap shoot,'' where awards are rendered—not upon justice—but upon envy (who has the ''deep pockets'') or upon blatant emotionalism. So why not sue? Why not spin the wheel? Passage of this bill will help to ameliorate this misconception and restore faith in our civil justice system—which I believe is fundamentally sound.

Another reason for bipartisan support for this bill, one that I anticipate will attract many of our colleagues to the bill, is that we have addressed specific concerns which the Administration has expressed about previous bills. You may recall that last year when President Clinton vetoed the products liability bill, he claimed that the bill would protect drunk drivers and terrorists. Our bill will not apply to any case where the injury was caused by a person who was committing a crime of violence, an act of terrorism, a hate crime, a felony sexual offense, or that occurred when the defendant was under the influence of alcohol or drugs. These exceptions, combined with the bill's qualification that excludes cases where an individual has suffered a permanent physical injury or impairment, will ensure that this bill will not limit punitive damages in cases where such egregious conduct has occurred or where a serious injury has been inflicted.

Finally, we have included in the bill a provision specifically designed to protect small businesses, which form the backbone of Utah's and our country'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 $250,000.

Establishing a rule of proportionality between the amount of punitive damages awarded 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 award of punitive damages. This bill is an important step in that direction. I urge my colleagues to join me in cosponsoring this legislation and encourage the Senate to act expeditiously on this important bill.

Mr. President, 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 for 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—

(A) 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);

(B) punitive damages are awarded in 1 in every 7 financial injury verdicts overall and 1 in every 5 financial injury cases in the State of California;

(C) between calendar years 1985 through 1989 and calendar years 1990 through 1994, the average punitive damage verdict in financial injury cases increased from $3,400,000 to $7,600,000;

(D) between calendar years 1985 through 1989 and calendar years 1990 through 1994, the award of such damages at the 90th percentile increased from $3,900,000 to $12,100,000;

(E) between calendar years 1985 through 1989 and calendar years 1990 through 1994, the total amount of punitive damages awarded increased from $1,200,000,000 to $2,300,000,000, for a 10-year total of $3,500,000,000;

(F) punitive damages represent a very large percentage of total damages awarded in all financial injury verdicts, increasing from 44 percent to 59 percent during the period analyzed; and

(G) in the State of Alabama, punitive damages represent 82 percent of all damages awarded in financial injury cases;

(2)(A) punitive damage verdicts are only the tip of the iceberg because only a small percentage of all complaints filed (1.6 percent according to a Department of Justice study in 1995) result in a jury verdict; and

(B) the Rand Institute of Civil Justice calls the impact of these verdicts on settlements the ''shadow effect'' of punitive damages;

(3) excessive, unpredictable, and often arbitrary punitive damage awards have a direct and undesirable effect on interstate commerce by increasing the cost and decreasing the availability of goods and services;

(4) as a result of excessive, unpredictable, and often arbitrary punitive damage awards, consumers have been adversely affected through the withdrawal of products, producers, services, and service providers from the marketplace, and from excessive liability costs passed on to consumers through higher prices;

(5) excessive, unpredictable, and often arbitrary punitive damage awards jeopardize the financial well-being of many individuals and companies, particularly the Nation's small businesses, and adversely affect government and taxpayers;

(6) individual State legislatures can create only a partial remedy to address these problems because each State lacks the power to control the imposition of punitive damages in other States;

(7) it is the constitutional role of the national Government to remove barriers to interstate commerce and to protect due process rights;

(8) there is a need to restore rationality, certainty, and fairness to the award of punitive damages in order to protect against excessive, arbitrary, and uncertain awards;

(9) establishing a rule of proportionality, in cases that primarily involve financial injury, between the amount of punitive damages awarded and the amount of compensatory damages, as 15 States have established, would—

(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 3 times the amount of economic loss or $250,000 is a balanced solution that would reduce grossly excessive punitive damage awards by as much as 40 percent, according to the Rand Institute for Civil Justice.

(b) PURPOSES.—Based upon the powers contained in Article I, section 8, clause 3 and section 5 of the 14th amendment of the United States Constitution, the purposes of this Act are to—

(1) promote the free flow of goods and services and to lessen burdens on interstate commerce; and

(2) uphold constitutionally protected due process rights by placing reasonable limits on damages over and above the actual damages suffered by a claimant.

SEC. 3. DEFINITIONS.

For purposes of this Act, the term—

(1) ''act of terrorism'' means any activity that—

(A)(i) is a violation of the criminal laws of the United States or any State; or

(ii) would be a criminal violation if committed within 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 of a government by intimidation or coercion, or to affect the conduct of a government by assassination or kidnaping;

(2) ''claimant''—

(A) means any person who brings a civil action that is subject to this Act and any person on whose behalf such an action is brought; and

(B) includes—

(i) a claimant's decedent if such action is brought through or on behalf of an estate; and

(ii) a claimant's legal guardian if such action is brought through or on behalf of a minor or incompetent;

(3) ''economic loss'' means objectively verifiable monetary losses including medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities, to the extent such recovery is allowed under applicable Federal or State law;

(4) ''harm'' means any legally cognizable wrong or injury for which punitive damages may be imposed;

(5) ''interstate commerce'' means commerce among the several States or with foreign nations, or in any territory of the United States or in the District of Columbia, 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;

(6) ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(7) ''punitive damages'' means damage awarded against any person to punish or deter such person, or others, from engaging in similar behavior in the future; and

(8) ''qualified charity'' means any organization exempt from filing information returns pursuant to section 6033(a) of the Internal Revenue Code of 1986 as that exemption exists on the effective date of this Act.

SEC. 4. APPLICABILITY.

(a) GENERAL RULE.—

(1) CIVIL ACTIONS COVERED.—Except as provided in subsection (b), this Act applies to any civil action brought in any Federal or State court where such action affects interstate commerce, charitable or religious activities, or implicates rights or interests that may be protected by Congress under section 5 of the 14th amendment of the United States Constitution and where the claimant seeks to recover punitive damages under any theory for harm that did not result in death, serious and permanent physical scarring or disfigurement, loss of a limb or organ, or serious and permanent physical impairment of an important bodily function. Punitive damages may, to the extent permitted by applicable State law, be awarded against a person in such a case only if the claimant establishes that the harm that is the subject of the action was proximately caused by such person. Notwithstanding any other provision of this Act, punitive damages may, to the extent permitted by applicable State law, be awarded against a qualified charity only if the claimant established by clear and convincing evidence that the harm that is the subject of the action was proximately caused by an intentionally tortious act of such qualified charity.

(2) QUESTION OF LAW.—What constitutes death, serious and permanent physical scarring or disfigurement, loss of a limb or organ, or serious and permanent physical impairment of an important bodily function shall be a question of law for the court.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The provisions of this Act shall not apply to any person in a civil action described 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;

(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. 534 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) AMOUNT.—

(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—

(A) 3 times the amount awarded to the claimant for economic loss; or

(B) $250,000.

(2) SPECIAL RULE.—

(A) IN GENERAL.—Notwithstanding paragraph (1), in any civil action that is subject to this Act against an individual whose net worth does not exceed $500,000 or against an owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has fewer than 25 full-time employees, the amount of punitive damages shall not exceed the lesser of—

(i) 3 times the amount awarded to the claimant for economic loss; or

(ii) $250,000.

(B) APPLICABILITY.—For purposes of determining the applicability of this paragraph to a corporation, the number of employees of a subsidiary of a wholly owned corporation shall include all employees of a parent corporation or any subsidiary of that parent corporation.

(b) APPLICATION OF LIMITATIONS BY THE COURT.—The limitations in subsection (a) shall be applied by the court and shall not be disclosed to the jury.

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;

(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 of this Act, without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before 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 an oversight 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 reflection 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 legislation 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 for 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 and job creation; encourage 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 current tax code, there is no need 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 that I am looking forward to working with the chairman of the Agriculture, Nutrition and Forestry Committee, Senator LUGAR, with the ranking member, Senator HARKIN, and with the chairman of the nutrition subcommittee, Senator MCCONNELL, on the child nutrition reauthorization bill next year.

When I was chairman of that committee, and continuing under the helm of Senator LUGAR, the Agriculture Committee worked together in a bipartisan fashion on nutrition legislation.

I am proud of all the members of that committee who over the years worked together on improving nutrition programs for children. I also had the privilege of working with the former majority leader—Senator Bob Dole—on many child nutrition matters.

The bill that I am introducing today does not represent my effort on a reauthorization bill—I will work on that bill with members of the committee, including the three leadership Members mentioned above.

Rather, this bill indicates changes that should be enacted into law regardless of other actions the Congress might take regarding child nutrition reauthorization.

It includes child nutrition provisions that were included, with some modifications, in the Senate-passed research bill—which passed the Senate by unanimous consent.

Over the recess I intend to consult with nutrition leaders in Vermont, the Under Secretary for Food and Consumer Services, Shirley Watkins, Secretary Glickman, national nutrition advocates and local program directors to gather information for the reauthorization effort.

Also, I urge the President to include sufficient funding in his budget proposals to fund this bill as well as other nutrition initiatives which the Secretary and the Under Secretary for Food and Consumer Services are working to develop.

I must compliment Under Secretary Shirley Watkins for the great job she has done so far. She has taken strong command of an agency that was adrift. Also, I continue to appreciate Secretary Dan Glickman's leadership role in the administration regarding nutrition programs and the strong support of his chief of staff, Greg Frazier.

I note also that Senator TIM JOHNSON has introduced a school lunch program bill. I will carefully study that bill over the recess. I will also look at the study conducted by the Minnesota Department of Children, Families and Learning called Energizing the Classroom.

Over the years many Vermonters have provided me with outstanding advice and guidance on child nutrition issues.

I intend to work with Jo Busha who heads the Child Nutrition Programs for the Vermont Department of Education. She has done a remarkable job in promoting school-based nutrition programs and was recently commended by the Food Research and Action Center for her accomplishments. I was very pleased to work with the committee on a bill that set up the school breakfast startup grant program which has worked extremely well in Vermont. It provided thousands of dollars to Vermont schools to cover the one-time costs of setting up a breakfast program.

I look forward to receiving advice from Mary Carlson, president of the National Association of Farmers' Markets Nutrition Programs, on the WIC-Farmer's Market Program known as the Farm-to-Family program in Vermont.

This program has helped in greatly expanding the number of farmers markets in Vermont and helped low-income families provide their children with healthy foods.

My bill would assure funding for this program and permit other States to participate in the program, or to increase their participation levels.

The bill provides assured funding for programs like the Vermont Common Roots program of Food Works, a nonprofit educational organization in Vermont which has been praised by educators and administrators as an effective educational tool.

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 Gardner 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 volunteers 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 Vermonters. 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 recommended that I support 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 with 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 keen 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 Initiatives Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

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 I—NATIONAL SCHOOL LUNCH ACT

SEC. 101. GRANTS TO INTEGRATE FOOD AND NUTRITION PROJECTS WITH ELEMENTARY SCHOOL CURRICULA.

Section 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.—

''(1) IN GENERAL.—Subject to paragraph (5), the'';

(2) 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, nor more than $130,000, for each of fiscal years 1999 through 2001.''; and

(3) 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

$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 described in 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, for a fiscal year under this paragraph—

''(i) 25 percent shall remain available until expended; and

''(ii) 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) DEFINITION OF 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 ''50 percent'' and inserting ''40 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 ''institution or'' and inserting ''institution,''; and

(2) by inserting before the period at the end the following: '', or by commercial vendors''.

(d) NUMBER OF PRIVATE NONPROFIT ORGANIZATIONS IN A RURAL AREA.—Section 13(a)(7)(B)(i)(II) of the National School Lunch Act (42 U.S.C. 1761(a)(7)(B)(i)(II)) is amended by striking ''20 sites'' and inserting ''25 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:

''(8) SECOND HELPINGS.—In carrying out this section, the Secretary shall issue regulations that provide an allowance for a second helping of up to 5 percent of the quantity of the first helping served.''.

(f) PAYMENTS.—Section 13(b)(1) of the National School Lunch Act (42 U.S.C. 1761(b)(1)) is amended—

(1) in subparagraph (B)(i), by striking ''$1.97'' and inserting ''$2.23'';

(2) in subparagraph (C), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (D)''; and

(3) 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 child to and 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—

''(I) 75 cents per day for each child transported to and from a feeding site; or

''(II) the actual cost of transporting children to, and home from, a feeding site.

''(iii) ADJUSTMENTS.—The amounts specified in clause (ii) shall be adjusted in accordance with subparagraph (C).''.

(g) NUMBER OF MEALS AND SUPPLEMENTS.—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 ''(2) Any service'' and inserting the following:

''(2) MEALS AND SUPPLEMENTS.—

''(A) IN GENERAL.—Any service'';

(3) by striking ''3 meals, or 2 meals and 1 supplement,'' and inserting ''4 meals''; and

(4) by adding at the end the following:

''(B) CAMPS AND MIGRANT PROGRAMS.—A camp or migrant program may serve a breakfast, a lunch, a supper, and meal supplements.''.

(h) 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) EXTENSIONS.—Section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended—

(1) in subsection (c)(6)(B), by striking ''1997'' and inserting ''2003'';

(2) in subsection (f)(3)(D), by striking ''fiscal year 1997'' each place it appears and inserting ''each of fiscal years 1997 through 2003''; and

(3) in subsection (p), by striking ''1998'' each place it appears and inserting ''2003''.

(b) NUMBER OF MEALS AND SUPPLEMENTS.—Section 17(f)(2)(B) of the National School Lunch Act (42 U.S.C. 1766(f)(2)(B)) is amended by striking ''2 meals and 1 supplement'' and inserting ''2 meals and 2 supplements, or 3 meals and 1 supplement,''.''.

(c) GRANTS TO STATES TO PROVIDE ASSISTANCE TO FAMILY OR GROUP DAY CARE HOMES.—Section 17(f)(3)(D)(ii)(I) of the National School Lunch Act (42 U.S.C. 1766(f)(3)(D)(ii)(I)) is amended by striking ''$30,000'' and inserting ''$45,000''.

SEC. 104. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

Section 17A(a)(2)(C) of the National School Lunch Act (42 U.S.C. 1766a(a)(2)(C))) is amended by striking ''on May 15, 1989''.

SEC. 105. HOMELESS CHILDREN NUTRITION PROGRAM.

Section 17B(g)(1) of the National School Lunch Act (42 U.S.C. 1766b(g)(1)) is amended in the first sentence by striking ''and $3,700,000 for fiscal year 1999'' and inserting ''$3,700,000 for fiscal year 1999, $4,000,000 for fiscal year 2000, $4,100,000 for fiscal year 2001, and $4,200,000 for fiscal year 2002''.

SEC. 106. BOARDER BABY AND OTHER PILOT PROJECTS.

Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended—

(1) in subsection (c)—

(A) by striking ''1998'' each place it appears and inserting ''2003''; and

(B) in paragraph (3)(A)—

(i) in clause (v), by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(vii) salaries and expenses of support staff, including management, medical, nursing, janitorial, and other support staff; and'';

(2) in subsection (e)(5), by striking ''and 1998'' and inserting ''through 2003'';

(3) in subsections (g)(5) and (h)(5), by striking ''1997'' each place it appears and inserting ''2003''; and

(4) in subsection (i)(8), by striking ''1998'' and inserting ''2003''.

SEC. 107. INFORMATION CLEARINGHOUSE.

Section 26(d) of the National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking ''$100,000 for fiscal year 1998'' and inserting ''$185,000 for each of fiscal years 1998 through 2003''.

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:

''(f) AREA GRANT PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE SCHOOL.—The term 'eligible school' means a school—

''(i) attended by children, a significant percentage of whom—

''(I) are members of low-income families, as determined by the Secretary; or

''(II) live in rural areas and have unmet needs for initiation or expansion of a school breakfast or summer food service program for children; and

''(ii)(I) as used with respect to a school breakfast program, that agrees to operate the school breakfast program established or expanded with the assistance provided under this subsection for a period of not less than 3 years; and

''(II) as used with respect to a summer food service program for children, that agrees to operate the summer food service program for children established or expanded with the assistance provided under this subsection for a period of not less than 3 years.

''(B) SERVICE INSTITUTION.—The term 'service institution' means an institution or organization described in paragraph (1)(B) or (7) of section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)).

''(C) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—The term 'summer food service program for children' means a program authorized by section 13 of the National School Lunch Act (42 U.S.C. 1761).

''(2) ESTABLISHMENT.—The Secretary shall establish a program under this subsection to be known as the 'Area Grant Program' (referred to in this subsection as the 'Program') to assist eligible schools and service institutions through grants to initiate or expand programs under the school breakfast program and the summer food service program for children.

''(3) 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 $5,000,000 for fiscal year 1998 and each fiscal year thereafter.

''(B) ENTITLEMENT TO FUNDS.—The Secretary shall be entitled to receive the funds made available under subparagraph (A) and shall accept the funds.

''(C) USE OF FUNDS.—The Secretary shall use the funds made available under subparagraph (A) to make payments under the Program—

''(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 for children, to service institutions.

''(D) INSUFFICIENT NUMBER OF APPLICANTS.—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 initiate or expand programs under this subsection for the fiscal year.

''(4) PRIORITY.—The Secretary shall make payments under the Program on a competitive basis and in the following order of priority (subject to the other provisions of this subsection) to:

''(A) School food authorities for eligible schools to assist the schools with nonrecurring expenses incurred in—

''(i) initiating a school breakfast program under this section; or

''(ii) expanding a school breakfast program.

''(B) Service institutions to assist the institutions with nonrecurring expenses incurred in—

''(i) initiating a summer food service program for children; or

''(ii) expanding a summer food service program for children.

''(5) ADDITIONAL PAYMENTS.—Payments under the Program shall be in addition to payments under subsection (b) of this section and section 13 of the National School Lunch Act (42 U.S.C. 1761).

''(6) PREFERENCES.—Consistent with paragraph (4), in making payments under the Program for any fiscal year to initiate or expand school breakfast programs or summer food service programs for children, the Secretary shall provide a preference to a school food authority for an eligible school or service institution that—

''(A) in the case of a summer food service program for children, is a public or private nonprofit school food authority;

''(B) has significant public or private resources that will be used to carry out the initiation or expansion of the programs during the year;

''(C) serves an unmet need among low-income children, as determined by the Secretary;

''(D) is not operating a school breakfast program or summer food service program for children, as appropriate; or

''(E) is located in a rural area, as determined by the Secretary.

''(7) RECOVERY AND REALLOCATION.—The Secretary shall act in a timely manner to recover and reallocate to other school food authorities for eligible schools or service institutions any amounts under the Program that are not expended within a reasonable period (as determined by the Secretary).

''(8) MAINTENANCE OF EFFORT.—Expenditures of funds from State, local, and private sources for the maintenance of the school breakfast program and the summer food service program for children shall not be diminished as a result of payments received under the Program.''.

SEC. 202. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) EXTENSIONS.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended in subsections (g)(1), (h)(2)(A), and (h)(10)(A) by striking ''1998'' each place it appears and inserting ''2003''.

(b) SENSE OF CONGRESS ON FULL FUNDING FOR WIC.—It is the sense of Congress that the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) should be fully funded for fiscal year 1998 and each subsequent fiscal year so that all eligible participants for the program will be permitted to participate at the full level of participation for individuals in their category, in accordance with regulations issued by the Secretary of Agriculture.

(c) FARMERS' MARKET NUTRITION PROGRAM.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) in paragraph (1), by striking ''(m)(1) Subject'' and all that follows through ''the Secretary'' and inserting the following:

''(m) FARMERS' MARKET NUTRITION PROGRAM.—

''(1) IN GENERAL.—The Secretary'';

(2) in paragraph (6)(B)—

(A) by striking ''(B)(i) Subject to the availability of appropriations, if'' and inserting the following:

''(B) MINIMUM AMOUNT.—If''; and

(B) by striking clause (ii); and

(3) in paragraph (9), by striking ''(9)(A)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(9) FUNDING.—

''(A) PAYMENTS.—

''(i) 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 $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.

''(ii) ENTITLEMENT TO FUNDS.—The Secretary shall be entitled to receive the funds made available under subparagraph (A) and shall accept the funds.''.

SEC. 203. NUTRITION EDUCATION AND TRAINING.

Section 19(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(i)) is amended—

(1) in paragraph (2)—

(A) in the first sentence of subparagraph (A), by inserting ''and each succeeding fiscal year'' after ''1996''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) MINIMUM AMOUNT.—The minimum amount of a grant provided to a State for a 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.

THE STEEL JAW LEGHOLD TRAP ACT OF 1997

Mr. TORRICELLI. Mr. President, today, Senators, AKAKA, FEINSTEIN, KERRY, and I rise to introduce legislation to end the use of the steel jaw leghold trap. I rise to draw this country's attention to the many liabilities of this outdated device and ask for my colleagues support in ending its use.

This important and timely issue now 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. fur.

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 interstate shipment of steel jaw leghold traps and articles of fur from animals caught 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 Animal Hospital Association 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. Of this $44 million, $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,

SECTION 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 furskin, whether raw or tanned or dressed; or

(B) any article, however produced, that consists in whole or part of any furskin.

For purposes of subparagraph (A), the terms ''furskin'', ''raw'', and ''tanned or dressed'' have the same respective meanings as those terms have under headnote 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, or introduction 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 sear-activated device with two opposing steel jaws which 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 import, 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) PENALTIES.—A person who violates subsection (a), in addition to any other penalty that may be imposed—

(1) for the first such violation, shall be guilty of an infraction 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 a violation of any provision of this Act or any regulation issued thereunder, an amount equal to one half of the fine paid pursuant to the conviction. Any officer or employee of the United States 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.

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 regulations issued pursuant thereto shall 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 agency for purposes of enforcing this Act.

(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 the penalty provisions) (50 U.S.C. App. 2401 et seq.) shall apply for purposes of enforcing the prohibition relating to the export of articles described in section 3.

(c) JUDICIAL PROCESS.—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 having 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 in such package, crate, or other container are 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 presence 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 other warrant 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 taken, 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 subsection, except that the duties performed by a customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws of the United States may be performed with respect to seizures and forfeitures of property under this subsection by the Secretary or such officers and employees as the Secretary may designate.

(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 exported 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 head of any other department or agency with enforcement responsibilities under this Act shall cooperate with the Secretary in ensuring that this Act is enforced in the most effective and efficient manner.

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 on the viewing screens of televisions 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 from foreign 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 due to increased 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.

Major U.S. television 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 count on 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—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. 1560. 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, there is 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 Princples. I strongly believe that these standards should be set by the private sector. I am concerned, 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 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.

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 companies, (the FASB proposals) 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 rules that will 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 find 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, thus, actually reducing safety 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 CAMPAIGNS 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, discussions 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 headed 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 inequity 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 of campaign reform 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 to decide voluntarily for themselves whether to contribute the portion of dues which goes to political contributions or activities.

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 public's legitimate concern over 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, so that these deductions are 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.

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 most union workers to give up their rights to participate in the union if they seek refunds of that portion of dues going to politics. In addition, this section would strengthen the reporting requirements for unions engaged in political activities and enhance an aggrieved union member's right to challenge a union's determination of the portion of dues going to political activities.

In the Senate debates thus far, there has been much discussion about whether corporations should be required to obtain shareholder approval to make political contributions. This is an issue which warrants consideration. My proposal not only limits these corporate and union contributions to $100,000, it also includes a requirement that companies disclose their donations to federal political parties in their annual reports. And under current policies of the Securities and Exchange Commission, shareholders have the same rights to make recommendations to boards of directors on the propriety of political donations as they do on any business issue related to the company.

In addition, the SEC is in the process of making it easier for shareholders to raise questions related to social policy matters at annual meetings. I am monitoring how these changes are implemented: if they are insufficient to guarantee adequate rights to shareholders, I will consider amending my bill to protect these rights.

As an aside, I reject the notion that the status of union members is similar to those who belong to groups such as the National Rifle Association or the

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 observor of the Senate would agree that we are genuinely deadlocked. This body needs to move beyond 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 20 years. This fact requires that candidates must spend more and more time seeking more and more donors. 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 incomes under specified levels, 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, the increased individual contribution limit should balance 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.

Solutions: 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 candidacies 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, rather 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 on federal property was written 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 serious 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 requirement that states allow 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. Lastly, this bill would allow states to purge inactive voters and to allow state law to govern whether voters who move without reregistering should be allowed to vote.

These are the problems which I believe can be solved in a bipartisan fashion. Attached to this statement is a 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 with 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 CAMPAIGNS ACT—SECTION-BY-SECTION

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 $2000 per election (primary and general) and indexes both individual and PAC limits in the future.

Section 103.—Provides a tax credit up to $100 for contributions to in-state 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 $300,000 and House candidates $100,000 (minus any funds carried over from a prior cycle) in contributions up to $10,000 from individuals and PAC's.

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 PAC's 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.

TITLE III—VOLUNTARINESS OF POLITICAL CONTRIBUTIONS

Section 301.—Union dues provision: Labor organizations must obtain prior, written authorization for portion of dues or fees not to be used for representation: Establishes civil action for aggrieved employee. Requires employers to post notice of rights. Amends reporting statute to require better disclosure of expenses unrelated to representation.

Section 302.—Corporations must disclose soft money donations in annual reports.

TITLE IV—ELIMINATION OF CAMPAIGN EXCESSES

Section 410.—Adds soft money donations to present ban on fundraising on federal property and to other criminal statutes.

Section 402.—Hard money contributions or soft money donations over $500 which a political committee intends to return because of illegality must be transferred to the FEC and may be given to the Treasury as part of a civil or criminal action.

Section 403.—''Soft'' and ''hard'' money provisions. Soft money cap: no national party, congressional committee or senatorial committee shall accept donations from any source exceeding $100,000 per year. Hard money increases: limit raised from $25,000 to $50,000 per individual per year with no sublimit to party committees.

Section 404.—Codifies FEC regulations banning conversion of campaign funds to personal use.

TITLE V—ENHANCED DISCLOSURE

Section 501.—Additional reporting requirements for candidates: weekly reports for last month of general election, 24-hour disclosure of large contributions extended to 90 days before election, and end of ''best efforts'' waiver for failure to obtain occupation of contributors over $200.

Section 502.—FEC shall make reports filed available on the Internet.

Section 503.—24-hour disclosure of independent expenditures over $1,000 in last 20 days before election, and of those over $10,000 made anytime.

Section 504.—Registered lobbyists shall include their own contributions and soft money donations and those of their employers and the employers' coordinated PAC's on lobbyist disclosure forms.

TITLE VI—FEDERAL ELECTION COMMISSION REFORM

Section 601.—FEC shall develop and provide, at no cost, software to file reports, and shall issue regulations mandating electronic filing and allowing for filing by fax.

Section 602.—Limits commissioners to one term of eight years.

Section 603.—Increases penalties for knowing and willful violations to greater of $15,000 or 300 percent of the contribution or expenditure.

Section 604.—Requires that FEC create a schedule of penalties for minor reporting violations.

Section 605.—Establishes availability of oral arguments at FEC when requested and two commissioners agree. Also requires that FEC create index of Commission actions.

Section 606.—Changes reporting cycle for committees to election cycle rather than calendar year.

Section 607.—Classifies FEC general counsel and executive director as presidential appointments requiring Senate confirmation.

TITLE VII—IMPROVEMENTS TO NATIONAL VOTER REGISTRATION ACT

Section 701.—Repeals requirement that states allow registration by mail.

Section 702.—Requires that registrants for federal elections provide social security number and proof of citizenship.

Section 703.—Provides states the option of removing registrants from eligible list of federal voters who have not voted in two federal elections and did not respond to postcard.

Section 704.—Allows states to require photo ID at the polls.

Section 705.—Repeals requirement that states allow people to change their registration at the polls and still vote.

By Mr. BAUCUS:

S. 1562. A bill to authorize an exchange of land between the Secretary of Agriculture and Secretary of the Interior and Big Sky Lumber Co; to the Committee on Energy and Natural Resources.

THE GALLATIN RANGE CONSOLIDATION COMPLETION ACT OF 1997

Mr. BAUCUS. Mr. President, I rise today to introduce an important piece of legislation for Montana. This bill is titled ''the Gallatin Range Consolidation Completion Act of 1997.''

Mr. President, this legislation is similar to a bill introduced earlier today 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 groups, homeowners, 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 bill I am introducing today is an updated version of the earlier draft I gave to Senator BURNS for his review. I look forward to working with Senator BURNS and all interested parties to get this process back on track so that we can pass a fair and balanced bill soon after we convene the next session of Congress.

Over the next 2 months, my staff and I will be meeting with people about this exchange. My goal is to prepare a consensus bill that can be introduced by the entire Montana delegation when Congress convenes come January. Soon after the introduction of that consensus bill, I will hold public hearings in the state to hear what people think about our efforts. I am hopeful that in the future the entire Montana delegation will work together to protect the Taylor Fork and other important Montana lands in the Gallatin.

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. 1562

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 ''Gallatin Land Consolidation Act of 1998''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the land north of Yellowstone National Park possesses outstanding natural characteristics and wildlife habitats that would make the land a highly valuable addition to the National Forest System;

(2) it is in the interest of the United States for the Secretary of Agriculture to enter into an Option Agreement for the acquisition of land owned by Big Sky Lumber Co.; and

(3) it is in the interest of the United States to—

(A) establish a logical and effective ownership pattern for the Gallatin National Forest, substantially reducing long-term costs for taxpayers; and

(B) consolidate the Gallatin National Forest in a manner that will enable the public to have access to and enjoy the many recreational uses of the land.

SEC. 3. DEFINITIONS.

In this Act:

(1) BSL.—The term ''BSL'' means Big Sky Lumber Co., an Oregon joint venture, and its successors and assigns, and any other entities having a property interest in the BSL land.

(2) BSL LAND.—The term ''BSL land'' means the up to approximately 55,000 acres of land owned by BSL that is to be acquired by the Secretary of Agriculture, as depicted in Exhibit A to the Option Agreement.

(3) EXCHANGE AGREEMENT.—The term ''Exchange Agreement'' means the agreement entered into between BSL and the Secretary of Agriculture under section 4(e).

(4) OPTION AGREEMENT.—The term ''Option Agreement'' means the agreement dated _____ and entitled ''Option Agreement for the Acquisition of Big Sky Lumber Co. Lands Pursuant to the Gallatin Range Consolidation and Protection Act of 1993'' and the exhibits and maps attached to the agreement.

SEC. 4. GALLATIN LAND CONSOLIDATION COMPLETION.

(a) IN GENERAL.—If BSL offers fee title to the BSL land, including mineral interests, that is acceptable to the United States—

(1) the Secretary of Agriculture shall accept a warranty deed to the BSL land;

(2) the Secretary of Agriculture shall convey to BSL, subject to valid existing rights and to such other terms, conditions, reservations, and exceptions as may be agreed on by the Secretary of Agriculture and BSL, fee title to up to approximately 25,000 acres of National Forest System land and appurtenances thereto as depicted in Exhibit B to the Option Agreement;

(3) the Secretary of Agriculture shall grant to BSL timber harvest rights to up to approximately 50,000,000 board feet of timber in accordance with subsection (c) and as described in Exhibit C to the Option Agreement;

(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 $6,500,000; 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, reservations, and exceptions 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) ENTIRE TIMBER SALE PROGRAM OF THE GALLATIN NATIONAL FOREST.—Timber harvest volume shall constitute the timber sale program for the Gallatin National Forest for that 5-year period.

(3) SUBSTITUTION.—If exceptional circumstances, such as natural catastrophe, changes in law or policy, or extraordinary environmental or financial circumstances prevent the Secretary of Agriculture from conveying the timber harvest rights identified in Exhibit C to the Option Agreement, the Secretary of Agriculture shall replace the value of the diminished harvest rights by—

(A) substituting equivalent timber harvest rights volume from the same market area;

(B) conveying national forest lands containing merchantable timber within the Gallatin National Forest; or

(C) making a payment from funds made available to the Secretary of Agriculture out of the Land and Water Conservation Fund.

(4) PROCEDURES.—

(A) IN GENERAL.—The following procedures shall apply to all national forest timber harvest rights identified for exchange under subsection (a):

(i) IDENTIFICATION OF TIMBER.—The Secretary of Agriculture shall designate Federal timber, as depicted in Exhibit C to the Option Agreement, for exchange to BSL.

(ii) HARVEST SCHEDULE.—The Secretary of Agriculture and BSL shall mutually develop and agree upon schedules for all national forest timber to be conveyed to BSL in the exchange.

(iii) OPEN MARKET.—All timber harvest rights granted to BSL in the exchange shall be offered for sale by BSL through the competitive bid process.

(iv) SMALL BUSINESS.—All timber harvest rights granted to BSL in the exchange shall be subject to compliance by BSL with Forest Service small business program procedures in effect as of the date of enactment of this Act, including contractual provisions for payment schedules, harvest schedules, and bonds.

(v) COMPLIANCE WITH OPTION AND EXCHANGE AGREEMENTS.—All timber harvest rights granted to BSL in the exchange and all timber harvested under the exchange shall comply with the terms of the Option Agreement and the Exchange Agreement.

(B) BINDING EFFECT.—The procedures under subparagraph (A) shall be binding on BSL and its assigns, contractors, and successors in interest.

(d) EXCHANGE AGREEMENT.—

(1) IN GENERAL.—The Secretary of Agriculture shall offer to enter into an Exchange Agreement with BSL that—

(A) describes the non-Federal and Federal land and interests in lands to be exchanged;

(B) identifies the terms, conditions, reservations, exceptions, and rights-of-way conveyances; and

(C) describes the terms for the harvest rights of timber granted under subsection (a)(3).

(2) CONSISTENCY.—The Exchange Agreement shall be consistent with this Act and the Option Agreement.

(3) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—On completion of the Exchange Agreement, the Secretary of Agriculture shall submit the Exchange Agreement to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and each member of the Montana congressional delegation; and

(B) DELAYED EFFECTIVENESS.—The Exchange Agreement shall not take effect until 30 days after the date on which the Exchange Agreement is submitted in accordance with subparagraph (A).

(e) RIGHTS-OF-WAY.—As part of the exchange under subsection (a)—

(1) the Secretary of Agriculture, under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), shall convey to BSL such easements in or other rights-of-way over National Forest System land as may be agreed to by the Secretary of Agriculture and BSL in the Exchange Agreement; and

(2) BSL shall convey to the United States such easements in or rights-of-way over land owned by BSL as may be agreed to by the Secretary of Agriculture and BSL in the Exchange Agreement.

(f) QUALITY OF TITLE.—

(1) DETERMINATION.—The Secretary of Agriculture shall review the title for the BSL 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 the quality of the title is otherwise acceptable to the Secretary of Agriculture;

(B) all draft conveyances and closing documents have been received and approved;

(C) a current title commitment verifying compliance with applicable title standards has been issued to the Secretary of Agriculture; and

(D) except as provided in section 8(b) (i)-(iii) of the Gallatin Range Consolidation and Protection Act of 1993 (107 Stat. 992), the title includes both the surface and subsurface estates without reservation or exception (except by the United States or the State of Montana, by patent) including—

(i) minerals, mineral rights, and mineral interests;

(ii) timber, timber rights, and timber interests;

(iii) water, water rights, and ditch conveyances; and

(iv) 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 (1).

(g) 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 accept the conveyance of land described in subsection (a) not later than 60 days after the Secretary of Agriculture has entered into the Exchange Agreement and made an affirmative determination of quality of title.

(3) LAND-FOR-TIMBER EXCHANGE.—The Secretary of Agriculture shall make the timber harvest rights described in subsection (a)(3) available over 5 consecutive years following the date of enactment of this Act. Specific procedures for execution of the harvest rights shall be specified in the Exchange Agreement.

(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 on which appropriated funds are made available and an affirmative determination of quality of title is made with respect to the BSL land.

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.

(2) NOTIFICATION.—The Secretary of Agriculture shall notify the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and each member of the Montana congressional delegation of any changes made pursuant to this subsection.

(b) PUBLIC AVAILABILITY.—The Option Agreement and Exchange Agreement shall be filed with the county clerks for Gallatin County, Park County, Madison County, and Granite County, Montana, and shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(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 and Deerlodge National Forest, as appropriate, in accordance with the Act of March 1, 1911 (commonly known as the ''Weeks Act'') (36 Stat. 961, chapter 186), 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 CRAIG, GORTON, 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 an 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 U.S. farm workers. 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 sheepshearers and 62 sheepherders 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 back pay, civil monetary 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 agriculture-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.

(a) ESTABLISHMENT OF NEW CLASSIFICATION.—Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)) is amended—

(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 who is coming temporarily to the United States pursuant to section 218A to perform such agricultural labor or services of a temporary or seasonal nature;''.

(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 by striking ''specified in this paragraph'' and inserting ''specified in this subparagraph (other than in clause (ii)(c))''.

SEC. 3. PILOT PROGRAM FOR ALTERNATIVE AGRICULTURAL TEMPORARY WORKER PROCESS USING ATTESTATION.

(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 ADMISSIONS 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 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;

''(B) the employer is not disqualified from employing pilot program aliens pursuant to subsection (h); and

''(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 ATTESTATION.—Each labor condition attestation filed by or on behalf of, an employer shall state the following:

''(A) WAGE RATE.—The employer will pay pilot program aliens and all other workers in the occupation 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 work stoppage in the course of a labor dispute in the occupation at the place of employment.

''(E) NOTICE.—The employer, at the time of filing the attestation, has provided notice of the attestation to its workers employed in the occupation in which, and at the place of employment where, pilot program aliens will be employed.

''(F) JOB ORDERS.—The employer will file one or more job orders for the occupation (or occupations) covered by the attestation with the State employment security agency no later than the day on which the employer first employs any pilot program aliens in the occupation.

''(G) PREFERENCE TO DOMESTIC WORKERS.—The employer will give preference to able, willing and qualified United States workers who apply to the employer and are available at the time and place needed, for the first 25 days after the filing of the job order in an occupation or until 5 days before the date employment of workers in the occupation begins, whichever occurs later.

''(4) LIMITATION ON NUMBER OF VISAS.—In no case may the number of aliens who are admitted or provided status as a pilot program alien in a fiscal year exceed 25,000.

''(5) OPERATION OF PROGRAM IN NOT LESS THAN 5 AREAS.—Alien admissions under this section shall be allocated equally to employers in not less than 5 geographically and agriculturally diverse areas designated by the Secretary of Agriculture. The entire United States shall be encompassed within such areas.

''(6) GENERAL ACCOUNTING OFFICE REPORT.—

''(A) IN GENERAL.—The Comptroller General of the United States shall, concurrently with the operation of the pilot program established by this section, review the implementation and enforcement of the pilot program for the purpose of determining if—

''(i) the program has ensured an adequate and timely supply of qualified, eligible workers at the time and place needed for employers;

''(ii) the program has ensured that pilot program aliens are employed only in authorized employment and that they timely depart the United States when their authorized stay ends;

''(iii) the program has ensured that implementation of the program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

''(iv) an unnecessary regulatory burden has been created for employers hiring workers admitted under this section.

''(B) REPORT.—Not later than 90 days after the termination of the pilot program established by this section, the Comptroller General of the United States shall submit a report to Congress setting forth the conclusions of the Comptroller General from the review conducted under subparagraph (A).

''(b) FILING A LABOR CONDITION ATTESTATION.—

''(1) FILING BY EMPLOYERS—Any employer in the United States is eligible to file a labor condition attestation.

''(2) FILING BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—An agricultural association may file a labor condition attestation as an agent on behalf of its members. Such an attestation filed by an agricultural association acting as an agent for its members, when accepted, shall apply to those employer members of the association that the association certifies to the State employment security agency are members of the association and have agreed in writing to comply with the requirements of this section.

''(3) PERIOD OF VALIDITY.—A labor condition attestation is valid from the date on which it is accepted by the State employment security agency for the period of time requested by the employer, but not to exceed 12 months.

''(4) WHERE TO FILE.—A labor condition attestation shall be filed with the State employment security agency having 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, will be employing workers 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 condition attestation may be filed at any time up to 12 months prior to the date of the employer's anticipated need for workers in the occupation (or occupations) covered by 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 in subsection (c) for each occupation included in an accepted attestation covering the employer. The documentation shall be retained for a period of one year following the expiration of an accepted attestation. The employer shall make the documentation available to representatives of the Secretary during normal business hours.

''(B) BY ASSOCIATIONS.—In complying with subparagraph (A), documentation maintained by an association filing a 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 accepted attestation, whether or not pilot program aliens are employed in the occupation, unless the attestation is withdrawn.

''(B) TERMINATION OF OBLIGATIONS.—An employer may withdraw a labor condition attestation in total, or with respect to a particular occupation covered by the attestation. An association may withdraw such an attestation with respect to one or more of its members. To withdraw an attestation the employer or association must notify in writing the State employment security agency office with which the attestation was filed of the withdrawal of the attestation. An employer who withdraws an attestation, or on whose behalf an attestation is withdrawn by an association, is relieved of the obligations undertaken in the attestation with respect to the occupation (or occupations) with respect to which the attestation was withdrawn, upon acknowledgement by the appropriate State employment security agency of receipt of the withdrawal notice. An attestation may not be withdrawn with respect to any occupation while any pilot program alien covered by that attestation is employed in the occupation.

''(C) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by the employer under any other law or regulation as a result of recruitment of United States workers under an offer of terms and conditions of employment required by the pilot program under this section is unaffected by withdrawal of a labor condition attestation.

''(c) EMPLOYER RESPONSIBILITIES AND REQUIREMENTS FOR EMPLOYING PILOT PROGRAM ALIENS.—

''(1) REQUIREMENT TO PAY THE PREVAILING WAGE.—

''(A) EFFECT OF THE ATTESTATION.—Employers shall pay each worker in an occupation covered by an accepted labor condition attestation at least the prevailing wage in the occupation in the area of intended employment. The preceding sentence does not require employers to pay all workers in the occupation the same wage. The 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.

''(B) PAYMENT OF STATE EMPLOYMENT SECURITY AGENCY DETERMINED WAGE SUFFICIENT.—The employer may request and obtain a prevailing wage determination from the State employment security agency. If the employer requests such a determination, and pays the wage determined, such payment shall be considered sufficient to meet the requirement of this paragraph if the pilot program aliens—

''(i) are employed in the occupation for which the employer possesses an accepted labor condition attestation, and for which the employer or association possesses a prevailing wage determination by the State employment security agency, and

''(ii) are being paid at least the prevailing wage so determined.

''(C) RELIANCE ON WAGE SURVEY.—In lieu of 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.

''(D) ALTERNATE METHODS OF PAYMENT PERMITTED.—

''(i) IN GENERAL.—A prevailing wage may be expressed as an hourly wage, a piece rate, a task rate (described in clause (ii)), or other incentive pay system, including a group rate (described in clause (iii)). The requirement to pay at least the prevailing wage in the occupation and area of intended employment does not require an employer to pay by the method of pay in which the prevailing rate is expressed. However, if the employer adopts a method of pay other than the prevailing rate, the burden of proof is on the employer to demonstrate that the employer's method of pay is designed to produce earnings equivalent to the earnings that would result from payment of the prevailing rate.

''(ii) TASK RATE.—For purposes of this subparagraph, a task rate is an incentive payment based on a unit of work performed such that the incentive rate varies with the level of effort required to perform individual units of work.

''(iii) GROUP RATE.—For purposes of this subparagraph, a group rate is an incentive payment system in which the payment is shared among a group of workers working together to perform the task.

''(E) REQUIRED DOCUMENTATION.—The employer or association shall document compliance with this paragraph by retaining on file the employer or association's request for a determination by a State employment security agency and the prevailing wage determination received from such agency or other

information upon which the employer or association relied to assure compliance with the prevailing wage requirement.

''(2) REQUIREMENT TO PROVIDE HOUSING AND TRANSPORTATION.—

''(A) EFFECT OF THE ATTESTATION.—The employment of pilot program aliens shall not adversely affect the working conditions of United States workers similarly employed in the area of intended employment. The employer's obligation not to adversely affect working conditions shall continue for the duration of the period of employment by the employer of any pilot program aliens in the occupation and area of intended employment. An employer will be deemed to be in compliance with this attestation if the employer offers at least the benefits required by subparagraphs (B) through (D). The previous sentence does not require an employer to offer more than such benefits.

''(B) HOUSING REQUIRED.—

''(i) HOUSING OFFER.—The employer must offer to pilot program aliens and United States workers recruited from beyond normal recruiting distance housing, or a housing allowance, if it is prevailing practice in the occupation and area of intended employment to offer housing or a housing allowance to workers who are recruited from beyond normal commuting distance.

''(ii) HOUSING STANDARDS.—If the employer offers housing to such workers, the housing shall meet (at the option of the employer) applicable Federal farm labor housing standards or applicable local or State standards for rental, public accommodation, or other substantially similar class of habitation.

''(iii) CHARGES FOR HOUSING.—An employer who offers housing to such workers may charge an amount equal to the fair market value (but not greater than the employer's actual cost) for utilities and maintenance, or such lesser amount as permitted by law.

''(iv) HOUSING ALLOWANCE AS ALTERNATIVE.—In lieu of offering housing to such workers, at the employer's sole discretion on an individual basis, the employer may provide a reasonable housing allowance. An employer who offers a housing allowance to such a worker under this subparagraph shall not be deemed to be a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) merely by virtue of providing such housing allowance.

''(v) SECURITY DEPOSIT.—The requirement, if any, to offer housing to such a worker under this subparagraph shall not preclude an employer from requiring a reasonable deposit to protect against gross negligence or willful destruction of property, as a condition for providing such housing.

''(vi) DAMAGES.—An employer who offers housing to such a worker shall not be precluded from requiring a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

''(C) TRANSPORTATION.—If the employer provides transportation arrangements or assistance to pilot program aliens, the employer must offer to provide the same transportation arrangements or assistance (generally comparable in expense and scope) for other individuals employed by the employer in the occupation at the place of employment who were recruited from beyond normal commuting distance.

''(D) WORKERS' COMPENSATION.—If the employment covered by a labor condition attestation is not covered by the State workers' compensation law, the employer must provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the workers' employment 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 subparagraphs (B) and (C). 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 that the employer offered the required 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 evidencing 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 pilot program aliens only 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 and which, from its nature, may not be continuous or carried on throughout the year.

''(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). In the event of a complaint, the burden of proof shall fall on the employer to show that the employment meets such requirement.

''(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 which is vacant because its former occupant is involved in a strike, lockout, or work stoppage in the course of a labor dispute in the occupation at the place of employment.

''(B) REQUIRED DOCUMENTATION.—No specific documentation is required to demonstrate compliance with the requirement of subparagraph (A). In the event of a complaint, the burden of proof shall fall on the employer to show that the job opportunity in which the pilot program alien was employed was not vacant because the former occupant was on strike, locked out, or participating in a work stoppage in the course of a labor dispute in the occupation at the place of 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)(ii) 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).

''(C) REQUIRED DOCUMENTATION.—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 attempt to send the notice 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.

''(6) REQUIREMENT TO FILE A JOB ORDER.—

''(A) EFFECT OF THE ATTESTATION.—The employer, or an association acting as agent for its members, shall file the information necessary to complete a local job order for each occupation covered by an accepted labor condition attestation with the appropriate local office of the State employment security agency having jurisdiction over the area of intended employment, or with 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 orders shall remain on file for 25 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 provide at least the minimum terms and conditions of employment required for participation in the pilot program.

''(B) 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 office of the State employment security agency which the employer or association provides with information necessary to file a local job order shall provide the employer with evidence that the information was provided in a timely manner as required by this paragraph, and the employer or association shall retain such evidence for each occupation in which pilot program aliens are employed.

''(7) REQUIREMENT TO GIVE PREFERENCE TO QUALIFIED UNITED STATES WORKERS.—

''(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 25 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 fill a job opportunity in an 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 paragraph (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, including failure to meet 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 be on the employer to show that the complainant was not qualified or that the preference period had expired.

''(d) 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 failed to maintain nonimmigrant 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)(1)(C)(i).

''(e) 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 is incomplete or obviously inaccurate, 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'.

''(f) PUBLIC REGISTRY.—The Secretary shall maintain a registry of all accepted labor condition attestations and make such registry available for public inspection.

''(g) RESPONSIBILITIES OF THE STATE EMPLOYMENT SECURITY AGENCIES.—

''(1) DISSEMINATION OF LABOR MARKET INFORMATION.—The Secretary shall direct 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 clearance 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 eligible job 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 and whose eligibility to remain in the United States pursuant to subsection (i) has not expired, on job orders filed by holders of accepted attestations.

''(B) PROCEDURES.—A State employment agency that refers any individuals for employment pursuant to subsection (g)(2)(A) shall comply with the procedures specified in subsection (b) of section 274A. For purposes of the attestation requirement in subsection (b)(1), the agency employee who is primarily involved in the referral of the individual shall make the attestation on behalf of the agency. The agency shall retain the completed forms and make them available for inspection as required in subsection (b)(3) of section 274A.

''(C) EMPLOYMENT VERIFICATION.—For purposes of complying with subsection (b) of section 274A with respect to an individual referred by a State employment agency, a pilot program employer may, at the employer's option, fulfill the requirements of subsection (b) of this section in lieu of retaining the documentation described in section 274A(a)(5).

''(h) ENFORCEMENT AND PENALTIES.—

''(1) ENFORCEMENT AUTHORITY.—

''(A) INVESTIGATION OF COMPLAINTS.—The Secretary shall establish a process for the receipt, investigation, and disposition of complaints respecting an employer's failure to meet a condition specified in subsection (a) or an employer's misrepresentation of material facts in such an application. Complaints may be filed by any aggrieved person or organizations (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 2 years after the date of the failure or misrepresentation, respectively. The Secretary shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

''(B) 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 provide an opportunity for an appeal of the Secretary's decision to an administrative law judge, who may conduct a de novo hearing.

''(2) 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 back wages shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

''(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 complaint, determines that an employer covered by an accepted labor condition attestation has—

''(i) filed an attestation which misrepresents a material fact; or

''(ii) failed to meet a condition specified in subsection (a),

the Secretary may assess a civil money penalty not to exceed $1,000 for each violation. In determining the amount of civil money penalty to be assessed, the Secretary shall consider the seriousness of the violation, the good faith of the employer, the size of the business of the employer being charged, the history of previous violations by the employer, whether the employer obtained a financial gain from the violation, whether the violation was willful, and other relevant factors.

''(D) PROGRAM DISQUALIFICATION.—Upon a second final determination that an employer has failed to pay the wages required under this section, the Secretary shall report such determination to the Attorney General and the Attorney General shall disqualify the employer from any subsequent employment of pilot program aliens.

''(3) ROLE OF ASSOCIATIONS.—

''(A) VIOLATION BY AN ASSOCIATION.—An employer on whose behalf a labor condition attestation is filed by an association acting as its agent is fully responsible for such attestation, and for complying with the terms and conditions of this section, as though the employer had filed the attestation itself. If such an employer is determined to have violated a requirement of this section, the penalty for such violation shall be assessed against the employer who committed the violation and not against the association or other members of the association.

''(B) 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, unless such member files a labor condition attestation as an individual employer or such an attestation is filed on the employer's behalf by an association with which the employer has an agreement that the employer will comply with the requirements of this section.

''(i) PROCEDURE FOR ADMISSION OR EXTENSION OF PILOT PROGRAM ALIENS.—

''(1) ALIENS WHO ARE OUTSIDE THE UNITED STATES.—

''(A) PETITIONING FOR ADMISSION.—An employer or an association acting as agent for its members who seeks the admission into the United States of pilot program aliens may file a petition with the District Director of the Immigration and Naturalization Service having jurisdiction over the location where the aliens will be employed. The petition shall be accompanied by an accepted and currently valid labor condition attestation covering the petitioner. The petition may be for named or unnamed individual or multiple beneficiaries.

''(B) EXPEDITED ADJUDICATION BY DISTRICT DIRECTOR.—If an employer's petition for admission of pilot program aliens is correctly filled out, and the employer is not ineligible to employ pilot program aliens, the District Director (or the Director's designee) shall approve the petition within 3 working days of receipt of the petition and accepted labor condition attestation and immediately (by fax, cable, or other means assuring expedited delivery) transmit a copy of the approved petition to the petitioner and to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

''(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 under this section if the alien is otherwise admissible under this Act and the alien is not debarred pursuant to the provisions of clause (ii).

''(ii) DISQUALIFICATION.—An alien shall be debarred from admission or being provided status as a pilot program alien under this section if the alien has, at any time during the past 5 years—

''(I) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

''(II) otherwise violated a term or condition of admission to the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

''(E) PERIOD OF ADMISSION.—The alien shall be admitted for the period requested by the petitioner not to exceed 10 months, or the remaining validity period of the petitioner's approved labor condition attestation, whichever is less, plus an additional period of 14 days, during which the alien shall seek authorized employment in the United States. During the 14-day period following the expiration of the alien's work authorization, the alien is not authorized to be employed unless the original petitioner or a subsequent petitioner has filed an extension of stay on behalf of the alien pursuant to paragraph (2).

''(F) ISSUANCE OF IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—

''(i) IN GENERAL.—The Attorney General shall cause to be issued to each pilot program alien a card in a form which is resistant to counterfeiting and tampering for the purpose of providing proof of identity and employment eligibility under section 274A.

''(ii) DESIGN OF CARD.—Each card issued pursuant to clause (i) shall be designed in such a manner and contain a photograph and other identifying information (such as date of birth, sex, and distinguishing marks) that would allow an employer to determine with reasonable certainty that the bearer is not claiming the identity of another individual, and shall—

''(I) contain a fingerprint or other biometric identifying data (or both);

''(II) specify the date of the alien's authorization as a pilot program alien;

''(III) specify the expiration date of the alien's work authorization; and

''(IV) specify the alien's admission number or alien file number.

''(2) EXTENSION OF STAY.—

''(A) APPLICATION FOR EXTENSION OF STAY.—If a petitioner seeks to employ a pilot program alien already in the United States, the petitioner shall file with the Attorney General an application for an extension of the alien's stay. The application for extension of stay shall be accompanied by a currently valid labor condition attestation.

''(B) LIMITATION ON FILING AN APPLICATION FOR EXTENSION OF STAY.—An application may not be filed for an extension of an alien's stay for a period of more than 10 months, or later than a date which is 2 years from the date of the alien's last admission to the United States as a pilot program alien, whichever occurs first. An application for extension of stay may not be filed during the pendency of an alien's previous authorized period of employment, nor after the alien's authorized stay in the United States has expired.

''(C) 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 status on the day the employer files its application for extension of stay. For the purpose of this requirement, the term 'filing' means sending the application by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of sending and receipt of the application. The employer shall provide a copy of the employer's application for extension of stay to the alien, who shall keep the application with the alien's identification and employment eligibility document as evidence that the extension has been filed and that the alien is authorized to work in the United States. Upon approval of an application for extension of stay, the Attorney General shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the application for extension of stay.

''(D) LIMITATION ON EMPLOYMENT AUTHORIZATION OF PILOT PROGRAM ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY CARD.—An expired identification and employment eligibility document, together with a copy of an application for extension of stay, shall constitute a valid work authorization document for a period of not more than 60 days from the date of application for the extension of stay, after which time only a currently valid identification and employment eligibility document shall be acceptable.

''(3) LIMITATION ON AN INDIVIDUAL'S STAY IN PILOT PROGRAM STATUS.—An alien having status as a pilot program alien may not have the status extended for a continuous period longer than 2 years unless the alien remains outside the United States for an uninterrupted period of 6 months. An absence from the United States may break the continuity of the period for which a nonimmigrant visa issued under section 101(a)(15)(H)(ii)(c) is valid. If the alien has resided in the United States 10 months or less, an absence breaks the continuity of the period if its lasts for at least 2 months. If the alien has resided in the United States 10 months or more, an absence breaks the continuity of the period if it lasts for at least one-fifth the duration of the stay.

''(j) TRUST FUND TO ASSURE WORKER RETURN.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund (in this section referred to as the 'Trust Fund') for the purpose of providing a monetary incentive for pilot program aliens to return to their country of origin upon expiration of their visas under this section.

''(2) WITHHOLDING OF WAGES; PAYMENT INTO THE TRUST FUND.—

''(A) IN GENERAL.—Employers of pilot program aliens shall—

''(i) withhold from the wages of their pilot program alien workers an amount equivalent to 25 percent of the wages of each pilot program alien worker and pay such withheld amount into the Trust Fund in accordance with paragraph (3); and

''(ii) pay to the Trust Fund an amount equivalent to the Federal tax on the wages paid to pilot program aliens that the employer would be obligated to pay under the Federal Unemployment Tax Act and the Federal Insurance Contributions Act.

Amounts withheld under clause (i) shall be maintained in such interest bearing account with such a financial institution as the Attorney General shall specify.

''(3) 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 paid by the Attorney General to the worker if—

''(A) the worker applies to the Attorney General (or the designee of the Attorney General) for payment within 30 days of the expiration of the alien's last authorized stay in the United States as a pilot program alien;

''(B) in such application the worker establishes that the worker has complied with the terms and conditions of this section; and

''(C) in connection with the application, the worker tenders the identification and employment authorization card issued to the worker pursuant to subsection (i)(1)(F) and establishes that the worker is identified as the person to whom the card was issued based on the biometric identification information contained on the card.

''(4) ADMINISTRATIVE EXPENSES.—The amounts paid into the Trust Fund and held pursuant to paragraph (2)(A)(ii), and interest earned thereon, shall be paid to the Attorney General, the Secretary of Labor, and the Secretary of State in amounts equivalent to the expenses incurred by such officials in the administration of section 101(a)(15)(H)(ii)(c) and this section.

''(5) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this subsection.

''(k) INVESTMENT OF TRUST FUND.—

''(1) 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 Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

''(A) on original issue at the price; or

''(B) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part 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 on original issue or at the market price, is not in the public interest.

''(2) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

''(3) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

''(4) REPORT TO CONGRESS.—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Attorney General) to report to the Congress each year on the financial condition

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 as both a House and a Senate document of the session of the Congress to which the report is made.

''(l) MISCELLANEOUS PROVISIONS.—

''(1) APPLICABILITY OF LABOR LAWS.—Except as provided in paragraphs (2), (3), and (4), all Federal, State, and local labor laws (including laws affecting migrant farm workers) applicable to United States workers shall also apply to pilot program aliens.

''(2) LIMITATION OF WRITTEN DISCLOSURE IMPOSED UPON RECRUITERS.—Any disclosure required of recruiters under section of 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 BENEFITS 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 or State or local means-tested public benefit program.

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply to the following:

''(i) EMERGENCY MEDICAL SERVICES.—The provision of emergency medical services (as defined by the Attorney General in consultation with 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 subsection (a)(4) not later than 60 days after the date of the enactment of the Temporary Agricultural Worker Act of 1997.

''(2) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Agriculture, and the Attorney General shall approve, all regulations dealing with the approval of labor condition attestations for pilot program aliens and enforcement of the requirements for employing pilot program aliens under an approved attestation. The Secretary shall promulgate, and the Attorney General shall approve, such regulations not later than 90 days after the date of the enactment of the Temporary Agricultural Worker Act of 1997.

''(3) REGULATIONS OF THE ATTORNEY GENERAL.—The Attorney General shall consult with the Secretary of Agriculture on all regulations dealing with the approval of petitions for admission or extension of stay of pilot program aliens and the requirements for employing pilot program aliens and the enforcement of such requirements. The Attorney General shall promulgate such regulations not later than 90 days after the date of the enactment of the Temporary Agricultural Worker Act of 1997.

''(n) DEFINITIONS.—For the purpose of this section:

''(1) AGRICULTURAL ASSOCIATION.—The term 'agricultural association' means any nonprofit or cooperative association of farmers, growers, or ranchers incorporated or qualified under applicable State law, which recruits, solicits, hires, employs, furnishes, or transports any agricultural workers.

''(2) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or section 3121(g) of the Internal Revenue Code of 1986 and the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state.

''(3) EMPLOYER.—The term 'employer' means any person or entity, including any independent contractor and any agricultural association, that employs workers.

''(4) PILOT PROGRAM ALIEN.—The term 'pilot program alien' means an 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.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 218 the following new item:

''Sec. 218A. Alternative agricultural worker program.''.

ADDITIONAL COSPONSORS

S. 61

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

At the request of Mr. LOTT, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 61, supra.

S. 318

At the request of Mr. D'AMATO, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 318, a bill to amend the Truth in Lending Act to require automatic cancellation and 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.

S. 364

At the request of Mr. LIEBERMAN, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 839

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 839, a bill to improve teacher mastery and use of educational technology.

S. 852

At the request of Mr. LOTT, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 887

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 943

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation accidents.

S. 951

At the request of Mr. TORRICELLI, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 951, a bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency.

S. 1052

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1052, a bill to amend the Andean Trade Preference Act to prohibit the provision of duty-free treatment for live plants and fresh cut flowers described in chapter 6 of the Harmonized Tariff Schedule of the United States.

S. 1169

At the request of Mr. REED, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1169, a bill to establish professional development partnerships to improve the quality of America's teachers and the academic achievement of students in the classroom, and for other purposes.

S. 1204

At the request of Mr. COVERDELL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1204, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising

under the Constitution; and to clarify when government action is sufficently 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.

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. 1251, supra.

S. 1252

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. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 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. HELMS] 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 items contributing to Iran's 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. FEINGOLD], 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. 1334

At the request of Mr. BOND, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1335

At the request of Ms. SNOWE, the name of the Senator from 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. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1360, 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. 1365

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. 1365, 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 spouses 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. 1391

At the request of Mr. DODD, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 1391, a bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba.

S. 1396

At the request of Mr. JOHNSON, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1396, 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.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1472, supra.

S. 1520

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. 1520, a bill to terminate the Internal Revenue Code of 1986.

SENATE CONCURRENT RESOLUTION 39

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Concurrent Resolution 39, a

concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

SENATE 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 current standard 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 Ms. SNOWE, the name of the Senator from New Jersey [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 enclaved 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 Agriculture 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 68—RELATIVE TO SINE DIE ADJOURNMENT

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

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 Majoriy 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, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. 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 adjourment of either House during the current Congress does not prevent the return by the President of any bill presented him for approval.

SEC. 4. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this concurrent resolution.

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.

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).

(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''.

(2) 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)''.

(3) In section 127(a) of the bill: In section 503A 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)(2), strike ''or other criteria'' and insert ''and other criteria''.

(4) 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)), 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)''.

(C) 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).''.

(5) 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 the 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.''.

SENATE 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. 635f) is amended by striking 'until' and all that follows through 'but' and inserting 'until the close of business on September 30, 2001, but'.''.

SENATE 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 President of the Senate pro tempore, 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, by 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:

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.

SENATE RESOLUTION 159—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. LOTT submitted the following resolution; which was considered and agreed to:

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.

SENATE RESOLUTION 160—COMMENDING THE MAJORITY LEADER

Mr. DASCHLE submitted the following resolution; which was considered and agreed to.

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.

SENATE RESOLUTION 161—AMENDING SENATE RESOLUTION 48

Mr. LOTT submitted the following resolution; which was considered and agreed to.

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''.

SENATE RESOLUTION 162—RELATIVE TO THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 162

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;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent 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; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That 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 WHOM SHE SERVED

Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. WELLSTONE, Mr. LEVIN, Mr. DODD, Mr. TORRICELLI, Mr. REED, Mr. DURBIN, Ms. MIKULSKI, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to.

S. RES. 163

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 ''the most significant, interesting, and influential person in the history of American Catholicism'';

Whereas His Emminence John Cardinal O'Connor has stated that he is considering recommending Dorothy Day to the Pope for Cannonization; 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 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 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 Emminence 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

SNOWE 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 second 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

discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, or Great Lakes resources.'';

(3) by redesignating paragraphs (5) through (16) as paragraphs (7) through (17), respectively, and inserting after paragraph (4) the following:

''(5) The term 'Great Lakes' includes Lake Champlain.

''(6) The term 'institution' means any public or private institution of higher education, institute, laboratory, or State or local agency.'';

(4) by striking ''regional consortium, institution of higher education, institute, or laboratory'' in paragraph (11) (as redesignated) and inserting ''institute or other institution'';

(5) by striking paragraphs (12) through (17) (as redesignated) and inserting after paragraph (11) the following:

''(12) The term 'project' means any individually described activity in a field related to ocean, coastal, and Great Lakes resources involving research, education, training, or advisory services administered by a person with expertise in such a field.

''(13) The term 'sea grant college' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

''(14) The term 'sea grant institute' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

''(15) The term 'sea grant program' means a program of research and outreach which is administered by one or more sea grant colleges or sea grant institutes.

''(16) The term 'Secretary' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

''(17) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States.''.

(b) The Act is amended—

(1) in section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, by striking '', the Under Secretary,''; and

(2) by striking ''Under Secretary'' every other place it appears and inserting ''Secretary''.

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204 (33 U.S.C. 1123) is amended to read as follows:

''SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

''(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 support for the following elements—

''(1) sea grant programs which comprise a national sea grant college program network, including international projects conducted within such programs;

''(2) administration of the national sea grant college program and this Act by the national sea grant office, the Administration, and the panel;

''(3) the fellowship program under section 208; and

''(4) 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 institutes.

''(c) RESPONSIBILITIES OF THE SECRETARY.—

''(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop a long-range strategic plan which establishes priorities for the national sea grant college program and which provides an appropriately balanced response to local, regional, and national needs.

''(2) Within 6 months of the date of enactment of the Ocean and Coastal Research Revitalization 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 of proposals for grants and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

''(3) The Secretary shall by regulation prescribe the qualifications required for designation of sea grant colleges and sea grant institutes under section 207.

''(4) To carry out the provisions of this subchapter, the Secretary may—

''(A) appoint, assign the duties, transfer, and fix the compensation 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, educational, training or other value in fields related to ocean, coastal, or Great Lakes resources;

''(D) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41, United States Code;

''(E) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;

''(F) 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;

''(G) promulgate such rules and regulations as may be necessary and appropriate.

''(d) DIRECTOR OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.—

''(1) The Secretary shall appoint, as the Director of the National Sea Grant College 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, at a rate payable under section 5376 of title 5, United States Code.

''(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee 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 (c)(1);

''(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage 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;

''(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

''(D) encourage the establishment and growth of sea grant programs, and cooperation and coordination with other Federal activities in fields related to ocean, coastal, and Great Lakes resources.

''(3) With respect to sea grant colleges and sea grant institutes, the Director shall—

''(A) evaluate the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary;

''(B) subject to the availability of appropriations, allocate funding among sea grant colleges and sea grant institutes so as to—

''(i) promote healthy competition among sea grant colleges and institutes;

''(ii) encourage successful implementation of sea grant programs; and

''(iii) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes; and

''(C) ensure compliance with the guidelines for merit review under subsection (c)(2).''.

SEC. 6. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

SEC. 7. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 (33 U.S.C. 1126) is amended to read as follows:

''SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

''(a) DESIGNATION.—

''(1) A sea grant college or sea grant institute shall meet the following qualifications—

''(A) have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;

''(B) make a long-term commitment to the objective in section 202(b), as determined by the Secretary;

''(C) cooperate with other sea grant colleges and institutes and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

''(D) have received financial assistance under section 205 of this title (33 U.S.C. 1124);

''(E) be recognized for excellence in fields related to ocean, coastal, and Great Lakes resources (including marine resources management and science), as determined by the Secretary; and

''(F) meet such other qualifications as the Secretary, in consultation with the panel, considers necessary or appropriate.

''(2) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant college if the institution, association, or alliance—

''(A) meets the qualifications in paragraph (1); and

''(B) maintains a program of research, advisory services, training, and education in fields related to ocean, coastal, and Great Lakes resources.

''(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 DESIGNEES.—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 (1); 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 5376 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:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act—

''(A) $55,400,000 for fiscal year 1998;

''(B) $56,500,000 for fiscal year 1999;

''(C) $57,600,000 for fiscal year 2000;

''(D) $58,800,000 for fiscal year 2001; and

''(E) $59,900,000 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 concurrently be 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 and Appropriations 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 of 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:

SECTION 1. 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 funding 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 and other low-income 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 layering 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. 202. Definitions.

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. 210. Enforcement.

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 255(d) 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'' at the end;

(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 mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and'';

(2) in paragraph (9)(F), by striking ''and'';

(3) in paragraph (10), by striking the period at the end and inserting ''; and''; 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 mortgagor 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 the 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 90-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 PREFERENCES FOR ASSISTED HOUSING.

Section 402(f) of The Balanced Budget Downpayment Act, I (42 U.S.C. 1437aa note) is amended by striking ''and 1997'' and inserting '', 1997, and 1998''.

SEC. 122. PUBLIC HOUSING DEMOLITION AND DISPOSITION.

Section 1002(d) of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 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)(2) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437*l* note) is amended to read as follows:

''(2) APPLICABILITY.—Section 14(q) of the United States Housing Act of 1937 shall be effective only with respect to assistance provided from funds made available for fiscal year 1998 or any preceding fiscal year, except that the authority in the first sentence of section 14(q)(1) of that Act to use up to 10 percent of the allocation of certain funds for any operating subsidy purpose shall not apply to amounts made available for fiscal year 1998.''.

(b) MIXED FINANCE.—Section 14(q)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437*l*(q)(1)) is amended by inserting after the first sentence the following: ''Such assistance may involve the drawdown of funds on a schedule commensurate with construction draws for deposit into an interest earning escrow account to serve as collateral or credit enhancement for bonds issued by a public agency for the construction or rehabilitation of the development.''.

SEC. 124. MINIMUM RENTS.

Section 402(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 40) is amended in the matter preceding paragraph (1) by striking ''fiscal year 1997'' and inserting ''fiscal years 1997 and 1998''.

SEC. 125. PROVISIONS RELATING TO SECTION 8 RENTAL ASSISTANCE PROGRAM.

Section 203(d) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134)) (42 U.S.C. 1437f note) is amended by striking ''and 1997'' and inserting '', 1997, and 1998''.

Subtitle C—Reauthorization of Federally Assisted Multifamily Rental Housing Provisions

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 inserting before the period at the end of the first sentence the following: '', and not more than an additional 15,000 units during fiscal year 1998''; and

(2) in the first sentence of subsection (c)(4)—

(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. 132. HUD DISPOSITION OF MULTIFAMILY HOUSING.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended by inserting after ''owned by the Secretary'' the following: '', including the provision of grants and loans from the General Insurance Fund for the necessary costs of rehabilitation or demolition,''.

SEC. 133. MULTIFAMILY MORTGAGE AUCTIONS.

Section 221(g)(4)(C) of the National Housing Act (12 U.S.C. 1715*l*(g)(4)(C)) is amended—

(1) in the first sentence of clause (viii), by striking ''September 30, 1996'' and inserting ''December 31, 2000''; and

(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 502 of the Congressional Budget Act of 1974), 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 1987 (as in effect pursuant to section 604(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)—

(1) the owner of the project may prepay, and the mortgagee may accept prepayment of, the mortgage on the project, and

(2) 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 at the end of September 30, 1998.

Subtitle D—Reauthorization of Rural Housing Programs

SEC. 141. HOUSING IN UNDERSERVED AREAS PROGRAM.

The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking ''fiscal year 1997'' and inserting ''fiscal years 1997, 1998, and 1999''.

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, 1997'' and inserting ''September 30, 1999''.

(b) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking ''fiscal year 1997'' and inserting ''fiscal years 1997, 1998, and 1999''.

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.'';

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

''(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1998 and 1999 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section such sums as may be necessary for such fiscal year.''; and

(3) in subsection (u), by striking ''1996'' and inserting ''1999''.

Subtitle E—Reauthorization of National Flood Insurance Program

SEC. 151. PROGRAM EXPIRATION.

Section 1319 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 1309(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 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)) is amended by striking ''September 30, 1996'' and inserting ''September 30, 1999''.

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. 4136) 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 207(b) 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 homebuyer'' after ''tenant''; and

(3) in paragraph (3)(A), by inserting ''and homebuyers'' after ''tenants''.

SEC. 163. REPAYMENT 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(a)(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) by striking paragraph (4); and

(2) by redesignating paragraphs (5) through (11) as paragraphs (4) through (10), respectively.

(b) 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).

SEC. 165. MISCELLANEOUS.

(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 1 or more Indian tribes, provides assistance under this Act for affordable housing.''.

(b) CROSS-REFERENCE.—Section 4(12)(C)(i)(II) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(12)(C)(i)(II)) is amended by striking ''section 107'' and inserting ''section 705''.

(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)'';

(2) in paragraph (1)(A), as so designated by paragraph (1) of this subsection, by adding ''or'' at the end;

(3) by striking ''(2)'' and inserting ''(B)''; and

(4) by striking ''(3)'' and inserting ''(2)''.

(f) CLARIFICATION.—Section 103(c)(3) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113(c)(3)) is amended by inserting ''not'' before ''prohibited''.

(g) APPLICABILITY OF PROVISIONS OF CIVIL RIGHTS.—Section 201(b)(5) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)(5)) is amended—

(1) by striking ''Indian tribes'' and inserting ''federally recognized tribes and the tribally designated housing entities of those tribes''; and

(2) by striking ''under this subsection'' and inserting ''under this Act''.

(h) ELIGIBILITY.—Section 205(a)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135(a)(1)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end; and

(2) by striking subparagraph (B) and inserting the following:

''(B) in the case of a contract to purchase existing housing, is made available for purchase only by a family that is a low-income family at the time of purchase;

''(C) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, is made available for lease-purchase only by a family that is a low-income family at the time the agreement is entered into; and

''(D) in the case of a contract to purchase housing to be constructed, is made available for purchase only by a family that is a low-income family at the time the contract is entered into; and''.

(i) TENANT SELECTION.—Section 207(b)(3)(B) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137(b)(3)(B)) is amended by striking ''of any rejected applicant of the grounds for any rejection'' and inserting ''to any rejected applicant of that rejection and the grounds for that rejection''.

(j) AVAILABILITY OF RECORDS.—Section 208 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138) is amended—

(1) in subsection (a), by striking ''paragraph (2)'' and inserting ''subsection (b)''; and

(2) in subsection (b), by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(k) IHP REQUIREMENT.—Section 184(b)(2) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(b)(2)) is amended by striking ''that is under the jurisdiction of an Indian tribe'' and all that follows before the period at the end.

(l) AUTHORIZATION OF APPROPRIATIONS.—Section 184(i)(5)(C) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)(5)(C)) is amended by striking ''note'' and inserting ''not''.

(m) ENVIRONMENTAL REVIEW UNDER THE INDIAN HOUSING LOAN GUARANTEE PROGRAM.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following:

''(k) ENVIRONMENTAL REVIEW.—For purposes of environmental, review, decision-making, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other law that furthers the purposes of that Act, a loan guarantee under this section shall—

''(1) be treated as a grant under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

''(2) be subject to the regulations promulgated by the Secretary to carry out section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115).''.

(n) PUBLIC AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—Title IV of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161 et seq.) is amended by adding at the end the following:

''SEC. 408. PUBLIC AVAILABILITY OF INFORMATION.

''Each recipient shall make any housing plan, policy, or annual report prepared by the recipient available to the general public.''.

(2) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents by inserting after the item relating to section 407 the following:

''Sec. 408. Public availability of information.''.

(o) NON-FEDERAL FUNDS.—Section 520(l)(5)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(l)(5)(B)) is amended by striking ''and Indian housing authorities'' and inserting ''and units of general local government''.

(p) INELIGIBILITY OF INDIAN TRIBES.—Section 460 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899h–1) is amended by striking ''fiscal year 1997'' and inserting ''fiscal year 1998''.

(q) INDIAN HOUSING EARLY CHILDHOOD DEVELOPMENT PROGRAM.—

(1) REPEAL.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–11 note) is repealed.

(2) TECHNICAL CORRECTION.—

(A) IN GENERAL.—Section 501(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (110 Stat. 4042), and the amendment made by that section, is repealed.

(B) APPLICABILITY.—Section 519 of Cranston-Gonzalez National Affordable Housing

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. 4042) 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.

(r) TRIBAL ELIGIBILITY UNDER THE DRUG ELIMINATION PROGRAM.—The Public and Assisted Housing Elimination Act of 1990 (42 U.S.C. 11901 et seq.) is amended—

(1) in section 5123, by inserting ''Indian tribes,'' after ''tribally designated housing entities,'';

(2) in section 5124(a)(7), by inserting '', Indian tribe,'' after ''agency'';

(3) in section 5125(a), by inserting ''Indian tribe,'' after ''entity,''; and

(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. 4103).''.

(s) REFERENCE IN THE PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.—Section 5126(4)(D) of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11905(4)(D)) is amended by inserting ''of 1996'' before the period.

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 that date, is first scheduled to reach 80 percent of the original value of the property securing the loan; or

(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 amortization schedules for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 80 percent of the original value of the property securing the loan; or

(ii) based solely on actual payments, first 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 a schedule established at the time at which a residential mortgage transaction is consummated with respect to a fixed rate mortgage, showing—

(A) 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) the unpaid principal balance of the loan after each scheduled payment is made.

(6) MORTGAGE INSURANCE.—The term ''mortgage insurance'' means insurance, including any mortgage guaranty insurance, against 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) MORTGAGEE.—The term ''mortgagee'' means the holder of a residential mortgage at the time at which that mortgage transaction is consummated.

(9) MORTGAGOR.—The term ''mortgagor'' means the original borrower under a residential mortgage or his or her successors or assignees.

(10) 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.

(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 on or after the date that is 1 year after the date of enactment of this Act, in which a mortgage, deed of trust, purchase money security interest arising under an installment sales contract, or equivalent consensual security interest is created or retained against a single-family dwelling that is the primary residence of the mortgagor to finance the acquisition, initial construction, or refinancing of that dwelling.

(14) SERVICER.—The term ''servicer'' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974, with respect to a residential mortgage.

(15) SINGLE-FAMILY DWELLING.—The term ''single-family dwelling'' means a residence consisting of 1 family dwelling unit.

(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 that date, is first scheduled to reach 78 percent of the original value of the property securing the loan; and

(B) with respect to an adjustable rate mortgage, 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 78 percent of the original value of the property securing the loan.

SEC. 203. TERMINATION OF PRIVATE MORTGAGE INSURANCE.

(a) BORROWER CANCELLATION.—A requirement for private mortgage insurance in connection with a residential mortgage transaction shall be canceled on the cancellation date, if the mortgagor—

(1) submits a request in writing to the servicer that cancellation be initiated;

(2) has a good payment history with respect to the residential mortgage; and

(3) has satisfied any requirement of the holder of the mortgage (as of the date of a request under paragraph (1)) for—

(A) evidence (of a type established in advance and made known to the mortgagor by the servicer promptly upon receipt of a request under paragraph (1)) that the value of the property securing the mortgage has not declined below the original value of the property; 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—

(1) 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

(2) on the date after the termination date on which the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction.

(c) FINAL TERMINATION.—If a requirement for private mortgage insurance is not otherwise canceled or terminated in accordance with subsection (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 or premiums may be required from the mortgagor in connection with a private mortgage insurance requirement terminated or canceled under this section—

(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);

(2) in the case of termination under subsection (b), more than 30 days after the termination date or the date referred to in subsection (b)(2), as applicable; and

(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.—

(1) 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.

(2) 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 with respect to a mortgagor, a mortgage insurer that is in possession of any unearned premiums of that mortgagor 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).

(f) EXCEPTIONS FOR HIGH RISK LOANS.—

(1) IN GENERAL.—The termination and cancellation provisions in subsections (a) and (b) do not apply to any residential mortgage or mortgage transaction that, at the time at which the residential mortgage transaction is consummated, has high risks associated with the extension of the loan—

(A) as determined in accordance with guidelines established by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, in the case of a mortgage loan with an original principal balance that does not exceed the applicable annual conforming loan limit for the secondary market established pursuant to section 305(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).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection 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 MORTGAGES 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 to the mortgagor—

(A) if the transaction relates to a fixed rate mortgage—

(i) a written initial amortization schedule; and

(ii) written notice—

(I) that the mortgagor may cancel the requirement in accordance with section 203(a) of this Act indicating the date on which the mortgagor may request cancellation, based solely on the initial amortization schedule;

(II) that the mortgagor may request cancellation in accordance with section 203(a) of this Act earlier than provided for in the initial amortization schedule, based on actual payments;

(III) that the requirement for private mortgage insurance will automatically terminate on the termination date in accordance with section 203(b) of this Act, and what that termination date is with respect to that mortgage; and

(IV) that there are exemptions to the right to cancellation and automatic termination of a requirement for private mortgage insurance in accordance with section 203(f) of this Act, and whether such an exemption applies at that time to that transaction; and

(B) if the transaction relates to an adjustable rate mortgage, a written notice that—

(i) the mortgagor may cancel the requirement in accordance with section 203(a) of this Act on the cancellation date, and that the servicer will notify the mortgagor when the cancellation date is reached;

(ii) the requirement for private mortgage insurance will automatically terminate on the termination date, and that on the termination date, the mortgagor will be notified of the termination or that the requirement will be terminated as soon as the mortgagor is current on loan payments; and

(iii) there are exemptions to the right of cancellation and automatic termination of a requirement for private mortgage insurance in accordance with section 203(f) of this Act, and whether such an exemption applies at that time to that transaction.

(2) DISCLOSURES FOR EXCEPTED TRANSACTIONS.—In the case of 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 in no case may private mortgage insurance be required beyond the date that is the midpoint of the amortization period of the loan, if the mortgagor is current on payments required by the terms of the residential mortgage.

(3) ANNUAL DISCLOSURES.—If private mortgage insurance is required in connection with a residential mortgage transaction, the servicer shall disclose to the mortgagor in each such transaction in an annual written statement—

(A) the rights of the mortgagor under this title to cancellation or termination of the private mortgage insurance requirement; and

(B) an address and telephone number that the mortgagor may use to contact the servicer to determine whether the mortgagor may cancel the private mortgage insurance.

(4) APPLICABILITY.—Paragraphs (1) through (3) shall apply with respect to each residential mortgage transaction consummated on or after the date that is 1 year after the date of enactment of this Act.

(b) DISCLOSURES FOR EXISTING MORTGAGES.—If private mortgage insurance was required in connection with a residential mortgage entered into at any time before the effective date of this title, the servicer shall disclose to the mortgagor in each such transaction in an annual written statement—

(1) that the private mortgage insurance may, under certain circumstances, be canceled by the mortgagor (with the consent of the mortgagee or in accordance with applicable State law); and

(2) an address and telephone number that the mortgagor may use to contact the servicer to determine whether the mortgagor may cancel the private mortgage insurance.

(c) INCLUSION IN OTHER ANNUAL NOTICES.—The information and disclosures required under subsection (b) and paragraphs (1)(B) and (3) of subsection (a) may be provided on the annual disclosure relating to the escrow account made as required under the Real Estate Settlement Procedures Act of 1974, or as part of the annual disclosure of interest payments made pursuant to Internal Revenue Service regulations, and on a form promulgated by the Internal Revenue Service for that purpose.

(d) STANDARDIZED FORMS.—The mortgagee or servicer may use standardized forms for the provision of disclosures required under this section.

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 accordance with this title, the servicer shall notify the mortgagor in writing—

(1) that the private mortgage insurance has terminated and that the mortgagor no longer has private mortgage insurance; 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 GROUNDS.—

(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 grounds 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) NOTICES 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 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 automatically terminate on the termination date in accordance with section 203(b) of this Act;

(B) that lender paid mortgage insurance—

(i) usually results in a residential mortgage having a higher interest rate than it would in the case of borrower paid mortgage insurance; and

(ii) terminates only when the residential mortgage is refinanced, paid off, or otherwise 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 a residential mortgage in the case lender paid mortgage insurance versus borrower paid mortgage insurance over a 10-year period, assuming prevailing interest and property appreciation rates; and

(D) that lender paid mortgage insurance may be tax-deductible for purposes of Federal income taxes, if the mortgagor itemizes expenses for that purpose; and

(2) not later than 30 days after the termination date that would apply in the case of borrower paid mortgage insurance, the servicer shall provide to the mortgagor a written notice indicating that the mortgagor may wish to review financing options that could eliminate the requirement for private mortgage insurance in connection with the residential mortgage.

(d) STANDARD FORMS.—The servicer of a residential mortgage 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 mortgagor 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—

(1) in the case of an action by an individual, or a class action in which the liable party is not subject to section 210, any actual damages sustained by the mortgagor as a result of the violation, including interest (at a rate determined by the court) on the amount of actual damages, accruing from the date on which the violation commences;

(2) in the case of—

(A) an action by an individual, such statutory damages as the court may allow, not to exceed $2,000; and

(B) in the case of a class action—

(i) in which the liable party is subject to section 210, such amount as the court may allow, except that the total recovery under this subparagraph in any class action or 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; and

(ii) in which the liable party is not subject to section 210, such amount as the court may allow, not to exceed $1000 as to each member of the class, except that the total recovery under this subparagraph in any class action or 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 gross revenues of the liable party, as determined by the court;

(3) costs of the action; and

(4) reasonable attorney fees, as determined by the court.

(b) TIMING OF ACTIONS.—No action may be brought by a mortgagor under subsection (a) later than 2 years after the date of the discovery of the violation that is the subject of the action.

(c) LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—With respect to a residential mortgage transaction, the failure of a servicer 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 construed to be a violation of this title by the servicer.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to impose any additional requirement or liability on a mortgage insurer, a mortgagee, or a holder of a residential mortgage.

SEC. 209. EFFECT ON OTHER LAWS AND AGREEMENTS.

(a) EFFECT ON STATE LAW.—

(1) IN GENERAL.—With respect to any residential mortgage or residential mortgage transaction consummated after the effective date of this title, and except as provided in paragraph (2), the provisions of this title shall supersede any provisions of the law of any State relating to requirements for obtaining or maintaining private mortgage insurance in connection with residential mortgage transactions, cancellation or automatic termination of such private mortgage insurance, any disclosure of information addressed by this title, and any other matter specifically addressed by this title.

(2) CONTINUED APPLICATION OF CERTAIN PROVISIONS.—This title does not supersede any provision of the law of a State in effect on or before September 1, 1989, pertaining to the termination of private mortgage insurance or other mortgage guaranty insurance, to the extent that such law requires termination of such insurance at an earlier date or when a lower mortgage loan principal balance is achieved than as provided in this title.

(b) EFFECT ON OTHER AGREEMENTS.—The provisions of this title shall supersede any conflicting provision contained in any agreement relating to the servicing of a residential mortgage loan entered into by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or any private investor or note holder (or any successors thereto).

SEC. 210. ENFORCEMENT.

(a) IN GENERAL.—Compliance with the requirements imposed under this title shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act—

(A) by the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act) in the case of insured depository institutions (as defined in section 3(c)(2) of that Act);

(B) by the Federal Deposit Insurance Corporation in the case of depository institutions described in clause (i), (ii), or (iii) of section 19(b)(1)(A) of the Federal Reserve Act that are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

(C) by the Director of the Office of Thrift Supervision in the case of depository institutions described in clause (v) and or (vi) of section 19(b)(1)(A) of the Federal Reserve Act that are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act);

(2) the Federal Credit Union Act, by the National Credit Union Administration Board in the case of depository institutions described in clause (iv) of section 19(b)(1)(A) of the Federal Reserve Act; and

(3) part C of title V of the Farm Credit Act of 1971 (12 U.S.C. 2261 et seq.), by the Farm Credit Administration in the case of an institution that is a member of the Farm Credit System.

(b) ADDITIONAL ENFORCEMENT POWERS.—

(1) VIOLATION OF THIS TITLE TREATED AS VIOLATION OF OTHER ACTS.—For purposes of the exercise by any agency referred to in subsection (a) of such agency's powers under any Act referred to in such subsection, a violation of a requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act.

(2) ENFORCEMENT AUTHORITY UNDER OTHER ACTS.—In addition to the powers of any agency referred to in subsection (a) under any provision of law specifically referred to in such subsection, each such agency may exercise, for purposes of enforcing compliance with any requirement imposed under this title, any other authority conferred on such agency by law.

(c) ENFORCEMENT AND REIMBURSEMENT.—In carrying out its enforcement activities under this section, each agency referred to in subsection (a) shall—

(1) notify the mortgagee or servicer of any failure of the mortgagee or servicer to comply with 1 or more provisions of this title;

(2) with respect to each such failure to comply, require the mortgagee or servicer, as applicable, to correct the account of the mortgagor to reflect the date on which the mortgage insurance should have been canceled or terminated under this title; and

(3) require the mortgagee or servicer, as applicable, to reimburse the mortgagor in an amount equal to the total unearned premiums paid by the mortgagor after the date on which the obligation to pay those premiums ceased under this title.

SEC. 211. CONSTRUCTION.

Nothing in this title shall be construed to impose any requirement for private mortgage insurance in connection with a residential mortgage transaction.

SEC. 212. EFFECTIVE DATE.

This title shall become effective 1 year after the date of enactment of this Act.

TITLE III—ABOLISHMENT OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

SEC. 301. ABOLISHMENT.

(a) IN GENERAL.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the Thrift Depositor Protection Oversight Board established under section 21A of the Federal Home Loan Bank Act (hereafter in this section referred to as the ''Oversight Board'') is hereby abolished.

(b) DISPOSITION OF AFFAIRS.—

(1) POWER OF CHAIRPERSON.—Effective on the date of enactment of this Act, the Chairperson of the Oversight Board (or the designee of the Chairperson) may exercise on behalf of the Oversight Board any power of the Oversight Board necessary to settle and conclude the affairs of the Oversight Board.

(2) AVAILABILITY OF FUNDS.—Funds available to the Oversight Board shall be available to the Chairperson of the Oversight Board to pay expenses incurred in carrying out paragraph (1).

(c) SAVINGS PROVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—No provision of this section shall be construed as affecting the validity of any right, duty, or obligation of the United States, the Oversight Board, the Resolution Trust Corporation, or any other person that—

(A) arises under or pursuant to the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Oversight Board; and

(B) existed on the day before the abolishment of the Oversight Board in accordance with subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Oversight Board with respect to any function of the Oversight Board shall abate by reason of the enactment of this section.

(3) LIABILITIES.—

(A) IN GENERAL.—All liabilities arising out of the operation of the Oversight Board during the period beginning on August 9, 1989, and the date that is 3 months after the date of enactment of this Act shall remain the direct liabilities of the United States.

(B) NO SUBSTITUTION.—The Secretary of the Treasury shall not be substituted for the Oversight Board as a party to any action or proceeding referred to in subparagraph (A).

(4) CONTINUATIONS OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS PERTAINING TO THE RESOLUTION FUNDING CORPORATION.—

(A) IN GENERAL.—All orders, resolutions, determinations, and regulations regarding the Resolution Funding Corporation shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations until modified, terminated, set aside, or superseded in accordance with applicable law if such orders, resolutions, determinations, or regulations—

(i) have been issued, made, and prescribed, or allowed to become effective by the Oversight Board, or by a court of competent jurisdiction, in the performance of functions transferred by this section; and

(ii) are in effect at the end of the 3-month period beginning on the date of enactment of this section.

(B) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS BEFORE TRANSFER.—Before the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under subsection (d), all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the United States.

(C) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS AFTER TRANSFER.—On and after the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under subsection (d), all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the Secretary of the Treasury.

(d) TRANSFER OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUTHORITY AND DUTIES OF RESOLUTION FUNDING CORPORATION TO SECRETARY OF THE TREASURY.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the authority and duties of the Oversight Board under sections 21A(a)(6)(I) and 21B of the Federal Home Loan Bank Act are transferred to the Secretary of the Treasury (or the designee of the Secretary).

(e) MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY BOARD.—Effective on the date of enactment of this Act, section 14(b)(2) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(f) TIME OF MEETINGS OF THE AFFORDABLE HOUSING ADVISORY BOARD.—

(1) IN GENERAL.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(A) by striking ''4 times a year, or more frequently if requested by the Thrift Depositor Protection Oversight Board or'' and inserting ''2 times a year or at the request of''; and

(B) by striking the second sentence.

(2) CLERICAL AMENDMENT.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended, in the subparagraph heading, by striking ''AND LOCATION''.

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.''.

THE FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

McCAIN (AND HOLLINGS) AMENDMENT NO. 1638

Mr. LOTT (for Mr. McCAIN, for himself and Mr. HOLLINGS) proposed an amendment to the 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; as follows:

On page 12, line 10, strike ''$229,673,000,'' and insert ''$226,800,000,''.

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 ''$26,550,000''.

On page 13, line 6, strike ''activities.'.'' and insert ''activities; and''.

On page 13, between lines 6 and 7, insert the following:

''(5) 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 notice to the Committees on Science, Transportation and Infrastructure, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization (as determined by the Administrator) of any program 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.''.

THE OCEANS ACT OF 1997

SNOWE (AND HOLLINGS) AMENDMENT NO. 1639

Mr. NICKLES (for Ms. SNOWE, for herself and Mr. HOLLINGS) proposed an amendment to the bill (S. 1213) to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

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 products, act as a frontier to 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, 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 ocean and 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 innovations and the creation of new jobs.

(6) Research has uncovered 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 designating 1998 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 on Marine Science, Engineering, and Resources (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.

(8) 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 create marine technologies and economic opportunities.

(9) 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 resources.

(10) While significant Federal and State ocean and coastal programs are underway, those Federal 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.

(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 innovative approaches for sustainable use of marine resources.

(5) The expansion of human knowledge of the marine environment including the role of 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 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 identification of appropriate 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 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 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 resource stewardship and use, marine 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, 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) 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.

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 and coastal 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 of the 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 unavoidable 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 purpose 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 to them; 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 6;

(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 one year after the Commission has submitted its final report under section 6(h).

(e) SAVINGS PROVISION.—

(1) Council activities are not intended to supersede 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 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.

(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 Member 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 the Chairman, the President is requested to consult with the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, and the Minority 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 minority leader 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, 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 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;

(4) 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;

(5) review the known and anticipated demands for ocean and coastal resources, including an examination of opportunities and limitations with respect to 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 relationship 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, and actions available to 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 whose compensation 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.

(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 executive director 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 III 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 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 of 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, 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 3109 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 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statement on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(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 statements filed. Subject to section 552 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.

(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 it deems 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.

(2) 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.

(3) The General Services Administration shall provide to the Commission on a reimbursable basis the administrative support services that the Commission may request.

(4) The Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the Commission in carrying out its duties. The Commission may purchase and contract without regard to section 303 of the Federal Property and Administration Services Act of 1949 (41 U.S.C. 253), section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416), and section 8 of the Small Business Act (15 U.S.C. 637), pertaining to competition and publication requirements, and may arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

(h) REPORT.—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 findings and recommendations. The Commission shall cease to exist 30 days after it has submitted its final report.

(i) 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 without fiscal year limitation until the Commission ceases to exist.

SEC. 7. REPORT AND BUDGET COORDINATION.

(a) BIENNIAL REPORT.—Beginning in January, 1999, the President 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 recommendations for legislation as the President may consider necessary or desirable.

(b) BUDGET COORDINATION.—

(1) Each year the President 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 each 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. 1101 et seq.) is repealed.

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 Committee on Energy and Natural Resources.

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 receive testimony on S. 1253, the Public Land Management Improvement Act of 1997.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, 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 sacrifices in the defense of the freedoms and democratic principles upon which our country was founded and to which we pledge our 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 veterans whom often they have never met, nor seen, nor heard about—and who too often have received little or no recognition 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 remember the faces of those who served with us and the experiences of those who served beside us. History will remember the cause, but we will remember the people.

I am proud to have served my country 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 and 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 Payment in Lieu of Taxes program, or PILT. I want to thank the Interior appropriations chairman, Senator GORTON, for his assistance and consideration of this important amendment. I also wish to thank my cosponsors, Senators LEVIN, HATCH, CAMPBELL, SMITH, and Dominici. In particular, I am most appreciative 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 Federal Government increases the acreage it owns, particularly in the form of national parks. This provides increased opportunities for Americans to enjoy the great outdoors. At the same time, however, it 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 permanently remove a critical source of income 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 taxed or, in many cases, developed by the local governments. PILT moneys are often the only means that counties have to pay for police protection and garbage collection and storage as well as funding for one time capital investments for new schools, hospitals, and jails. They also are vital for offsetting costs incurred by counties for services provided users of public lands.

Unfortunately, Mr. President, and despite the very real benefits local communities provide, every year more Federal lands are taken off of county tax rolls, while PILT payments remain stagnant and well below the level authorized 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 significance beyond the amount approved because it demonstrates that the Congress is beginning to understand the dilemma 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 compromise funding level of $20 million. I suspect that the increased Senate amount was partially responsible for the conferees 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 citizens' needs. It has been a long time coming and I applaud the Senate for agreeing to support this critical program.•

CONFIRMATION OF RODNEY W. SIPPEL TO BE A UNITED STATES JUDGE FOR THE EASTERN AND WESTERN DISTRICT OF MISSOURI

• Mr. LEAHY. Mr. President, I am delighted that the Senate unanimously confirmed Rodney W. Sippel to serve as

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 experience at 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 28 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 benefiting 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 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. Kauffman and his family and look forward to his service on the district court.•

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 former 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.•

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.•

ELEVEN CONNECTICUT ORGANIZATIONS, COMPANIES, AND MUNICIPALITIES NAMED TO WOMEN'S BUREAU HONOR ROLL

• Mr. DODD. Mr. President, I rise 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 to a 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.

The 11 honorees from Connecticut are: Aetna Inc., the city of New Britain, the Connecticut Women's Education and Legal Fund, DCC/The Dependent Care Connection Inc., the Entrepreneurial Center at Hartford College for Women, GTE Service Corp., ITT Hartford, Phoenix Home Life Mutual Insurance Co., United Illuminating Co., United Technologies Corp., and the Urban League of southwestern Connecticut.

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 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 Women's Bureau was created by Congress in 1920, there were 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 applauded 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 changing workplace. By and large, American working women still have 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 honor roll for working women. And let's continue to struggle 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 aid relationships. While this policy has produced some notable successes in terms of staving off starvation, it also has spawned an inappropriate vision of the United States as patron to literally dozens of independent nations, while 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 this region.

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 effected in any way. However, OPIC would be instructed to create a privately funded, $150 million equity fund and a $500 million infrastructure fund for Africa. Finally, the bill mandates that one member of the board of directors of the Export-Import Bank and OPIC have extensive private investment sector experience in Africa.

Benefits from these initiatives would be available to any nation in the sub-Saharan region instituting serious economic and political reforms.

Mr. President, the provisions of this legislation in effect would create a free-trade zone in sub-Saharan Africa. They would promote increased trade, increased privatization, increased democracy, and increased prosperity for the people of the region. By ending the current patron-client relationship, and substituting for it an equal partnership among independent nations, we can benefit everyone involved.

I urge my colleagues to support this important, forward-looking legislation.●

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, expansion of Redwood 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 which protected watersheds and old growth in the Six Rivers National Forest, and designation of almost all of the wilderness in California including the 1.8-million-acre California wilderness bill.

Kathy grew up in Pasadena. Her parents had come to California as teenagers. Her mother and brother still live there. Because Kathy chose to come to Washington, DC, and work for California, she has made a lasting contribution to her State.

Kathy plans to leave the Congress and have new adventures with her husband, Cal, who has also recently retired. On behalf of everyone in California, 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 California.●

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.

Mr. President, when I was running for the Senate last year, there were two campaign promises that I made to the people of the great State of Alabama. First, I promised that I would work to reign in wasteful Washington spending and secondly, that I would work to bring Alabama values into the Washington public-policy debate. It was for these two simple reasons that I felt compelled to cast my vote against the Labor, HHS 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 Alabamian, 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 8 percent. That's an increase of almost three times the average Alabamian'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—faster than the cost of living—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 example of Government putting 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 begin the process of controlling 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 possibility of perfecting trade agreements which have wide-ranging impacts on many sectors of our economy. And nothing I have seen in recent history has changed my mind.

We are being asked to rubber stamp not just one agreement, but any trade agreement that may come along, whether in South America, Asia, or anywhere else in the world. We are contemplating letting bureaucrats and other unelected interests negotiate America's future in the new global economy. And if history is any indication, we would be making a grievous mistake.

Experience is a wonderful teacher—just look at NAFTA. What I have learned is that NAFTA has not been the job boon it was advertised to be; that the trade deficit has continued to explode under NAFTA, that too many good paying jobs have already been sacrificed on the altar of so-called 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 inspire us to 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 to us precisely 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 this authority, 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 from 1947 until last year. For 25 out of the 27 years preceding fast-track authority 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. All 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. And during those 3 years 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.

We all know that, with trade agreements, there are winners and there are losers. But a quick review of the current NAFTA standings shows that, in sports terms, we are well below .500. The White House has claimed credit for 90,000 to 160,000 American jobs from NAFTA. Yet the Economic Policy Institute has issued a report that there are jobs losses in all 50 States because of NAFTA, more than 390,000 jobs eliminated since NAFTA took effect in 1994.

Considering our experience prior to 1994, we can ill afford these kind of results. An October EPI briefing paper states that in the 15 years preceding 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 sat on 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 ones—but that's precisely what's 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-skill 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 all the difference—in this case, not for the better. 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 the 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 for whatever agreements 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 because of extensive 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 50 percent of our salmon aquaculture 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 working people 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 potatoes exported to Canada, 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 said he would be filing a trade 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 serious 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 repacking.'' The report also stated, ''the United States maintains no such restrictions.''

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 to ensure 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, political 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.

Free trade, 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 for nearly 200 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 203 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 realities of trade as we approach 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, when 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, leaving thousands unemployed 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 lower wages, 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. Feurstein 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 take the time 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 Cioffari D'Amato. She was born and grew up in Brooklyn, the daughter of Italian-American parents. In growing up 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, Armand, a teacher 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, while my father was 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 affordable housing 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 Cioffari 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 as a political prisoner of the Pinochet dictatorship. He joined Local 169 of the Amalgamated Clothing & Textile Workers' Union [ACTWU] as an auditor. Subsequently, he served Local 169 as an organizer, business agent, assistant 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 Journal reprinted 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 Health 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 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: Mario, Fiore, 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 1985, 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 education for the Italian-American values and traditions, and presently he is the NIAF Westchester County Coordinator.

The society continues the work of so many who came to this country as immigrants seeking freedom and a new life in America. But the bonds of kinship and of nationality were often the only protections in a society where intolerance and discrimination was the more likely welcome.

Having done so much over the past 60 years, the Italian Hospital Society has embarked on a new mission to create an Italian Home for the Aged as an independent assisted living facility where Italian-Americans and all elderly and infirm can receive the finest assistance. As they note in their mission statement: ''Unfortunately many of our own parents and grandparents have suffered isolation, depression and feelings of frustration due to cultural and language barriers. It is the mission of the Italian Hospital Society to ameliorate this difficult situation by providing a supervised facility that would be comforting and familiar to our aged community while providing for the physical as well as psychological welfare of these individuals.''

Mr. President, I ask to share with our colleagues the joy I have as son of one of the society's honorees and thank them for all the work that they do as a society and for the honors and respect they show toward their four honorees. They and the society inspire us all.●

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 armed services 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 Advocates Group 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 10. He grew up in a military family and although they moved around to many different places, Bill always considered West Virginia home, and returned 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. The 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.

Everyone who has worked with me on the Senate Committee on Veterans' Affairs knows that I have long been a supporter of the court, so you can be sure that the quality of those who serve there is important to me. I am confident that Judge Greene will bring to the court the wisdom, judgment, and sensitivity so necessary for the court's vital work. In doing so, he will serve both our country and his fellow veterans well.●

ANNUAL MEETING OF THE COMMUNITY OPERATION ON TEMPORARY SHELTER

● Mr. JEFFORDS. Mr. President, on September 11, 1997, the Community on Temporary Shelter [COTS] held its annual meeting in Burlington, VT. The keynote speaker was Rita Markley, the director of COTS. Through her hard work and dedication to the needs of the homeless in Vermont stands as a glowing example of the value of community service. Her efforts have made a tremendous difference in the fight to end homelessness. It gives me great pleasure to submit, for the RECORD, the text of her remarks.

The text of the remarks follows:

[Sept. 11, 1997]

COMMITTEE ON TEMPORARY SHELTER ANNUAL MEETING—WHERE ARE WE NOW

(By Rita Markley)

Good morning and welcome to our annual meeting and volunteer recognition. This is the day when we thank all of you for giving your support to COTS. It's the time when we reflect on what that contribution means and why it matters.

I think it's too easy these days to forget that there was a time in this country, just 20–25 years ago, when being poor did not mean being homeless. There was a time when retail clerks, gas station attendants, waitresses could afford to pay for their rent and their groceries. Sometimes they even had enough left over for a Saturday afternoon movie. There was a time when the mentally ill were not left to wander America's streets without housing or services. And there was a time, just 15 years ago, when this community did not need a place like COTS because homelessness was something that only happened in big cities.

There have been enormous economic and social changes during the past 20 years that have displaced and uprooted millions of lives. Across the country and here in Vermont, the number of families and individuals without housing has increased tenfold during the past decade. Not since the Great Depression have there been so many homeless Americans. During the 1980's more than half a million units of low income housing were lost every year to condo conversion, arson and demolition. That rate of loss has been even higher during the 1990's. In Chittenden County, rents increased twice as fast as average income during the 80's. Not surprisingly, we now live in a time when homelessness has become so pervasive, so endemic, that we've all but forgotten that it was not always this way. One of my greatest fears is that we will come to accept that this is the way it must be.

It seems impossible that it was less than 20 years ago that we first began to see vast numbers of families all over this country sleeping in abandoned buildings or huddled in doorways because they couldn't afford a home. Back then, we were deeply shaken by the image of small children doing their homework by flashlight in the backseat of cars, the idea of anyone sleeping under cardboard boxes in public parks was astonishing. Our hearts were broken by newspaper stories of entire families scouring through trash dumpsters for scraps of food.

In 1997 the problem of homelessness in America remains one of our greatest challenges and yet we hear little or nothing about this issue in the national media. It's as if seeing those anguished images year after year has become so routine that we no longer see them at all. A few months ago my own sister told me that she was tired of seeing the homeless everywhere she went, that she couldn't look at their faces anymore because there were just too many of them, and it made her feel too sad. Either she forgot what I do every day or she wanted me to remind her that turning away from her own compassion means turning away from her humanity. My sister's reaction, though, is not uncommon. The homeless are increasingly invisible, untouchable. And they know it, they feel the distancing every time someone passes them by on the street without looking into their eyes. Even children living in desperate poverty know that they are regarded differently than cleaner, better dressed children. Here's a quote from a 15 year old girl that describes their experience poignantly:

''It's not like being in jail. It's more like being hidden. It's as if you have been put in a garage somewhere, where, if they don't have room for something but aren't sure if they should throw it out, they put it there in the garage where they don't need to think of it again. That's what it's like.'' (Kozol interview tapes)

Since the mid-1980's there has been a growing inclination to ignore, conceal and even punish those without homes. Many people in this country have moved from pity to impatience to outright contempt for the homeless.

In Fort Lauderdale, FL a city councilor proposed spraying trash containers with rat poison to discourage foraging by homeless families. ''The way to get rid of vermin,'' he said, ''is to cut off their food supply.'' (1986) In Santa Barbara, California grocers have sprinkled bleach on food discarded in their dumpsters.

In Chicago a homeless man was set ablaze while sleeping on a bench early one December morning. Rush hour commuters passed his charred body and possessions for four hours before anyone called the police.

In the first four months of 1992, 26 homeless people were set on fire while they were sleeping in New York City.

Who are these faceless, forsaken people that they would provoke such hateful acts? They are the poorest and most vulnerable members of our society: they are the elderly and families with children, they are Korean and Vietnam war veterans, they are the mentally ill who were left to fend for themselves on city streets, they are women and children fleeing from violence. I wonder

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 year. 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 had to find a place to stay. . . I was at the Waystation. . . where I met some people who took care of each other, no matter our differences in lifestyles, skills, education or so called sanity. I have 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 after some unexpected 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 when the building I lived in was closed because of fire. Also, 49 other families were displaced. The renovation of his building will take 18 to 24 months according to the owner. I have not had comfortable housing since that fire on September 7, 1996. My address was 127 St. Paul street where Vermont Transit was located. In the meantime, I'm number 1030 on the Burlington Housing Authority waiting list. What I miss most about my apartment was the peace of mind it gave me. Sincerely, Arlen D.''

I'm not sure if Arlen knows yet that only 5 of the renovated units will be rented at a rate anywhere near what he can afford.

We hear a lot these days about building strong communities, and God knows, we've heard no end of how it takes a village to raise a child. But what's missing in all of those discussions is the primacy, the importance and the function of home within any community or village. Think about what home means for all of us. It's the place we gather with family, it's where we sleep and dream and let down our guard at the end of the day. Home is where we keep and cherish what we love: our family, our books and music, whatever it is that we hold dear. It's the place we store all of the things we can't bear to part with: our high school graduation photos, our grandmother's wedding ring, a fifth grade award for spelling. Home is the one place where we can create a safe world within a larger more threatening world.

Losing a home means that you only keep what you can carry in your hands and on your back. It means leaving behind many of the belongings that remind you what has mattered in your life. It means losing connection with your own history. For children, not having a home is devastating; it means losing their pets, their storybooks and their favorite toys.

I cannot imagine the damage done when a child is torn from her home, when she sees her family's belongings piled up on the sidewalk, when she has no idea where she will sleep at night. I cannot imagine the pain a seven year old feels when he's called ''shelter trash'' by the other children in his school. What I do know is that without the foundation of home, any efforts to build meaningful community will fail. It's untenable to think a village can raise healthy children when its children are sleeping in emergency shelters and on the streets. I remember what a local businessman said to me once, a pretty conservative guy. He'd written a very large check for COTS. I asked him if he wanted his gift targeted to our job program which is popular with many of our business supporters. He said no, the shelters. He was surprised that I was surprised by his answer. If these folks don't have a place to sleep at night, he explained, a place to take a shower, they're not going to get a job or an apartment no matter what kind of training they have. They'll be trapped. First things first, he said.

This past year we helped put first things first for more that a thousand homeless families and individuals. They came to COTS because they had no place left to turn. They came from Burlington, Essex, Colchester, Shelburne, Ferrisburgh, Williston, Milton, Westford, Underhill, South Burlington and Jericho. And for every one of them COTS offered not just a refuge but a chance to reclaim their own lives. We provided voc counseling, job placement services, budgeting assistance, unremitting encouragement, and workshops on everything from nutrition to conflict resolution. For the children, we made certain that every child at our shelter had a brand new backpack, fresh notebooks and pencils for school.

None of the work we did, none of the achievements, would be possible without all of you gathered here today. You volunteer for our phonathon, and donate expert legal, financial and human resource advise to COTS. You answer the phones, spend time with the children at our shelter, and repair our computers. You provide us with graphics and design work that we could never otherwise afford. And you bring us brownies and cookies and flowers because you know the work we do is sometimes heartbreaking.

During the HUD crisis this spring, you came forward with calls, letters, and connections. 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 the 5 years I've worked at COTS. I am deeply grateful to Lucy Samara who traveled to Montpelier, 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 Jan Backus and Helen Reihle. 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 up to HUD. I deeply appreciate all of the 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 that it was astounding 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. I told her to come to a COTS walkathon if she wanted to see unlikely combinations of people. This year we had Trey 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. Heading up the rear was former governor Tom Salmon and leading the walk were Barbara Snelling and Patrick Leahy. How is this possible?

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 unwavering conviction 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 help ensure 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. It is a career in which Dr. Satcher 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 benefit of elementary educations, 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 at 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 Service 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 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 78 percent in 1996, and improving the Nation's capacity to respond 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 Dr. Nathan B. Davis Award for outstanding public service to advance the public health and the John Stearns Award for Lifetime 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 health and will continue to do so.

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 diligent work of our leaders in the Senate Environment and Public Works Committee especially the chairman, Senator CHAFEE and ranking member, Senator BAUCUS along with the chairman of the Transportation Subcommittee, Senator WARNER in crafting a comprehensive, 6 year transportation bill. The bill unanimously passed by 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.

The law which authorizes our Federal transportation program expired on September 30 of this year. Thanks to the competent work of Gov. Fob James, and Jimmy Butts, the director at the Alabama Department of Transportation, and Don Vaughn, Assistant Transportation Director, I was alerted early on that if Congress failed to act on passing a transportation bill, critical transportation programs such as Interstate Maintenance, the National Highway System, and needed bridge repair throughout Alabama would cease by December. In addition, the Federal Department of Transportation would have been forced to shut its doors and transportation contractors would have been forced to lay off workers as Alabama and many other States curtailed or ceased awarding of transportation maintenance and construction contracts. To avoid this crisis, the Senate has enacted a short term solution to allow transportation projects to continue by providing additional funding and increased flexibility of Federal transportation funds to States.

The temporary transportation resolution passed by the Senate on Tuesday will allow Alabama access to $174,469,000 for critical highway programs. This amount represents half the amount of Federal highway funds Alabama was able to spend in fiscal year 1997. In addition, the Alabama Department of Transportation will have the flexibility to transfer funds between various transportation programs so that planning, maintenance and expansion can continue as a comprehensive, long-term transportation bill is passed by Congress early next year. Once a new long-term transportation bill is passed, the Secretary of Transportation will offset each State's fiscal year 1998 funding to reflect the funds used by each State as a result of this extension.

Again, I would like to personally thank and congratulate Senator BOND for putting this package together with our leaders of the Environment and Public Works Committee, Senator CHAFEE, WARNER, and BAUCUS. While many of my colleagues and myself would have preferred a long-term solution to our transportation needs, this short-term extension will allow Alabama and all States to continue their transportation planning, maintenance, and construction until a new, long-term bill is negotiated and passed hopefully early next year.●

YEAR 2000 PROBLEM STILL LOOMING, REQUIRES ACTION

● Mr. MOYNIHAN. Mr. President, as we approach the end of the 1st session of the 105th Congress, I would like to implore the Senate for one final time to consider the urgency of the year 2000 crisis. This matter has been much discussed and reported, but little action has taken place. In fact, the General Accounting Office last week released a report that the Social Security Administration, once thought to be at the fore of the solution, faces a possible crash of several crucial systems dealing with disability determination services.

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 force would. Try as they might, officials at 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 time 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 companies with interests on the other side of the Atlantic attempt to adapt to the new currency . . . the two problems would seem to be unrelated. But 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 bug 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 copsonsors—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:

[From the U.S. News & World Report, Nov. 17, 1997]

LATEST SOFTWARE NIGHTMARE—THE CURRENCY CHANGE IN EUROPE COULD COST U.S. FIRMS BILLIONS

(By John Marks)

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, this 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 $30 billion 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 have to be determined on a daily basis 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 Kashmeri, a corporate consultant specializing in the issue, no commercial software exists to make that calculation. ''We have been focusing very hard on the year-2000 problem, but we've been missing the euro,'' says Gary Johnson, an American attorney specializing in European securities markets.

The two problems would seem to be unrelated. But 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. The well-publicized millennium-bug problem was unwittinly created by computer programmers in the 1960s. In an effort to maximize scarce computer memory, programmers left the first two digits out of the year designation, so that 1997 reads merely ''97.'' Theoretically, when the year 2000 arrives, 90 percent of the world's computers will ''think'' it is 1900, creating all kinds of chaos. According to the cost conservative estimates, fixing the millennium bug will cost American business between $50 billion and $150 billion.

BUG ZAPPER

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 bug 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. ''There is a tremendous shortage of those kinds of skill sets,'' confirms Chris Fell, an executive at International Data corp.

Though the euro will be introduced in January 1999, it will not become the sole currency in Europe until July 1, 2002. On that date, all other currencies will be taken out of circulation. While a large part of the U.S. business community remains skeptical that Europe will pull off this monetary feat, many companies have begun to accept that it will. A few have begun to accept that it will. A few have begun to take steps. DuPont, which has a significant presence in Europe, has put together a team to prepare for the introduction of the currency. United Parcel Service has done the same. Both firms are looking into how to adapt their computer systems.

The change to the euro will affect some companies more than others. For example, Bloomberg Financial Markets, the world's largest provider of financial information, will have to add the euro to 10 year's worth of records—everything from trading prices to financial statements. In a recent Securities and Exchange Commission filing, Alliance Gaming Corp. announced that it would probably have to ''redesign new and, possibly, existing'' slot machines to accept new currencies.

While the initial changeover to the euro may be a financial headache, the vast new market created by the currency is expected to be lucrative for American companies. And no matter what it costs businesses on this side of the Atlantic to adjust their information technologies, they can rest assured that their European counterparts will be out even more: The most recent estimate puts the price of converting to the euro at $70 billion for European businesses.

[From the Washington Post, Nov. 5, 1997]

SOCIAL SECURITY GETS YEAR 2000 WARNING—MORE WORK NEEDED ON GLITCH, GAO SAYS

(By Rajiv Chandrasekaran)

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 GAO also said the Social Security Administration has not developed adequate contingency plans in case its computers are not fixed in time.

The report, however, did not call into the question the agency's ability to issue standard monthly Social Security checks in 2000 and beyond.

The SSA has long been touted as the federal agency that is most keenly aware of the year 2000 problem. The agency, whose ''mission critical'' systems collectively had been thought to have about 34 million lines of computer code, began making year 2000 repairs almost a decade ago.

As a result, SSA officials have been asked to hold seminars for other federal agencies about the issue and have been singled out for praise by Congress in the past. The new findings, congressional officials said, could create a new round of uncertainty about the federal government's year 2000 preparedness.

''If Social Security, which we've thought had everything under control, really doesn't, that raises new questions about other agencies,'' said a congressional staffer.

The year 2000 problem exists because most large computer systems have used a two-digit dating system that assumes that 1 and 9 are the first two digits of the year.

Without specialized reprogramming, the systems will think the year 2000—or 00—is 1900, a glitch that could cause them to go haywire.

According to the GAO, private contractors hired by the SSA to fix the year 2000 glitch on 42 of the 54 state disability determination services computers discovered 33 million additional lines of code that need to be tested and, where necessary, fixed.

The SSA did not include the state disability determination systems in its initial 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 600,000 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.

''They will be tested and implemented by December 1998, like the rest of Social Security,'' Adams said. ''I am very comfortable [the disability systems] will be ready.''

Adams said five states already have finished the conversion work for the disability systems.

The GAO also said the SSA faces a significant challenge in ensuring data that it exchanges with other federal and state agencies will be year 2000 compliant.

''Because SSA must rely on the hundreds of federal and state agencies and 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 Calender, with the strong backing of the Clinton administration, that would gut the protection and the incentives offered inventors by our patent and trademark laws. This country's inventors have been an indispensable force in the success of which I have spoken. 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.

I am hear to speak out on behalf of the inventors and the small guys of this country. People with ideas. I 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 base has left the country and they fear that this trend will continue. I believe that there is a future for manufacturing and industry in this country. I am very encouraged by the number of small businesses and startup companies presently thriving in the United States. Much of our future lies with these startup businesses and small business people that are creating new technology, starting companies, and expanding employment opportunities. But I believe we need to seize the opportunity and continue to encourage it.

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 successfully document that idea, that person can 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 else they may be gobbled up 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 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 smart and competitive, they inject vigor and dynamism into our capitalistic system. They create manufacturing jobs right here in the United States. They create secure and well-paying jobs for Americans. And they give you, 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 needed to pursuing that idea? Pulling the ladder up once you have made it to the top is not the American way, but that agenda is underlying much of this legislation.

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 of 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 rather than dignifying those ridiculous comments by responding on the merits, I will share with my colleagues a sampling of those that Mr. Lehman is saying reside on the lunatic fringe.

First, I have been contacted by countless inventors registering their opposition, their creations include medical devices, drugs, machinery, electronic technology, computer technology, and agricultural products—to mention a few. They share a fear that this will open them up to litigation, theft, and harassment while closing down their opportunities to continue their work. I have also been contacted by men and women of science, economists, doctors, and professors. 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 the bill. These great minds all 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 to rely on the limited life of a patent to share their creations with the public, an occurrence which will sap the spirit of the inventors clause.

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 patent applications 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 absolute objection 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, in the words of Isaac Hull, ''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 arguments any day. The inventors of 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 those reviewing 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. Foremost, it starts down a road that changes our ''first to invent'' system and overturns 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 reasons will be aired fully in time.

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 many are laying in wait to see this implemented. I believe this would open our inventors to theft. Small inventors would have to go to court to recoup their just rewards and would have to depend on costly litigation. Many say, ''We won't steal ideas,'' I hope not, but this is the business world. I am unwilling to put small inventors at this sort of a risk.

Proponents are looking for changes in the system for challenges to patents, this may open small inventors to unnecessary expense and litigation. Taken as a whole, there are profound changes proposed. The collective weight, I believe, will hurt our small inventors.

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 pariah lurking in the world of 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 U.S. patent term 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 should 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 probable 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 before the change. Our inventors 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 those of 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 in 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 conclude by saying that brilliant minds have been drawn to this country and the brilliant minds native to this country have flourished. I do 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 competitor systems 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 level of reward 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 contributed 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 hold that Congress, before embarking 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 patent system established in the Constitution in 1787, which is based on the principle that the inventor is given complete protection but for a limited length of 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

Franco Modigliani, (1985, Economics) MIT.
Robert Solow, (1987, Economics) MIT.
Mario Molina, (1995, Chemistry) MIT.
Roald Hoffman, (1981, Chemistry) Cornell.
Milton Friedman, (1976, Economics) University of Chicago.
Richard Smalley, (1996, Chemistry) Rice.
Clifford Shull, (1994, Physics) MIT.
Herbert A. Simon, (1978, Economics) Carnegie-Mellon.
Douglass North, (1993, Economics) Washington University.
Dudley Herschbach, (1986, Chemistry) Harvard.
Herbert C. Brown, (1979, Chemistry) Purdue.
David M. Lee, (1996, Physics) Cornell.

Daniel Nathans, (1978, Medicine) Johns Hopkins.
Doug Osheroff, (1996, Physics) Stanford.
Har Gobind Khorana, (1968, Medicine) MIT.
Herbert Hauptman, (1985, Chemistry) Hauptman-Woodward Medical Research Institute.
John C. Harsanyi, (1994, Economics) UC Berkeley.
Paul Berg, (1980, Chemistry) Stanford.
Henry Kendall, (1990, Physics) MIT.
Paul Samuelson, (1970, Economics) MIT.
James Tobin, (1981, Economics) Yale.
Jerome Friedman, (1990, Physics) MIT.
Sidney Altman, (1989, Chemistry) Yale.
Robert F. Curl, (1996, Chemistry) Rice.
William Sharpe, (1990, Economics) Stanford.
Merton Miller, (1990, Economics) U. of Chicago.

REFORM PARTY
OF THE UNITED STATES,
Dallas, TX, November 4, 1997.

Hon. CHRISTOPHER S. BOND,
Russell Building, Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR BOND: I want to thank you personally for having the courage and integrity to oppose the Patent Bill now pending before Congress—Senate Bill 507. This Bill will destroy our patent system and remove all incentives for people to create revolutionary new products.

In addition, I would like to thank Senate Majority Leader Trent Lott for standing on principle and refusing to allow this bill to be sneaked through the Senate without hearings or debate.

Obviously, some members of the Senate feel that the owners of the country—the people—have no right to know what Congress is doing.

Under this law, inventors' new products still pending approval, will be made available to all nations, with many countries shamelessly mass-producing these products and ignoring the inventors' rights.

The only recourse for the inventor is to petition the newly created World Trade Organization, where our country only has one unweighted—and believe it or not, the inventor has no recourse in the United States court system. Does anybody really think that this complies with our Constitution?

Granting patent rights to inventors is a Constitutional right—clearly spelled out in our Constitution in Article I, Section 8.

Please remind every member of Congress that it is illegal to amend the Constitution by passing laws.

The only way the Constitution can be amended is through the amendment process. Isn't this a whole lot better than leaving it up to the lobbyists, foreign governments, and corporations? The framers of the Constitution knew what they were doing. Let's follow the rules.

Congress has no business even thinking about circumventing the Constitution with a combination of federal law and international trade agreements.

What would our country and the world be like today if Robert Fulton has not invented the steam engine, Thomas Edison had not invented the electric light, Alexander Graham Bell had not invented the telephone and made instant worldwide communication possible, The Wright brothers had not invented the airplane, Edwin Armstrong had not harnessed the airways and made radio and television possible, Jack Kilby and Robert Noyce had not invented the integrated circuit, just to mention a few.

A few years ago two young men, Ralph Lagergren and Mark Underwood, from Kansas had revolutionary ideas about how to improve the combine used to harvest grain. They had great ideas, but no money.

Using their brains, wits, and creativity as a substitute for money, they successfully created this new product and now hold over 25 patents.

John Deere purchased the technologies and patent rights for several million dollars.

I had the privilege of showing 4,000 Future Farmers of America a videotape of their great work. These teenagers 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 giving the United States our world leadership.

Why is 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 working to lobby this change through Congress.

Patents are property rights under U.S. Law. It is immoral and inexcusable for large corporations to band together and 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 carried out 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 it is 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 in the next election. You are living Commodore Maury's words—''When principle is involved, be deaf to expediency.''

Just let these people know that all the special interest money 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 out of the closet, face 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 sell the time.

If this Bill passes, A Constitutional lawsuit will be filed immediately. Foreign nations and corporations will know that the 21st Century pirates for hire reside in the U.S. Congress. Those who vote for it will be paid off handsomely. The people who voted for it will be forced to defend their actions in their 1998 campaigns. It will be a major Constitutional violation issue in the 2000 campaigns.

Isn't it time for our elected officials to stop debating whether their actions are legal or illegal, and ask only one question, ''Is it right or wrong?''

Finally, before voting for this Bill, ask every member of the House and Senate who plan to vote for this Bill, to read the words of Isaac Hull, Captain of the U.S.S. Constitution, Old Ironsides—''If that fellow wants a fight, we won't disappoint him.''

Again, thank you for your leadership—thank you for your courage—thank you for standing on principle.

Sincerely,

ROSS PEROT.

[From the New York Times, Oct. 17, 1997]

A BAD PATENT BILL

The Senate is considering a misguided bill to recast the patent laws in ways that would threaten small inventors and dampen the innovative spirit that helps sustain America's economy. The bill is so mischievous that it has attracted an unusual coalition of opponents—including the icon of of liberal economists, Paul Samuelson, the icon of conservative economists, Milton Friedman, and 26 other Nobel Prize-winning scientists and economists.

Patent laws currently require inventors to disclose 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 secret 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 run the risk 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 ironclad patent protection so that they are not forced into a legal scrum 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 now say they will try. Congress needs to hear the critics out before proceeding to any more votes.●

CONNECTICUT TEACHER OF THE YEAR

● Mr. DODD. Mr. President, I rise today to offer congratulations to an

outstanding mathematics teacher, Marianne Roche Cavanaugh, who has been named the 1998 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 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 1 hour during the Marathon. The accumulated funds have been donated to charities chosen by the students. In addition, Mrs. Cavanaugh has directed district-wide 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 1986.

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 impressionable 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 other regions often praise 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 and urge 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 into which we discharged our untreated wastes. In fact, Lake Erie was declared dead because of its poor quality and the Cuyahoga River had even caught fire. Lake Erie and Lake Ontario suffered from high phosphorus loadings which caused excessive amounts 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, lowering 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 toxics 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 cormorant population in the Great Lakes region has significantly increased from 1950's to 1970's levels when the number of nesting pairs of cormorants dropped by 86 percent. Between 1971 and 1989, concentrations of DDE and PCB's decreased in cormorant 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 insure 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 the largest known-concentration of PCB's and PCB contaminated sediments.

Though toxic substances continue to pollute the Great Lakes and threaten the health of humans and wildlife, there also have 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 enough 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 made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the fourth quarter of fisal 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

Senators	Fiscal year 1997 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$143,028	0		$0.00	
Akaka	43,336	0		0.00	
Allard	59,148	0		0.00	
Ashcroft	97,617	1,689	0.00033	582.70	$0.00011
Baucus	41,864	6,996	0.00849	5,683.59	0.00690
Bennett	50,841	0		0.00	
Biden	40,023	0		0.00	
Bingaman	50,582	700	0.00044	160.10	0.00010
Bond	97,617	0		0.00	
Boxer	382,528	29,800	0.00097	4,844.53	0.00016
Bradley	33,378	0		0.00	
Breaux	82,527	0		0.00	
Brown	20,625	0		0.00	
Brownback	52,198	0		0.00	
Bryan	50,755	18,600	0.01402	3,985.50	0.00300
Bumpers	62,350	0		0.00	
Burns	41,864	0		0.00	
Byrd	53,135	0		0.00	
Campbell	77,822	0		0.00	
Chafee	43,394	0		0.00	
Cleland	90,218	0		0.00	
Coats	100,503	0		0.00	
Cochran	62,491	0		0.00	
Cohen	12,042	0		0.00	
Collins	35,217	92,500	0.07490	11,020.20	0.00892
Conrad	38,762	34,800	0.05472	4,710.37	0.00741
Coverdell	118,346	0		0.00	
Craig	44,496	0		0.00	
D'Amato	232,926	0		0.00	
Daschle	39,578	0		0.00	
DeWine	164,923	51,754	0.00470	39,763.91	0.00361
Dodd	71,425	619	0.00019	529.01	0.00016
Domenici	50,582	0		0.00	
Dorgan	38,762	19,363	0.03044	3,197.15	0.00503
Durbin	125,121	0		0.00	
Enzi	28,054	0		0.00	
Exon	13,199	0		0.00	
Faircloth	121,600	0		0.00	
Feingold	91,527	0		0.00	
Feinstein	382,528	18,519	0.00060	2,389.06	0.00008
Ford	77,040	0		0.00	
Frist	96,062	0		0.00	
Glenn	164,923	0		0.00	
Gorton	97,506	288,528	0.05618	55,591.33	0.01082
Graham	230,836	0		0.00	
Gramm	251,855	1,131	0.00006	384.55	0.00002
Grams	85,350	178,000	0.03973	30,536.17	0.00682
Grassley	65,258	283,000	0.10064	50,124.50	0.01783
Gregg	44,910	0		0.00	
Hagel	38,444	0		0.00	
Harkin	65,258	0		0.00	
Hatch	50,841	0		0.00	
Hatfield	18,477	0		0.00	
Heflin	22,240	0		0.00	
Helms	121,600	0		0.00	
Hollings	76,388	0		0.00	
Hutchinson	47,286	0		0.00	
Hutchison	251,855	0		0.00	
Inhofe	73,454	0		0.00	
Inouye	43,336	0		0.00	
Jeffords	38,357	91,796	0.16105	15,903.49	0.02790
Johnson	29,826	71,600	0.10070	14,035.58	0.01974
Johnston	21,919	0		0.00	
Kassebaum	16,457	0		0.00	

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 09/30/97—Continued

Senators	Fiscal year 1997 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Kempthorne	44,496	0		0.00	
Kennedy	104,638	0		0.00	
Kerrey	50,818	0		0.00	
Kerry	104,638	0		0.00	
Kohl	91,527	0		0.00	
Kyl	83,872	0		0.00	
Landrieu	62,755	0		0.00	
Lautenberg	124,195	503	0.00006	405.81	0.00005
Leahy	38,357	7,380	0.01295	1,570.68	0.00276
Levin	143,028	0		0.00	
Lieberman	71,425	0		0.00	
Lott	62,491	0		0.00	
Lugar	100,503	0		0.00	
Mack	230,836	0		0.00	
McCain	83,872	0		0.00	
McConnell	77,040	0		0.00	
Mikulski	90,835	0		0.00	
Moseley-Braun	163,870	385,000	0.03310	56,505.14	0.00486
Moynihan	232,926	0		0.00	
Murkowski	37,990	286,000	0.48722	41,965.64	0.07149
Murray	97,506	207,437	0.04039	38,963.42	0.00759
Nickles	73,454	0		0.00	
Nunn	31,770	0		0.00	
Pell	11,158	0		0.00	
Pressler	10,108	0		0.00	
Pryor	16,371	0		0.00	
Reed	32,752	0		0.00	
Reid	50,755	18,600	0.01402	3,985.75	0.00300
Robb	109,107	0		0.00	
Roberts	47,525	0		0.00	
Rockefeller	53,135	101,379	0.05595	18,263.09	0.01008
Roth	40,023	0		0.00	
Santorum	176,220	0		0.00	
Sarbanes	90,835	0		0.00	
Sessions	63,649	0		0.00	
Shelby	83,692	0		0.00	
Simon	44,289	0		0.00	
Simpson	9,473	0		0.00	
Smith, Bob	44,910	0		0.00	
Smith, Gordon	53,158	0		0.00	
Snowe	46,609	0		0.00	
Specter	176,220	0		0.00	
Stevens	37,990	0		0.00	
Thomas	37,266	1,055	0.00226	244.00	0.00052
Thompson	96,062	0		0.00	
Thurmond	76,388	0		0.00	
Torricelli	94,702	238,000	0.03056	34,093.31	0.00438
Warner	109,107	0		0.00	
Wellstone	85,350	0		0.00	
Wyden	70,009	0		0.00	

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 a positive impact for years to come.

A lawyer by training, Michele has most recently tackled a very difficult assignment. In the wake of this year's millennium flood, she 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.●

MONTEFIORE 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 sites in some of the Nation's most 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 400,000 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 in 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 disadvantage and ensure its capacity 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, 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, a short-stay day 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. He has 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 A. 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 A. 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 a assistant public defender in Luzerne County, PA. The American Bar Association has found him to be qualified for this appointment.

We 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.●

PADUCAH 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 greater 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 advice from employees, and engaged in extensive and continual annual training. The positive labor-management relationship has successfully turned the

750-acre facility into thriving, cost-controlled, internationally competitive business. They have worked remarkably well on a daily basis with inspectors from the Nuclear Regulatory Commission, as well as with officials from the U.S. Enrichment Corp. The U.S. Enrichment Corp., which manages both the Paducah and the Pikeville, OH, plants, supplies 80 percent of the nuclear fuel for nuclear plants in the United States, and maintains 44 percent of the world enrichment market.

I would like to extend my sincere congratulations and thanks to the employees of the Paducah Gaseous Diffusion Plant. The plant's appropriate slogan is ''Survive and Thrive,'' and they have done just that. The Paducah Gaseous Diffusion Plant not only provides jobs and benefits to western Kentuckians, but it helps the United States remain self-reliant for our nuclear fuel production.●

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 join 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 won numerous awards from 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 activities as well as his business 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 distinguished 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 am afforded a unique opportunity to see a broad cross section 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 that 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 ever since. It is 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 checkout, and controls the microwave. 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 technical 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 last five decades 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 enough 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 spending 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 on the debt—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 30 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. Current estimates paint an even grimmer future. 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. We must set priorities. By using 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 Federal 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 the 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 management techniques, by government agencies, by contractors, or by Congress itself. A move to multiyear 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 a process which allows 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 private investment, whether from corporations or venture capitalists. It is not the Federal Government's role to invest in technology that has matured enough to make it to the marketplace. When the Government provides funding for any technology investment program, it must take reasonable steps to ensure that the potential benefits derived from the program will accrue broadly 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 have 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 discrete programs which each support a narrow phase of research and development and are not coordinated with one another. The Government should maximize its investment by encouraging the progression of a technology from the earliest stages of research up to commercialization, through funding agencies and vehicles appropriate for each stage. This creates a flow of technology, subject to merit at each stage, so that promising technology is not lost in a bureaucratic maze.

Second, excellence in the American research infrastructure. Federal investment in research and development programs must foster a close relationship between research and education. Investment in research at the university level creates more than simply world class research. It creates world class researchers as well. The Federal strategy must continue to reflect this commitment to a strong research infrastructure. We must find ways to extend the excellence of our university system to primary and secondary educational institutions.

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 industry, 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 elevate 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 industry, university, 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 Arabic- and Chaldean-speaking immigrants and refugees. During the past fiscal year, 1996–97, ACC was able to serve 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 Mild 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.●

1997 HUMAN RELATIONS AWARD OF THE GREATER DETROIT INTERFAITH ROUND TABLE OF THE NATIONAL CONFERENCE

• Mr. LEVIN. Mr. President, I rise today to honor Alex Trotman and Mandell ''Bill'' Berman who will receive the 1997 Human Relations Award of the Greater Detroit Interfaith Round Table of the National Conference, on November 18, 1997. This important awards ceremony will take place during the Greater Detroit Interfaith Round Table's 50th Annual Dinner.

The Greater Detroit Interfaith Round Table was established in 1940 as the local chapter of the National Conference of Christians and Jews. The Detroit community quickly supported the NCCJ's goal of providing a forum where people of varied faiths could explore and celebrate their differences. During the last 57 years, the Interfaith Round Table has promoted such understanding through its many popular programs and fora.

The Human Relations Award recognizes leaders in the community ''for moving us forward in building a city, State, and Nation committed to the ideals of dignity, justice, and respect for all people.'' This year's recipients have displayed a strong personal commitment to promoting understanding among all races, religions, and cultures. Their great efforts are an inspiration to us all.

Alex Trotman is chairman of the board of directors and chief executive officer of Ford Motor Co. He was born in Middlesex, England, and came to the United States in 1969. Since coming to America, Mr. Trotman has used his unique vantage point to promote understanding among different people. He is currently a member of several organizations which promote international exchange, such as the Chase International Advisory Committee, the America-China Society, and the United States-Japan Business Council.

Bill Berman is a Detroit native and, like me, a product of its public school system. After a distinguished career in industry, Mr. Berman is currently a member of the board of the Dreyfus Corp. He has also been closely involved with supporting his community. He has served in leadership positions of the Skillman Foundation, JESNA, and its Berman Research and Evaluation Center, Detroit Jewish Welfare Federation, and the United Way.

Mr. President, I know my Senate colleagues join me in congratulating Alex Trotman and Mandell ''Bill'' Berman on receiving the 1997 Human Relations Award of the Greater Detroit Interfaith Round Table.•

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, currently at the Center for Strategic and International Studies and formerly a member of my staff. Tony's paper offers an excellent summation of Iraqi intentions and capabilities as well as providing expert analysis of what is at stake 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.

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 Saddam's latest provocation. Toward that end, I respectfully request that Dr. Cordesman's paper be included in the RECORD, as well as this statement.

The paper follows:

WHAT IS AT STAKE IN THE CRISIS WITH IRAQ—THE THREAT OF IRAQI WEAPONS OF MASS DESTRUCTION AND U.S. MILITARY OPTIONS

(By Anthony H. Cordesman)

Iraq's process of proliferation is so complex that it is sometimes difficult to determine just how serious the violations that UNSCOM has discovered really are, or to put these violations in perspective relative to what UNSCOM has already accomplished. Attachment One provides a short summary of UNSCOM's most recent conclusions relating to Iraq's efforts to cheat the UN. Attachment Two describes Iraq programs before and during the Gulf War, what UNSCOM has accomplished in the seven years that have followed, and what remains unknown.

IRAQ'S CLANDESTINE BREAKOUT CAPABILITY

These attachments show that the issue is not one of sweeping up the details, but rather one of dealing with massive violations, some of which occurred as recently as August, 1997. At the same time, it is important to understand that many UNSCOM and US experts believe Iran has started completely separate new programs since the Gulf War, which are so secret and dispersed that they are almost impossible to detect. These programs may be largely at the research and development level, but they may give Iraq a major ''break out'' capability to rapidly produce and redeploy weapons of mass destruction the moment that sanctions are lifted.

Major possibilities that could be accomplished in small research facilities and which could be rapidly moved or dispersed include:

UNSCOM and the IAEA's success have created new priorities for Iraqi proliferation. The UN's success in destroying the large facilities Iraq needs to produce fissile materials already may well have led Iraq to focus on covert cell-like activities to manufacture highly lethal biological weapons as a substitute for nuclear weapons.

All of the biological agents Iraq had at the time of the Gulf War seem to have been ''wet'' agents with limited storage life and limited operational lethality. Iraq may have clandestinely carried out all of the research necessarily to develop a production capability for dry, storage micro-power weapons which would be far easier to clandestinely stockpile, and have much more operational lethality.

Iraq did not have advanced binary chemical weapons and most of its chemical weapons used unstable ingredients. Iraq has illegally imported specialized glassware since the Gulf War, and may well have developed advanced binary weapons and tested them in small numbers. It may be able to use a wider range of precursors and have developed plans to produce precursors in Iraq. It may have improved its technology for the production of VX gas.

Iraq is likely to covertly exploit Western analyses and critiques of its pre-war proliferation efforts to correct many of the problems in the organization of its proliferation efforts, its weapons design, and its organization for their use.

Iraq bombs and warheads were relatively crude designs which did not store chemical and biological agents well and which did a poor job of dispersing them. Fusing and detonation systems did a poor job of ensuring detonation at the right height and Iraq made little use of remote sensors and weather models for long-range targeting and strike planning. Iraq could clandestinely design and test greatly improve shells, bombs, and warheads. The key tests could be conducted using towers, simulated agents, and even indoors. Improved targeting, weather sensors, and other aids to strike planning are dual-use or civil technologies that are not controlled by UNSCOM. The net impact would be weapons that could be 5–10 times more effective than the relatively crude designs Iraq had rushed into service under the pressure of the Iran-Iraq War.

UNSCOM and the IAEA's success give Iraq an equally high priority to explore ways of obtaining fissile material from the FSU or other potential supplier country and prepare for a major purchase effort the moment sanctions and inspections are lifted and Iraq has the hard currency to buy its way into the nuclear club. Iraq could probably clandestinely assemble all of the components of a large nuclear device except the fissile material, hoping to find some illegal source of such material.

The components for cruise missiles are becoming steadily more available on the commercial market, and Iraq has every incentive to create a covert program to examine the possibility of manufacturing or assembling cruise missiles in Iraq.

UN inspections and sanctions may also drive Iraq to adopt new delivery methods ranging from clandestine delivery and the use of proxies to sheltered launch-on-warning capabilities designed to counter the U.S. advantage in airpower.

Iraq can legally maintain and test missiles with ranges up to 150 kilometers. This allows for exoatmospheric reentry testing and some 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. It is possible that Iraq could develop dummy or operational high explosive warheads with shapes and weight distribution of a kind that would allow it to test concepts for improving its warheads for weapons of mass destruction. The testing of improved bombs using simulated agents would be almost impossible to detect as would the testing of improved spray systems for biological warfare.

Iraq has had half a decade in which to improve its decoys, dispersal concepts, dedicated command and control links, targeting methods, 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 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 major new problems for U.S. forces in the region and our Southern Gulf allies.

U.S. MILITARY OPTIONS

The U.S. must be careful to try to preserve as much international consensus as it can in support of the 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 need to be sensitive to 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 imported over $80 billion worth of arms during the Iran-Iraq War. It was importing around $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 worth of imports simply to keep its military machine alive. Iraq, however, has had no significant military imports since 1990, and has had no successes in mass producing a single advanced weapon in Iraq. It has a $20 billion deficit in arms imports, and it has not been able to import a single new weapon or technology to react to the devastating lessons of the Gulf War. It has less than half the tanks and half the combat aircraft it did at the time of the Gulf War.

UNSCOM is not perfect, but it is the most successful arms control regime in history. It has destroyed virtually all of Iraq major facilities for producing missiles, and chemical, biological, and nuclear weapons. Virtually all of these facilities survived the Gulf War. It has supervised the destruction of nearly 100,000 chemical and biological weapons and/or major components and manufacturing devices for such weapons, and thousands of tons of precursors for making chemical weapons.

It was UNSCOM that discovered Iraq's massive biological weapons and VX nerve gas programs, and it did so in 1995, four years after the war was over. In the six years since the cease-fire, there has never been a six month reporting period in which UNSCOM has not made another major discovery, including the period between April and October, 1997. It is UNSCOM intrusive monitoring program which limits Iraq's unceasing clandestine efforts and prevents Iraq from rapidly manufacturing large numbers of advanced biological and chemical weapons.

Keeping UNSCOM alive and effective is far more important than forcing a military showdown with Saddam. If threats and negotiation can work, they should be allowed to do so. Unilateral U.S. military action, or action with a limited or forced international consensus, should be a last resort because making Saddam back down this time might come at the cost of undermining or ending support for sanctions.

At the same time, force and no inaction must be the last resort. Preventing Iraq from proliferating and a new and totally destabilizing arms race between Iran and Iraq is a vital national security interest. So is the defense of our Arab allies and Israel, and the protection of our own power projection forces. Our economy is dependent on the global price and availability of oil, and the Persian Gulf is the key to energy security.

Fortunately, the US does have military options that it can execute with and without allied support. They also go far beyond the kind of pointlessly expensive slap on the wrist that the US has used in firing cruise missiles against targets Saddam does not really value like an intelligence headquarters, or military targets with cruise missiles could not destroy.

Some of these options do not require immediate US military action. The US can shift the burden of triggering military action to Saddam. These include ''halt or shoot'' options like forbidding all Iraqi military flights. This could include only combat fixed wing aircraft, or all aircraft including helicopters and transports. A nation-wide no-fly zone would paralyze and weaken critical Iraqi military capabilities. Another step would be a demand for a nation-wide halt to all armored movements larger than battalion sized units. This would destroy the Iraqi army's ability to train and exercise. A third such option would be to attack and destroy any facility where UNSCOM is denied timely access. A fourth option would be to destroy any military facility or production plant where new construction or manufacturing activity began. A fifth option would be to destroy any facility where Iraq has interfered with the UN monitoring equipment or tags. None of these options would hurt the Iraq people. All would threaten the ''crown jewels'' of Saddam's regime.

There are other ''crown jewels'' that the US could attack without waiting and which would not hurt the Iraqi people. These include the airbases with Saddam's remaining MiG–29s, Su–24s, and Mirage F–1s: The only aircraft he has left that really matter. The US does not have to destroy the entire Iraqi Air Force. Few in Iraq would mourn the destruction of the Special Republican Guards, and this force is critical to Saddam's security. The US could expand these attacks to cover all critical Iraqi security facilities, and this time the attacks should be designed to kill as many occupants as possible and should be sustained until Saddam completely backs down. Destroying Iraq's remaining military production facilities on a step-by-step basis would confront Saddam with the risk of losing his conventional military capabilities. Ordinary Iraqis are also unlikely to mourn the destruction of Saddam's new palaces, and this gives us at least 17 targets that were built or rebuilt after UN sanctions began.

In short, we do have good options if we are forced to use them and if we have the will to escalate beyond military tokenism. Further, these options will exist long after the current crisis is over. They can be made part of a clear declaratory doctrine regarding Iraq, and such a doctrine is clearly needed. It should be made unambiguously clear to the world that the US will enforce the terms of the UN Cease-fire until Iraq's capabilities to produce weapons of mass destruction are destroyed and will not allow Iraqi to rebuild. The US should not telegraph its punches by specifying a given action for a given violation, but it should make it clear to the world as well as Saddam that the US will always act. The US should also make it clear that it will raise the cost to Saddam each time he provokes another crisis and that he will force escalation if other incidents follow. We should not be trigger happy, but we must not let ''sanctions fatigue'' lead to ''proliferation fatigue'' and a horrifying new arms race in the Gulf.

IRAQ'S ''CLANDESTINE BREAK OUT CAPABILITY:'' COVERT PROGRAMS IRAQ COULD HAVE UNDERTAKEN SINCE THE CEASE-FIRE THAT UNSCOM MIGHT NOT DETECT OR PREVENT

(By Anthony H. Cordesman)

UNSCOM and IAEA's success have created new priorities for Iraqi proliferation. The UN's success in destroying the large facilities Iraq needs to produce fissile materials already may well have led Iraq to focus on covert cell-like activities to manufacture highly lethal biological weapons as a substitute for nuclear weapons.

All of the biological agents Iraq had at the time of the Gulf War seem to have been ''wet'' agents with limited storage life and limited operational lethality. Iraq may have clandestinely carried out all of the research necessarily to develop a production capacity for dry, storage micro-power weapons which would be far easier to clandestinely stockpile, and have much more operational lethality.

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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. In Hawaii and Alaska, the importance of the Internet is multiplied 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 this year 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 already allocate more internal funding for Internet connections than any other university, yet they receive far less capacity for their dollars importance on the Internet, these universities are faced with urgent needs that cannot be reasonably accommodated through the commercial marketplace or federal grant mechanisms currently in place.

For example, as part of the Internet2 project, major research universities are now planning increases in speed from 45 Mbps (million bits per second) to 150 Mbps and even 600 Mbps. According to the founding project director for Internet2, the expected cost for a 150 Mbps connection will average about $300,000 per year for mainland research universities.

The University of Hawaii already pays much more than this—$448,000 per year—and this buys only a 6 Mbps connection from Hawaii to the mainland. The University of Alaska now pays $324,000 per year for a 4.5 Mbps connection. In other words, compared to the average that other universities are expected to pay for their NGI-capable connections, Hawaii is already paying 50 percent more for 1/25 of the capacity, and Alaska is paying nearly 10 percent more for 1/33 of the capacity.

The rural states on the mainland found that their connection costs were higher than in urban areas and appealed for assistance. The National Science Foundation (NSF) recognized that the maximum $350,000 3-year grant to assist in establishing connections to its Very High Speed Backbone Network Service was not adequate to meet the costs in these rural states. In response, the NSF agreed to make 18 rural states, not including Alaska and Hawaii, eligible for special supplements of up to $200,000 over and above the $350,000 maximum grant.

These rural mainland universities can obtain 45 Mbps connections for prices in the range of $150,000 to $360,000 per year. In comparison, the quoted prices for these connections to Alaska and Hawaii are $2.8 million and $2.5 million respectively, escalating to $6 million or more a year to meet future requirements. Further, even if funds were available within the states to pay these costs on an ongoing basis, the capacity is not readily available or even in place on an ongoing basis, the capacity is not readily available or even in place on the existing saturated fiber optic systems that connect Hawaii and Alaska to the rest of the country.

Our research universities in Alaska and Hawaii need the same level of connectivity as their counterparts in California, Massachusetts, North Dakota and Colorado. Our remote universities are already paying much more and getting much less for their limited internal funding.

This is not just a problem for our universities, but is fundamental to the overall economic development of our states. Ensuring high-speed Internet access to the only public institutions of higher education in Hawaii and Alaska also supports K–12 education, state government, and many other education, research and public sector organizations to which our universities provide technological leadership, support and services as the intellectual cornerstones of our communities.

It is imperative that the federal government ensure fair access across the nation to the Internet and to our own federal initiatives such as the NGI. Just as a 32-cent stamp provides the same service anywhere in the country, so too must we consider ways to equalize access to the information superhighway. Further, we must solve this structural problem not just for the short term, but on a permanent basis.

We urge the federal agencies which are receiving $95 million for the NGI this year, and which are planning on additional funding in the years to come, to take upon themselves the responsibility to ensure that the NGI reaches not just to those places that can be reached cheaply and easily, but to all fifty states. Technical staff at each university have been working long and hard to identify any possible means of achieving affordable high speed connectivity for their state. We ask that, as a nation, we reach out to find a stable and lasting solution to this urgent problem.

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 their 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 cost access to relatively high capacity. Those States that are not close to the main conduit face increasing costs the further 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 data traffic will surpass telephone traffic. 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 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 Subcommittee, 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 14 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.

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, the Retail Clerks 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 their 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 at the Hoschschilds Kohn 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 to form the United Food 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.●

OECD SHIPBUILDING AGREEMENT

● Mr. BREAUX. Mr. President, I strongly support passage of S. 1216, legislation to implement the OECD 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 OECD Shipbuilding agreement and this implementing 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 1970's to an average of 21 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 form.

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 reevaluate 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 had 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 in foreign subsidized yards when those ships called upon the United States. Despite 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 program, consistent with federal assistance to other industries seeking to convert from defense to civilian markets. In addition, 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 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. The ''loopholes'' referred to by 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 implementing bill strengthens 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 financing advantage is in place 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 absent this agreement will soon redirect 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.

Greater competition from our trading partners due to increasing world shipbuilding capacity and the inevitable decrease in demand for new oceangoing vessels, will lead us to the same untenable situation that confronted our industry in 1981 if we do not approve this agreement. We won't have adequate trade laws to protect our industry and we won't have enough subsidies to successfully compete for international orders.

Last year, the full House of Representatives considered implementing legislation for the OECD Shipbuilding Agreement. A substitute amendment offered by Congressman HERB BATEMAN passed the Chamber, but was inconsistent with the agreement. The Senate failed to consider an implementing bill before adjournment though we made relentless efforts to address the concerns of opponents and engage them in constructive dialog.

Every time opponents have raised an objection, we have tried to address it in a manner consistent with the agreement.

First, when they said they needed explicit clarification that the United States would not under any circumstances change its Jones Act, we did it and more.

Second, when they said they needed explicit clarification that our national security interests would be protected and that the definitions of ''defense features'' and ''military reserve vessels'' would be decided by the Secretary of Defense, 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 and broader maritime industry in this debate today. We simply have different members with different constituencies and different priorities. We must decide as a Senate, however, if we want to provide our own U.S. commercial shipyards the right and ability to compete on a level playing field for international work.

I join Senator LOTT in promoting the entire U.S. shipbuilding industry. America needs both a competitive U.S. commercial shipbuilding industry as well as a strong defense shipbuilding industry. We can have both if we 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 able to keep its current (25-year/87.5% of the project cost) Title XI financing through January 1, 2001. The Bateman Amendment extended such terms through January 1, 1999.

S. 1216, like the Bateman Amendment, provides a full three-year delivery ''grace period'' for ships that receive 25-year Title XI

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 ''unusual circumstances'' (defined 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 in countries that are not signatories to the OECD Agreement. This provision: (1) provides an incentive for such nations to join the OECD Shipbuilding Agreement and, (2) protects U.S. shipyards 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 US 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 undermine ''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 provides a legislative procedure (Joint Resolution) for Congress to initiate US withdrawal from the Agreement if, ''responsive measures'' to U.S. Jones Act construction are taken. This process provides an equivalent alternative to the Bateman Amendment prohibition against countermeasures being filed against the US and which is consistent with the agreement.

Responsive countermeasures against the Jones Act are a highly theoretical event. Under the agreement, 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 projections indicate that relevant U.S. Jones Act construction will represent only a fraction of 1% of the global shipbuilding market. Furthermore, the withdrawal provision in S. 1216 provides a disincentive for a nation to pursue a countermeasure against the U.S. since a successful action would result in U.S. withdrawal from the Agreement. U.S withdrawal from the Agreement would not only moot the countermeasure, it would terminate the Agreement altogether.

Finally in a 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 US bidding. Because the global market is so vast (2000 commercial ship starts annually), providing so many alternative contracts to U.S. yards, the relatively tiny number of contracts that might be restricted by a countermeasure would not significantly affect 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 he deems to be in the ''essential security interests'' of the United States.

S. 1216 allows the Secretary of Defense to exempt all or part of a ship on which National Defense Features are installed, on a case by case 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 effect our national security.''

OTHER PROVISIONS

S. 1216 includes the same conditions for US withdrawal from the Agreement, and the same provisions for the snap-back of US laws changed by this legislation, as the Bateman Amendment.

Just like the Bateman Amendment, S. 1216 provides an effective mechanism for ''third party'' dumping petitions. The provision in S. 1216 conforms to the existing US anti-dumping code. S.1216 requires that anti-dumping actions be ''consistent with the terms of the Shipbuilding Agreement''.

S. 1216 includes several provisions that would substantially strengthen our monitoring and enforcement capabilities under the Agreement. USTR would be directed to establish a comprehensive interagency compliance monitoring program in conjunction with the U.S. shipbuilding industry and the maritime labor community, and to report to Congress annually.

S. 1216 further directs the US Government to vigorously pursue enforcement against noncompliance by other nations. These improvements are beyond the scope of the Bateman Amendment.

S. 1216 includes provisions that substantially enhance our ability to secure the accession to the Agreement of other shipbuilding countries including, specifically, Australia, Brazil, India, the Peoples Republic of China, Poland, Romania, Singapore the Russian Federation, and Ukraine. This improvement goes beyond the scope of the Bateman Amendment.●

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 conferees. I have received CBO's 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 Indian Health 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 reallocation of 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.

If the conferees had adopted the Senate language, I would not have been in the position of withdrawing this funding allocation. However, the conferees modified the Senate language to provide only $699 million for land acquisition, and to expand 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 headwaters 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 conferee on the bill. The Senate Budget Committee provided clarifying language to the conferees on the Interior appropriations bill during their meeting on September 30. This language simply restated that moneys provided 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.

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 because it affects matters within the jurisdiction of the Budge Committee that were not reported by the Budget Committee.

Mr. President, I object to the inclusion of this directed scorekeeping language in this bill, or any other bill. If the Senate took language amending the budget resolution into account for determining budgetary levels, the

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 precedent to 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 will 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 accompanying 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.

The table follows:

H.R. 2107, INTERIOR APPROPRIATIONS, 1998—SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 1998, in millions of dollars]

	Defense	Non-defense	Crime	Mandatory	Total
Conference report:					
Budget authority		13,798		55	13,853
Outlays		13,707		50	13,757
Senate 302(b) allocation:					
Budget authority		13,100		55	13,155
Outlays		13,472		50	13,522
President's request:					
Budget authority		13,747		55	13,802
Outlays		13,771		50	13,821
House-passed bill:					
Budget authority		12,980		55	13,035
Outlays		13,382		50	13,432
Senate-passed bill:					
Budget authority		13,699		55	13,754
Outlays		13,687		50	13,737
CONFERENCE REPORT COMPARED TO:					
Senate 302(b) allocation:					
Budget authority		698			698
Outlays		235			235
President's request:					
Budget authority		51			51
Outlays		−64			−64
House-passed bill:					
Budget authority		818			818
Outlays		325			325
Senate-passed bill:					
Budget authority		99			99
Outlays		20			20

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.•

DENNIS AND PHYLLIS WASHINGTON

• Mr. BAUCUS. Mr. President, I rise today to recognize the achievements and accomplishments of my fellow Montanans and good friends, 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 and went back to Missoula 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 Washington Corp., which, according to a recent article in USA Today, ''consists of 15 businesses, employs 14,000, and generates $2.5 billion a year in revenue.''

However, Dennis has never forgotten where he came from. Dennis and Phyllis have 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 University's 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 America. However, the one thing surpassing his business acumen is his generosity to his fellow man. Dennis and Phyllis Washington are true philanthropists that are deserving of our recognition.•

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, family and friends gathered in Arlington Cemetery to give our final salute to one of those veterans—Brigadier General Richard Augustus Edwards, Jr.

Brigadier General Edwards 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 Force Artillery in Vietnam in 1968 and 1969. He retired from military service in 1972 after serving in the Pentagon as head of officer assignments in the Army's Office of Personnel Operations.

His honors included the Distinguished Service Medal, three Legion of Merit awards and the Bronze Star. I was honored to call him my friend.

At the Virginia Military Institute, which he loved as dearly as his family, there is an archway through which he passed daily in his formative years as a cadet. It bears this quote attributed to 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 today of his son 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. But 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 expedience 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 and revered 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 one another.

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 here 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 the 105-year-old organization's 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 National Conservation Director of the Sierra Club and 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 I have come to most appreciate 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 exquisite 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 mandate. Doug's ability to work with individuals with differing idealogies and perspectives in a cooperative and productive manner is a true asset to the Commission, and to the Northwest Straits as well.

In 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 Sierra Club and 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 other activists that 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 Scott. 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 Alaska Lands Act, but it was Doug Scott who pulled together and directed the 8 year campaign that passed the largest land protection bill in history. Rupert Cutler may have conceived of the RARE II wilderness review, but it was Doug Scott who marshalled 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 SF 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 did not pass until after he had left the Club.

Doug was also the most inspirational and motivational speaker within the Club, flying tens 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 combating apathy and cynicism. He was also one of the funniest leaders the Club has known, the source and subject of jokes and follies songs. He was the spark behind the national conservation work of the Club for 15 years.

The Club has been blessed with a series of powerful, inspirational, smart, and articulate leaders that exemplify the best traits of our founder, John Muir. From the late 1970's to the early 1990's Doug Scott lead 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 105–399, 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 developers of innovative new medicines in using the fees paid by industry to bring the necessary review resources to bear on applications for new drugs. The 1992 act did not set the performance goals for activities funded by user fees into the law. Rather, these performance goals 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. These performance goals in the side-letter have stood the test of time—FDA has honored and met these goals as if they were in statute. Based on that experience, the Congress has agreed to use this approach again in establishing the performance goals for drug reviews funded by 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.

Mr. President, it is my hope that the next 5 years will see reductions in the drug development time, as well as further reductions in the time taken to actual review an applications.

The letter follows:

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, DC, November 12, 1997.

Hon. JAMES M. JEFFORDS,
Committee on Labor and Human Resources,
U.S. Senate, 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 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 (FDA) 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 9, 1997, reflects the fee mechanisms 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 goals document pertain only to Title I, Subtitle A (Fees Related 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 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:

I. FIVE-YEAR REVIEW PERFORMANCE GOALS

Fiscal year 1998

1. Review and act 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.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 1998 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 1998 within 12 months of receipt.

4. Review and act on 90 percent of priority efficacy 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 6 months of receipt.

6. Review and act on 90 percent of all resubmitted original applications filed during the fiscal year 1998 within 6 months of receipt, and review and act on 30 percent of Class 1 resubmitted original applications within 2 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 12 months of receipt and review and act on 30 percent within 10 months of recept.

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 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 1999 within 4 months of receipt and review and act on 50 percent within 2 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 2000

1. Review and Act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2000 within 12 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 Class 1 resubmitted original applications filed during fiscal year 2000 within 4 months of receipt and review and act on 50 percent within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year 2000 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 2001 within 12 months and review and act on 70 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 2001 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2001 within 12 months and review and act on 70 percent within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2001 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 2001 within 6 months of receipt and review and act on 70 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 2001 within 4 months of receipt and review and act on 70 percent within 2 months of receipt.

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

Fiscal year 2002

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2002 within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2002 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2002 within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2002 within 6 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 field 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

Submission cohort	Standard	Priority
Fiscal year:		
1998	90 pct. in 12 mos	90 pct. in 6 mos.
1999	30 pct. in 10 mos	90 pct. in 6 mos.
	90 pct. in 12 mos	
2000	50 pct. in 10 mos	90 pct. in 6 mos.
	90 pct. in 12 mos	
2001	70 pct. in 10 mos	90 pct. in 6 mos.
	90 pct. in 12 mos	
2002	90 pct. in 10 mos	90 pct. in 6 mos.

MANUFACTURING SUPPLEMENTS

Submission cohort	Manufacturing supplements that—	
	Do not require prior approval[1]	Do require prior approval
Fiscal year:		
1998	90 pct. in 6 mos	90 pct. in 6 mos.
1999	90 pct. in 6 mos	30 pct. in 4 mos.
		90 pct. in 6 mos.
2000	90 pct. in 6 mos	50 pct. in 4 mos.
		90 pct. in 6 mos.
2001	90 pct. in 6 mos	70 pct. in 4 mos.
		90 pct. in 6 mos.

[1] Changes being effected or 30-day supplements.

RESUBMISSION OF ORIGINAL NDAs/BLAs/PLAs

Submission cohort	Class 1	Class 2
Fiscal years:		
1998	90 pct. in 6 mos	90 pct. in 6 mos.
	30 pct. in 2 mos	
1999	90 pct. in 4 mos	90 pct. in 6 mos.
	50 pct. in 2 mos	
2000	90 pct. in 4 mos	90 pct. in 6 mos.
	70 pct. in 2 mos	
2001	90 pct. in 2 mos	90 pct. in 6 mos.

RESUBMISSION OF ORIGINAL NDAs/BLAs/PLAs—Continued

Submission cohort	Class 1	Class 2
2002	90 pct. in 2 mos	90 pct. in 6 mos.

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 he 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 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. 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 75 calendar days (as appropriate) from the date the request is received by the Agency, the meeting date should 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) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

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; 89% 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 2 weeks 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); and

3. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for a ''Type B'' meeting will be honored except in the most unusual circumstances.

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 Agency's receipt of the sponsor's response starting in FY 98 (cohort of date of receipt) 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 next level), the response to 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.

C. Conditions

1. Sponsors should first try to resolve the procedural or scientific issue at the Division level. If it cannot be resolved at that level, it should be appealed to the Office Director level (with a copy to the Division Director) and then, if necessary, to the Deputy Center Director or Center Director (with a copy to the Office Director).

2. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or written and should ordinarily be to either deny or grant the appeal.

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

4. In some cases, further data or further input from others might be needed to reach a decision on the appeal. In these cases, the ''response'' should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee).

5. In these cases, once the required information 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.

6. 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.

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

VI. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

A. Procedure

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.

1. 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 design, execution plans, 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, the sponsor 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 answered.)

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 trails 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 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 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 sponsor within time frames (based on cohort year of request) 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 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 CDER intend to amend their regulations and processes 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 form of an ''information request'' (IR) letter when each discipline has finished its initial review of its section of the pending application.

IX. DEFINITIONS AND EXPLANATION OF TERMS

A. The term ''review and act on'' is understood to mean the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

B. A major amendment to an original application submitted within three months of the goal date extends the goal date by three months.

C. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

D. Class 1 resubmitted applications are applications resubmitted after a complete response letter (or a not approvable or approvable letter) that include the following items only (or combinations of these items):

1. Final printed labeling;
2. Draft labeling;
3. Safety updates submitted in the same format, including tabulations, as the original safety submission with 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 to support approval;
8. A minor reanalysis of data previously submitted to the application (determined by the agency as fitting the Class 1 category);
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.

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

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

G. A 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.

I. 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 supplement.●

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 marshaled the forces in Southern 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 commanding 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 Commission belatedly admitted that the Navy's assumptions used to evaluate New London were flawed. Bill Moore was the man who first presented that information to the commission.

However, Bill's efforts have gone far beyond that monumental task. He has been the usher at the door of an entire new economic era for Southeastern Connecticut. Just as the defense downsizing efforts were taking their ravenous toll on our state and New London County in particular, Bill encouraged and fostered new development for our state and helped bring about a more level-headed transition for our heavily defense weighted economy. For example, he assisted in the appropriation of funds to rebuild the Connecticut State Pier and helped with the private-public partnerships that have rebuilt downtown New London. That was no small task.

During Bill's tenure, the membership of the Southeastern Chamber has more than doubled. Clearly, the contributions of those members have made New London County what it is today.

Finally, I would be remiss if I did not mention Bill's contributions during the creation and expansion of two of the most successful Indian gaming facilities in the hemisphere. Bill's unique skills and perseverence made this transition for our region a positive and inclusive process.

In closing, let me just add my personal thanks and congratulations to Bill and his family. I wish Bill and Maureen every success in their new endeavors.●

NATIONAL ACADEMY OF SCIENCES STUDY ON IMMIGRATION

● Mr. ABRAHAM. Mr. President, I rise today to discuss the National Academy of Sciences study on immigration that has received so much attention in the past year. This is a study the Senate Immigration Subcommittee held a hearing on this September featuring two of the principal authors of the report.

In releasing the study, the Academy stated quite clearly that ''Immigration benefits the U.S. economy overall and has little negative effect on the income and job opportunities of most native-born Americans.'' Moreover, the recent hearing showed that the study's findings were actually more positive than the initial press reports indicated.

Ronald Lee, a professor of demography and economics at the University of California at Berkeley who performed the key fiscal analysis for the Academy study, testified at the hearing that ''[The NAS] Panel asked how the arrival of an additional immigrant today would affect U.S. taxpayers. According to the report, over the long run an additional immigrant and all descendants would actually save the taxpayers $80,000.'' Lee notes that immigrant taxes ''help pay for government activities such as defense for which 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 citing the household cost figures to urge cuts in legal immigration is an improper use of the study's data.

The problem, Lee found, was that calculating annual numbers requires using an older model that counts the native-born children of immigrants as ''costs'' created by immigrant households when those children are in school, but fails to include the taxes paid by those children of immigrants once they complete their schooling, enter the work force, and become big tax contributors. The key fiscal analysis in the report, performed in Chapter

7, corrects the flaws in the annual figures by using a dynamic model that factors in the descendants of immigrants.

In response to a question from the subcommittee, Ronald Lee noted that, with the necessary assumptions, a dynamic analysis would likely show at least 49 of the 50 States come out ahead fiscally from legal immigration, with California a close call.

Jim Smith, chairman of the NAS study, testified that ''Due to the immigrants who arrived since 1980, total Gross National Product is about $200 billion higher each year.'' In other words, recent immigrants will add approximately $2 trillion to the nation's GNP over the course of the 1990s.

I ask to have printed in the RECORD a recent Wall Street Journal article that goes into greater detail on the Academy study.

The article follows:

[The Wall Street Journal, Tuesday, Nov. 11, 1997]

IMMIGRANTS BRING PROSPERITY

(By Spencer Abraham)

Critics of America's immigration policy are attempting to reignite the heated debate that almost produced 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 regard to immigration,'' crows 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 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, Mr. 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.'' The problem, Mr. Lee found, was that calculating annual numbers requires using an older model that counts the native-born children of immigrants as ''costs'' created by immigrant households when those children are in school, but fails to include the taxes those children pay once they enter the work force. The $80,000 figure was arrived at using a dynamic model that factors in the descendants of immigrants. As for the fiscal impact on states of legal immigration. Mr. Lee said, with the necessary assumptions, a dynamic analysis would likely show 49 of them coming out ahead, with California a close call.

The benefits of legal immigration don't end there. Mr. Lee said that the net present value to the nation of the immigrants who will enter the U.S. during the 1990s is over $500 billion. Jim Smith, chairman of the NAS study and a RAND economist, testified that ''due to the immigrants who arrived since 1980, total gross national product is about $200 billion higher each year.'' In other words, recent immigrants will add approximately $2 trillion to the nation's GNP over the course of the 1990s.

Opponents of immigration also would like Americans to believe that nearly everyone's wages are significantly lower because of competition from immigrants. That is far from the truth. The NAS 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 counted, 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, an 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 even some native-born workers can be easily exaggerated,'' testified Mr. Smith. ''To the extent immigrants do work different than that of native-born workers, immigration benefits all native-Americans who gain 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, Saddam Hussein has ordered all American arms inspectors to leave Iraq immediately, escalating Iraq's crisis with the United Nations and heightening the possibility of a military confrontation. We may well see military action in the Persian Gulf before Congress convenes next year. We all know what that could do to oil markets. Prices might well spike up, right in the middle of the winter heating season. The most effective antidote to such damaging price fluctuations is close communication among the major oil consumption nations, and joint action to calm oil markets through the International Energy Agency [IEA]. Yet the bill before us, once again, fails to make the legal changes that are needed for the United States to continue to participate meaningfully in the IEA.

The United States took the lead in forming the IEA after the Arab oil embargo of 1973, so that we would never again have to experience the market chaos that reigned at that time. At that time, it seemed that the best way to avoid a repeat of gas lines around the world was through mandatory allocations of world oil supplies. This was basically a command-and-control approach to the problem. This mandatory allocation mechanism was enshrined in our basic law on oil emergencies, the Energy Policy and Conservation Act of 1975 [EPCA], which also authorized the Strategic Petroleum Reserve, and which this bill would extend. But the world has changed since the 1970's. Oil markets have changed dramatically since then. And the mandatory allocation scheme contained in the original EPCA is a dinosaur.

The United States has taken the lead in designing a flexible international response mechanism to oil supply disruptions that respects market forces. Our domestic oil industry played a key role in the planning process and has endorsed it. We convinced all of the other countries in the IEA to adopt it. But without statutory changes to EPCA, the United States is placed in the absurd position of not being able to participate in the international oil emergency response system that it designed. And all indications from the Persian Gulf are that we could have another emergency sometime soon.

Why are we in such a predicament? It is not the fault of the administration. They have been pressing for the adoption of the needed legal changes for 3 years now. It is not the fault of this Body. We have passed the requisite legal changes in both the last Congress and in this Congress, and have forwarded them to the other Body. There is no good answer to the question of why the other Body continues to refuse to act on such clearly needed changes. 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. oil companies threatens the future of the Agency. When there are severe supply shortages or market instability, the IEA requires real-time information about the movement and location of oil stocks that only these oil companies can provide. In such a case, this information is shared at the express request of the U.S. Government. But the sharing of this information is normally forbidden under our antitrust laws, so an antitrust exemption of cover information-sharing undertaken at the U.S. Government's request is both needed and justified.

What is U.S. industry to make of our refusal, for a third time now, to make

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. None of us should be surprised, then, when these companies end their cooperation with the IEA and start to reassign the personnel who previously worked on the issues of emergency preparedness and coordination.

The refusal of 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 coordinated management of emergency oil 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 $50,000 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 to the smooth functioning 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, that would be one thing. Such issues could be worked 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 APPROPRIATIONS

● 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 APPROPRIATIONS

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 complied with unless 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 Senate bill, which was passed by the House and Senate.

TITLE I

Management Reform—The bill provides $8,000,000 in federal funds for a program of management reform for the District of Columbia government. The Revitalization Act and the Management Reform Act, which were enacted with the Balanced Budget Act of 1997, have created an opportunity for the District of Columbia to correct years of mismanagement throughout the District government as documented by 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 fund the hiring of management consultants to conduct comprehensive reviews of nine major agencies and four major citywide functions of the District government. In addition, the appropriation funds the position of a chief management officer [CMO], who will oversee the responsibilities assigned the Authority under the Management Reform Act. The Congress will closely monitor each step of implementation of the Management Reform Act to ensure that the District continues the task of returning the District to a position of long-term financial responsibility.

Federal Contribution—The bill provides $190,000,000 for a Federal contribution to the District of Columbia towards the cost of operating the District government. The appropriation represents the amount authorized by section 11402 of the National Capital Revitalization and Self-Government Improvement Act of 1997. The District is directed to use $30,000,000 of the Federal contribution to repay the accumulated general fund deficit.

Federal Payment to the District of Columbia Criminal Justice System—The bill provides $108,000,000 for operation of the District of Columbia Courts and the pension costs of certain court employees. The bill further provides that the Office of Management and Budget shall apportion quarterly payments from this appropriation to the District government for the courts' operations. In addition, payroll and financial services are to be provided on a contractual basis with the General Services Administration, which is directed to provide monthly financial reports to the President and the designated Congressional committees. The bill provides that, of this appropriation, up to $750,000 is available for the establishment and operations of the Truth in Sentencing Commission authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997.

The bill further directs $43,000,000 for payment to the Offender Supervision Trustee for obligation by the Trustee as follows: $26,855,000 for Parole, Adult Probation and Offender Supervision; $9,000,000 to the Public Defender Service; $6,345,000 to the Pretrial Services Agency; and $800,000 to be transferred to the United States Parole Commission.

District of Columbia Public Schools—The Committee notes with concern the delay in opening the District of Columbia public schools [DCPS] for the 1997–98 academic year. In order to ensure that the District's public schools do not experience a similar delay for the 1998–99 academic year, the Committee directs the Chief Executive Officer of the DCPS to report to the Committees on Appropriations of the Senate and the House, the Governmental Affairs Committee of the Senate, and the Committee on Government Reform and Oversight of the House by April 1, 1998, on all measures necessary and all steps to be taken to ensure that the District's public schools open pursuant to the DCPS schedule. The Committee directs that the report to Congress include a description of all building repairs needed to provide safe, habitable schools, and a timetable to complete repairs prior to the beginning of the 1998–99 academic year.

District of Columbia Charter Schools—The Committee is concerned about the slow progress of public charter schools in the District of Columbia. Since enactment of the District of Columbia School Reform Act of 1995, which established public charter school authority in the District, only three public charter schools have been established 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 schools and the public charter school community will work together on solutions for the capital needs of public charter schools.

The bill provides $3,376,000 from local funds, not including funds already 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. If any funds are not allocated by May 1, 1998, these funds shall be deposited in the revolving loan fund. In addition, the bill requires the District of Columbia public schools to report to Congress within 120 days of enactment, on the capital needs of each public charter schools.

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 increases the number of 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 that provide room and board in a residential 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 plan of the Mayor, District Council and Authority 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 that not less than $160,000,000 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 District government, to evaluate the issue of medical malpractice reform and report to Congress by March 1, 1998, recommendations on medical malpractice reform for the District.

University of the District of Columbia School of Law—The Committee is concerned that students enrolled at the University of the District of Columbia School of Law (School) are not receiving the quality education that is required to prepare them for a successful career in the legal profession. The Committee directs the Authority to report to the Committees on Appropriations of the Senate and House of Representatives, the Senate Committee on Governmental Affairs, and the House Committee on Government Reform and Oversight by March 1, 1998, on the accreditation status of the School. The Authority shall include in its report recommendations on whether or not the School should continue to: (1) operate and (2) receive funds from the District of Columbia government.

Public Space Misconduct—The Committee is concerned about the ongoing problem of loitering, panhandling, alcohol consumption, verbal harassment, littering, and other improper and illegal activities in parks and other public spaces in the District. These activities discourage visitors to the District, hamper economic and neighborhood development, and facilitate serious criminal activity. 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 attractive for families and others seeking legitimate recreation. The Committee further directs the MPD to adopt a zero tolerance enforcement strategy for public space misconduct during fiscal year 1998.

Performance and Financial Accountability Requirements—The bill includes the Senate provision amending the Federal Payment Reauthorization Act of 1994 relating to performance and financial accountability requirements for the District government. Section 130 shifts responsibility for preparing the performance accountability plans from the Mayor to the Authority. Responsibility for the financial accountability plan and report is shifted from the Mayor to the Chief Financial Officer. In addition, the bill amends the dates for submission of the plans and report to Congress.

Section 138. 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 all non-appropriated funds obligated or expended by the Authority for the quarter.

United States Park Police—The Committee agrees to the House 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 142 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 144 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 Alcoholic Beverage Commission inspectors in the District to sixteen 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 in the field in addition to their chief, who also performs inspections of alcohol 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 for persons under the age of twenty-one to purchase, possess, or consume alcoholic beverages in the District. In addition, the sale of alcoholic beverages to minors is prohibited. The Committee is concerned 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 areas where children are likely to be and whether the creation of alcohol free zones in areas frequented by children would be useful in deterring underage alcohol consumption.

District of Columbia Day-care and Home-care Operation.—The Committee is concerned that a significant number of District of Columbia day-care and home-care operations have been allowed to operate without proper licenses. The Committee is also concerned that the District government is failing in its mission to monitor effectively overall safety and quality standards at these facilities. These problems have reached crisis proportions, undermining welfare reform implementation and resulting in an unacceptable risk of harm to the children of the District. For these reasons, section 146 of the bill allows the District to expend such funds as may be necessary to hire additional monitors and inspectors at the appropriate City agencies to promote quality child care in the District. The Committee also expects this issue to be addressed in the development and implementation of the management reforms authorized by the District of Columbia Management Reform Act of 1997.

Section 159. The bill includes a technical amendment to a provision concerning the pay of officers and members of the United States Secret Service Uniformed Division, recently enacted in section 118 of Public Law 105–61, the Treasury and General Government Appropriations Act, 1998. Due to a drafting error, the world ''locality'' was substituted for ''longevity''. The amendment is retroactive to the date of enactment of Public Law 105–61.

Section 160. The bill provides $3,000,000 for a Medicare Coordinated Care Demonstration Project in the District of Columbia. This pilot program was authorized in the Balanced Budget Act of 1997, Public Law 105–33, section (e)(1)(A)(ii), for the purpose of reducing Medicare costs. The pilot program will establish specific Clinical Pathways for more cost-effective treatment of patients in the high-volume, high-cost Disease Related Group [DRG]. It is expected that this pilot project will help develop improved diagnostic and therapeutic procedures for treating the District's Medicare patients at reduced costs and provide the basis for more cost-effective national standards.

Section 161. This section provides that the Authority shall have the responsibility for approving both reorganization plans and any authorization for programs or functions for which a reorganization plan is required.

Section 162. The bill includes a technical amendment to correct drafting errors and to clarify statutory language to reflect the intent of the conferees of the Balanced Budget Act of 1997 with respect to the State Children's Health Insurance Program.

Section 163. This section provides the General Service Administration with the authority to amend the use restrictions which accompanied the conveyance of a land parcel in 1956. The amended use restrict will allow the construction of a previously approved veterans nursing home on the grounds adjacent to an existing veterans family.

Section 165. This section directs the Authority to appropriate $2,600,000 from local funds for a pay raise for uniformed fire fighters of the District's Fire and Emergency Medical Services Department. The purpose of the pay raise is to make the District's compensation for fire fighters comparable to fire fighters in surrounding jurisdictions. The Committee intends that the Authority use its discretion determine the source of the funds for the pay raise.

Section 166. This section provides a technical change to allow the Office of Personnel Management to waive the retirement annuity offset requirement for the Trustee for Offender Supervision consistent with a similar provision included in the National Capital Revitalization and Self-Government Improvement Act of 1997 for the Trustee for Corrections.

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 1995 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 rule 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 these 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 reductions in visas available under the ''diversity'' and ''other workers'' immigration categories, with the reduction in the latter to take effect after those in the backlog have received visas.

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 media, 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'' and aired it 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 follow-up gatherings, 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 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 1998, the Commerce, Justice, State Appropriations bill for FY 1998, and the State Department Authorization Act for FY 1998–99—conferees were forced to trade away authorization and appropriations that would have cleared existing U.S. debt to the United Nations. As the Senate adjourns for the holiday recess, 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 CJS appropriations bill.

Mr. President, what this means is that we will still be in substantial debt to the United Nations.

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 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 U.N. structure to assert 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 have disagreements over 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 the 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 intransigence of some of our colleagues in the other body, 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 participation in 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 2d 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 operation 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 offered legislation to establish the National D-Day Memorial and, again, I thank my colleagues for supporting that legislation.

Gov. George Allen of Virginia, Col. Robert 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:

GROUNDBREAKING FOR THE NATIONAL D-DAY MEMORIAL, TEN O'CLOCK, TUESDAY, NOVEMBER ELEVENTH, NINETEEN HUNDRED AND NINETY-SEVEN

March Slav, Tchaikovsky—Jefferson Forest High School Band; Forest, Virginia; David A. Heim, Director.

Invocation—Rabbi Tom Gutherz, Agudath Sholom Synagogue, Lynchburg, Virginia.

Presentation of the Colors—US Marine Corps Color Guard, Company B, 4th CEB; Roanoke, Virginia.

The Star Spangled Banner—Harmony Choral Group, Liberty High School; Bedford, Virginia; Terry P. Arnold, Director; Jefferson Forest High School Band.

Posting of the Colors—Color Guard.

Preamble—COL William A. McIntosh, USA (Ret.), Director of Education, National D-Day Memorial Foundation.

Welcome—John R. Slaughter, Chairman, National D-Day memorial Foundation.

Greetings from Abroad—Josh Honan, President, D-Day Association, Ireland.

D-Day Then, Now, and Tomorrow—COL Robert A. Doughty, Head, Department of History, US Military Academy.

Congressional Salutations—Honorable Virgil 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, Executive Director, National D-Day Memorial Foundation.

Retrieval and Retirement of the Colors—Color Guard.

Benefiction—The Rev. J. Douglas Wigner, Jr., Rector, St. Paul's Episcopal Church; Lynchburg, Virginia.

The Stars and Stripes Forever, Sousa—Jefferson Forest High School Band.

STATEMENT OF PURPOSE

By Col. William A. McIntosh, USA (Ret.)

The National D-Day Memorial Foundation'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, fidelity,and sacrifices 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 education center, that celebrates and preserves the legacy of D-Day. Its operational objectives are to ensure the operation, integrity, and security of the D-Day Memorial Complex; to sponsor innovative commemorations, educational programs, projects, and exhibits, that foster an awareness of D-Day's historical significance; and to seek and provide educational opportunities that will preserve, for present and future generations, the meaning and lessons of D-Day.

Our immediate focus, to which today's ceremony bears witness, is on construction of a monument. And so it should be. But, as the mission statement explicitly indicates, the long-term focus of this enterprise is education. It is through education—ultimately, only through education—that a memorial sustains its meaning, to say nothing whatever 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 youngsters are here because someone brought or compelled them. A few of those children will participate with the assembled dignitaries in the actual groundbreaking. That intergenerational participation, symbolic 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 Memorial to rise up outside Washington—to take root on the same heartland soil that once held seed that flowered on D-Day and came to harvest in a liberated Europe—the Congress of the United States acted with noteworthy courage and vision. It will, through its ongoing educational and interpretative programs, memorialize, for present and future generations, the valor, fidelity, and sacrifices of the Allied Forces on D-Day. Such is its national duty—and its particular privilege.

THE MEANING 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 military operation would begin. By using the term D-Day commanders and planners could orchestrate the logical, sequential arrival of units and equipment. Planners could anticipate, for example, on D+1 certain actions occurring or specific units arriving. Using the term D-Day also permitted military commanders to change the date of operations easily without causing confusion or disrupting preparations. General Dwight D. Eisenhower, for example, changed the date of the landings in Normandy because of bad weather. Thus, American planners in World War II often used the term D-Day to assist in the planning and conduct of operations in the Pacific and European theaters.

After June 6, 1944, however, the term D-Day became synonymous with the landings on the Normandy beaches and the beginning of what President Franklin D. Roosevelt called the ''mighty endeavor.'' The day marked the decisive coming to grips with the Germans for which the Allies had been preparing since the fall of France and the withdrawal of the British from Dunkirk. D-Day marked a major step in winning a victory over the Axis powers in Europe.

Many years after the invasion General Omar N. Bradley, who commanded the American First Army in the operation, said, ''Even now it brings pain to recall what happened there on June 6, 1944. I have returned many times to honor the valiant men who died on that beach. They should never be forgotten. Nor should those who lived to carry the day by the slimmest of margins.'' Bradley noted that every man who set foot on those beaches that day was a ''hero.'' He later wrote, ''Freedom is not a gift, and . . . democracy can extract both stern and unequal payment from those who share its bounty. Freedom is neither achieved nor retained without sacrifice by individuals, often in unequal measure.''

A tragic part of that ''unequal measure'' was paid by the people of Bedford, Virginia. On the morning of June 6, 1944, D-Day, about sixty percent of A Company, 116th Regiment, 29th Infantry Division, had come from Bedford. As part of the first wave in the landings on Omaha Beach, A Company confronted some of the strongest enemy resistance Allied forces encountered that fateful day. In the short space of only a few minutes, A Company lost 96% of its effective strength. War always has been and always will be a terrible thing, and it indeed was a terrible thing that morning for the men of A Company, 116th Regiment.

To me, the final meaning—and perhaps the most important meaning—of D-Day comes from the memory of those men who died on the Normandy beaches or who sacrificed their health and their futures in those desperate moments. Gathered from across America, these young men knew the price of liberty was high and willingly risked their lives to defend freedom. Their sacrifice ensured that the term D-Day will always be associated with only one day, the day the Allies landed at Normandy, and will always represent a noble cause, a courageous effort, and a gallant commitment to the highest ideals of this nation.

Today, this memorial to D-Day commemorates the achievements of June 6, 1944, but it also reminds us of the challenges of defending liberty and the costs of remaining free. Let us remember the importance of the landings on the coast of France but let us never forget the young men who made that operation a success, who charged forward despite fearful losses. As the inscription in the Normandy memorial suggests, let us always remember the glory of their spirit.

REMARKS BY GOVERNOR GEORGE ALLEN AT THE NATIONAL D-DAY MEMORIAL GROUNDBREAKING IN FUTURE MEMORIAL SITE, BEDFORD, VIRGINIA, NOVEMBER 11, 1997

This certainly is an invigorating morning! It is good to see United States Senators John Warner and Chuck Robb; Representatives Bob Goodlatte and Virgil Goode; Members of the General Assembly; Chairperson Lucille Boggess; Mayor Michael Shelton; Josh Honan, President of the D-Day Association of Ireland; John Slaughter, Chairman, and Members of the National D-Day Memorial Foundation; Colonel Robert Doughty; Colonel Smith; honored guests all; and most especially veterans and their families. On behalf of the people of Virginia, welcome!

Your presence honors our Commonwealth. We are grateful to have you here to help break ground for the National D-Day Memorial in Bedford County, Virginia.

This is an historically significant, commemorative occasion for all Americans, indeed, for all freedom-loving people on earth and in the heavens.

Veteran's Day is a time for respectful reflection as we honor and remember all those brave men and women of the United States Armed Forces who have served us to secure and protect our nation's interests, including our God-given rights and freedoms, as well as those rights and freedoms for our fellow human beings everywhere.

From the cold, snow-covered fields at Valley Forge to the hot, desert storms of the Persian Gulf and Kuwait, and even today in Bosnia, Virginians and Americans have served nobly, and with great distinction, whenever and wherever Duty's clarion call has sounded.

We salute all of our veterans and their families who have stood against tyranny in

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—valiantly began 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 here 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 first wave in one of 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 ''Stonewall Brigade'' who waded, scrambled, fought and overcame entrenched forces on high, formidable bluffs.

While Time 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 horrific and heroic events—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 sometimes 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 responsibility to nurture and protect it.

In closing, I pray God will continue to bless Virginia and the United States with people of such honor and character as those we remember this Veteran's Day, so that our United States will always be a beacon of hope, opportunity and freedom.

Veterans: we gratefully salute you in our minds and in our hearts!●

100TH ANNIVERSARY OF THE FRANCISCAN FRIARS AND SISTERS OF THE ATONEMENT

● Mr. MOYNIHAN. Mr. President, December 15, 1997 will mark the 100th anniversary of the Order of the Franciscan Friars and Sisters of the Atonement. The Order was founded by Father Lewis T. Watson and Mother Lurana White in Garrison, New York with the goal of promoting Christian unity. The Friars and Sisters continue their mission work through the promotion of the Week of Christian Unity and the operation of ecumenical centers and libraries.

Through the years, the Friars and Sisters of the Atonement have remained in Garrison where they now operate the Graymoor Ecumenical and Religious Institute. At Graymoor they publish a monthly magazine, Ecumenical Trends, and operate St. Christopher's Inn, a temporary shelter for homeless men, whom they refer to as ''Brothers Christopher'' or Christ Bearers.

The influence and the good work of the Friars and Sisters extends well beyond the Hudson Highlands region of New York, reaching throughout the United States, Canada, Europe and Asia. They operate day care centers, Retreat Houses, Head Start programs, and shelters for battered wives and children. They minister to the poor, feed the hungry, and embrace the marginalized worldwide. Not only do they seek unity of the Christian community, but also unity of the human spirit and unity of the human community.

True to their cause of Christian unity, they have dedicated their lives to the hope ''that all may be one. . .that the world may believe.'' I commend their single-heartedness and congratulate them on the occasion of their 100th anniversary.●

CHILD EXPLOITATION SENTENCING ENHANCEMENT ACT OF 1997

● Mr. FEINGOLD. Mr. President, I rise today to voice my disappointment that in the final hours of this legislative session, a piece of legislation sponsored by my colleague, Senator DEWINE and I, S. 900 has apparently been stopped from passing the Senate because of an objection from the other side of the aisle.

S. 900 is a bi-partisan effort to address the growing problem of criminals using the Internet to contact and target young children that they ultimately sexually abuse and exploit. This bill requires the United States Sentencing Commission to create a sentencing enhancement for criminals who use the Internet to facilitate sexual crimes against young people. The legislation also increases penalties for repeat sexual offenders.

S. 900 has, on two occasions, received the unanimous support of the Senate Judiciary Committee. It has passed the Committee as a free-standing measure and was adopted as an amendment to juvenile justice legislation considered by the Committee earlier this year. Yet, we are now told that the bill has been held. I find it troubling that someone would object to legislation designed to help protect young children from being sexual abused and molested and that such objection would be made, without providing Senator DEWINE or myself an opportunity to address whatever concerns might exist.

Mr. President, the misuse of the Internet is a growing problem. FBI Director Freeh has testified to this fact and the National Center for Missing and Exploited Children—which supports the DeWine/Feingold legislation—agrees that the situation is a growing concern. S. 900 is a straightforward, bipartisan effort to send the message that pedophiles and child molesters will not be allowed to exploit the Internet to commit their illicit crimes against children. While I regret that someone has chosen to slow this effort to protect children, I fully intend to return to this issue next year and will continue to push for the adoption of this legislation.●

UNANIMOUS CONSENT AGREEMENT—H.R. 2267

Mr. GREGG. Mr. President, I ask unanimous consent that when the conference report to accompany H.R. 2267, the appropriations bill for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies is received, if it is identical to the document filed earlier today, it be deemed 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 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 appropriations bill 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, it is now, 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 initiatives, which are 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 for purposes of stalking children. We have continued, supported, 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 it so that local and State law enforcement communities will 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 the area of 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 help local 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 1,000; 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 be able to obtain 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 weather 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 Senators. One that doesn't get too 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 equipment that some of our 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 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 State 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, FTC, 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 what 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 effort.

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. LOTT. 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 Senators to attempt 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 the cooperation he received from 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 mandates contained in earlier proposals 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 complete 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

more likely to be released on bail, less likely to be convicted, punished more slowly, and incarcerated less frequently than in the juvenile justice system. If we want to get tough on juvenile crime, trying kids as adults is the wrong answer.

What is more, placing juveniles in adult jails—where they have exposure to hardened criminals—will only make them more likely to commit crimes once they get out. So despite popular opinion, trying more kids as adults may make our crime problem worse, not better.

Instead of imposing unproven, Washington-based solutions on the States, the best thing the federal government can do is provide local law enforcement, prosecutors, juvenile courts, and community based organizations additional funds to develop creative, comprehensive strategies to address juvenile crime. Such strategies are beginning to bear fruit across the country as juvenile crime has fallen significantly in the past two years.

The new juvenile crime block grant takes a partial step in the right direction by providing $250 million for juvenile justice system improvements. But this new program is deeply flawed by failing to permit State and localities to use any of these funds for juvenile crime prevention programs. Police chiefs and prosecutors around the country are emphatic 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 my colleagues know that tucked in 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 considered 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 record keeping relating 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 considerable 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 reducing 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 on an appropriations bill. The answer is 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 trampling the hard work and insight of 50 state legislatures who have enacted juvenile crime legislation. H.R. 3 is a presumptuous attempt to have the heavy hand of the federal government dictate state criminal justice policy. This is the wrong way to craft serious legislation.

The Senate Judiciary Committee spent eight mark-ups over two months earlier this year in crafting its juvenile crime bill, the ''Violent and Repeat Juvenile 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 slip parts of the House bill into a 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 attention through the normal legislative process of hearing, public comment, review, 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 appropriations bill. I want to thank the Ranking Member of the Senate Appropriations Subcommittee on 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 conference report. To qualify for the block grant program in this conference report, the Governor of a State may certify to the Attorney General 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 willing to make such a certification for Vermont to be eligible for this block grant. We have also limited this program to the 1998 Fiscal Year and made it subject to future authorization legislation.

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 presenting this Fiscal Year 1998 Commerce, Justice, and State, the Judiciary 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 Weather Service, to the Supreme Court and the Federal Communications Commission. It requires a balancing act of the priorities of the Nation, of the sometimes 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 Administration—all within the confines of our 302(b) allocation. I think Chairman GREGG and his able staff—Jim Morhard, Kevin Linskey, Paddy Link, Dana Quam, Carl Truscott and Vasiliki

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 effort to buy fast-track votes, 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 Department through appropriations action, the total 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 $143 million for the FBI to enhance 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 cyber 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 at 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 control 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 conferees have adopted a ''grandfathering'' clause that would allow 245(i) processing for anyone who has filed with the Attorney General or for labor certification 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 litigation and advocacy to our Assistant U.S. Attorneys and State and Local Prosecutors. It will be to the U.S. Attorneys what Quanitco 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 [RISS]; $505 million for the Edward Byrne Memorial Formula 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 Prison or ''Truth in Sentencing'' 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 an authorization bill. This 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 $4.3 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 $283 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 their 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 Economic Development 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 $241 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 all to aware of over the last few months here on the East Coast. We also gave the National Ocean Service $44 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 to space and a little mechanical robot on Mars, Yet 75% of our planet is ocean, and our exploration of it is woefully lacking.

The hot topic of 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 rehearsals.

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 over 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 $677 million, slightly lower than enacted levels; I'm pleased that Manufacturing Extension Centers are funded at $113 million and the Advanced Technology Program [ATP] is funded at $193 million. I'm pleased that we seem to finally be getting to a sane policy on our Commerce technology programs. They are out lead edge in the trade war. This year the rhetoric subsided, and we started to get back to normalcy and ''adult supervision'' around here, as Senator Dole would say. No one is seriously considering unilaterally disarming in the trade war and disestablishing the Department of Commerce and our technology programs.

Now to discuss the Judiciary—the total Judiciary account is funded at $3.463 billion, $200 million above enacted levels. We have provided the Federal Judges with a cost of living adjustment. And, with respect to the Ninth Circuit Court of Appeals, we have agreed on a Commission to study judicial organization. So we have avoided a veto issue and will look to the Chief Justice of the Supreme Court to pick qualified, fair experts to review the situation.

In the State Department and international programs title, we have included $4 billion for the Department of State and have supported the consolidation of our international affairs agencies. Within this amount we've provided $91 million to State and USIA to accelerate the replacement of obsolete computers and communications gear, and $19.6 million to renovate projects worldwide such as our facilities in Beijing, China. $9.5 million is provided for architectural and engineering work necessary to move our Embassy to Jerusalem, the capital of Israel. I can't think of any other nation where we refuse to recognize its capital. It is time for us to put our Embassy in the capital of Israel.

The bill has funded Contributions to International Organizations at $955 million to pay the costs assessed to the United States for membership in international organizations. Within this amount, $54 million is for payment of United Nations arrerages. Additionally, Contributions of International Peacekeeping Activities is funded at $256 million, including $46 million for payment of arrerages. So we have met our commitments under the budget agreement. I only hope that Chairman HELMS and Senator BIDEN can get a State Department Authorization bill through the Congress so we can make meaningful changes in New York, and we can reorganize our international affairs into a more rational structure.

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 programs to note 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 $30 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].

Finally, 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 is funded at $705 million and for its 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 ensure 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, State 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 monitor long distance rates to insure 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 able 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

good friends in the other body, Chairman HAL ROGERS and Mr. ALAN MOLLOHAN of West Virginia. They are true professionals. They have outstanding staff, first rate professional staff in Jim Kulikowski, Therese McAuliffe, Jennifer Miller, Mike Ringler, Jane Wiseman, Pat Schleuter, Mark Murray, David Reich, Sally Gaines and Liz White.

I encourage my colleagues to support the FY 1998 Commerce, Justice, State, the Judiciary, and Related Agencies appropriations bill.

Mr. LAUTENBERG. Mr. President, I rise today to commend the work of Straight and Narrow, a non-profit organization headquartered in Paterson, New Jersey, which has been a pioneer in the field of substance abuse treatment with impressive results.

Straight and Narrow serves more than 750 people a day, almost all of them poor. Its services cover the whole spectrum of the substance abuse field, from effective prevention services for young people to treatment of the chemically dependent. Straight and Narrow's programs have been proven to deliver effective treatment at a significantly lower cost per patient than most treatment programs. National studies of Straight and Narrow's work have concluded that its results have far exceeded those of other approaches to substance abuse treatment.

Straight and Narrow is currently working in conjunction with the New Jersey Department of Corrections and the National Development and Research Institutes [NDRI] on a research and demonstration proposal to develop a national model of Straight and Narrow's approach to substance abuse treatment. This proposal includes clinical trials of the use of patient work combined with psychological counseling, family therapy, education, job training, and after care for treatment of substance abusers from disadvantaged backgrounds, including non violent prisoners.

Mr. President, I am proud of Straight and Narrow's accomplishments in New Jersey, and I believe that it would be most advantageous for the Federal Government to assist in the development of a model for the implementation of Straight and Narrow's programs on the national level. I believe that Straight and Narrow's proposal is one that the Department of Justice should seriously consider supporting, and I hope the Department will give this proposal serious consideration.

Mr. LOTT. Mr. President, before I proceed to some closing bills and Executive Calendar, I would like to consult with the Democratic leader. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEADBEAT PARENTS PUNISHMENT ACT OF 1997

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 report.

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 the criminal penalties we created in the Child Support Recovery Act of 1992 and creates new gradations of offenders to target and punish the most egregious child support evaders. It ensures that more serious crimes receive the more serious punishments they clearly 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 parents from shirking their legal, 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 payment. Collections have 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. Although we should be proud of that increase, we can not merely rest on our laurels. More can be done—and today the Senate's passage of the Deadbeat Parents Punishment Act is a step in the right direction.

Mr. President, as you know, current law already makes it a Federal offense to willfully fail to pay child support obligations to a child in another State if the obligation has remained unpaid for longer than a year or is greater than $5,000. However, the current law, by providing for a maximum punishment of just 6 months in prison for a first offense, makes violations only a misdemeanor. A first offense—no matter how egregious—is not a felony under current law.

Police officers and prosecutors have used the current law effectively, but they have found that current misdemeanor penalties do not have the teeth to adequately deal with more serious cases—those cases in which parents move from State to State, or internationally, to intentionally evade child support penalties. Those are serious cases that deserve serious felony punishment and, under this new measure, that serious punishment will be available.

Mr. President, I believe that making the Deadbeat Parents Punishment Act law 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.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF S. 1371, THE DEADBEAT PARENTS PUNISHMENT ACT OF 1997

The ''Deadbeat Parents Punishment Act of 1997'' amends the current criminal statute regarding the failure to pay legal child support obligations, 18 U.S.C. 228, to create felony violations for aggravated offenses. Current law makes it a federal offense to willfully fail to pay a child support obligation with respect to a child who lives in another state if the obligation has remained unpaid for longer than a year or is greater than $5,000. A first offense is subject to a maximum of six months of imprisonment, and a second or subsequent offense to a maximum of two years.

The bill addresses the law enforcement and prosecutorial concern that the current statute does not adequately address more serious instances of 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 18 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 charged 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 known 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 offenders are notorious for hiding assets and failing to document earnings. A presumption of ability to pay, based on the existence of a support obligation determined under state law, is useful in the jury's determination of whether the nonpayment was willful. An offender who lacks the ability to pay a support obligation due to legitimate, changed circumstances occurring after the issuance of a support order has state civil means available to reduce the support obligation and thereby avoid violation of the federal criminal statue 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 that statute to the offense of 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*, 934 F.Supp. 736 (W.D. Va. 1966), which held that a prosecution had been improperly 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 subsection (a) of 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)(3), 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 may be brought 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''.

SEC. 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

''(a) OFFENSE.—Any person who—

''(1) 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;

''(2) 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 1 year, or is greater than $5,000; or

''(3) 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 2 years, or is greater than $10,000;

shall be punished as provided in subsection (c).

''(b) PRESUMPTION.—The existence of a support obligation that was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

''(c) PUNISHMENT.—The punishment for an offense under this section is—

''(1) in the case of a first offense under subsection (a)(1), a fine under this title, imprisonment for not more than 6 months, or both; and

''(2) in the case of an offense under paragraph (2) or (3) 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 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 inquired of and prosecuted in a district court of the United States for—

''(1) the district in which the child who is the subject of the support obligation involved resided during a period during which a person described in subsection (a) (referred to in this subsection as an 'obliger') failed to meet that support obligation;

''(2) the district in which the obliger resided during a period described in paragraph (1); or

''(3) any other district with jurisdiction otherwise provided for by law.

''(f) DEFINITIONS.—As used in this section—

''(1) the term 'Indian tribe' has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a);

''(2) the term 'State' includes any State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

''(3) 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, as in executive session, that all nominations received in the Senate during the 105th Congress, 1st session, remain in status quo, 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 provisions 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 when 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, Chairman ROTH, 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 House colleagues Representatives DAVE CAMP and BARBARA KENNELLY, as well as Chairman SHAW, and their staffs, for their hard work in moving the bill through the House of Representatives.

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 doesn't 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 adoptive homes.

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. 1974 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 to 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 S5710.

On June 27, 1996, I testified before our colleagues over in the House Ways and Means Subcommittee on Human Resources, at a hearing on how P.L. 96–272, the Adoption Assistance and Child Welfare Act is a barrier to adoption.

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 withdrew the amendment 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 the new 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 CHAFEE 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 of 1997, overwhelmingly passed the House of Representatives by a vote of 416 to 5. This bill, sponsored by Representatives DAVE CAMP and BARBARA KENNELLY, included my language to clarify reasonable efforts. I talked about that bill, on the same day that it 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 S3898, 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 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 S11175.

The legislation that we will take up in a moment and that I hope we pass today is the culmination of that effort. I have taken the time of the Senate today to outline that history, as I stated a moment ago, because I want to make it very clear what the legislative history is and what the intent was behind that provision of the bill.

Let me turn now to the need for this provision.

Let me explain why this provision was the focus of so much attention and why we need this provision.

We need it, Mr. President, because of an unintended consequence of a bill that was passed by this Congress in 1980. The Adoption Assistance and Child Welfare Act of 1980 included a provision saying that for a State to be eligible for Federal funds for foster care spending, that State must have a child welfare services plan approved by the Secretary of Health and Human Services and that plan must be in effect.

The State plan must provide, and I quote now from the 1980 law, it must provide ''that, in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home and (B) 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 adults 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 adults 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 section, 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, 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 caseworkers, prosecutors, magistrates, court-appointed attorneys, and child 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 misinterpretation on this floor, this list that I have just read is not meant to be an exclusive list. The authors of this legislation do not—do not—intend these specified 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 unwise, makes it simply wrong for the Government to make 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. 867:

(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 this country. 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 pathbreaking 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 Aulton, two 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 of Ohio, 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 our 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 caseworkers who look out for our children. We need to make sure that they have smaller case loads. We need to do more to emphasize adoption as the solution and provide greater resources and more emphasis on adoption so we can increase adoptions.

We need, Mr. President, 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 good 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 unadoptable 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 think 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 the bill we pass today, we will truly 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 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 demonstrated the undeniable 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 cornerstone for future efforts on behalf of abused and neglected children, 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 to children 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 and other efforts that can 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 struggle with 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 CHAFEE and LARRY CRAIG for their unflagging leadership in bringing the legislation this far. My partnership with Senator CHAFEE on children's issues is one of the most fulfilling aspects of my legislative work, and I thank him for his leadership. Senator CRAIG also provided tremendous 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 bipartisan 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 Senate adoption working group who have worked so hard to create a solid bipartisan package: Senators JEFFORDS, DEWINE, COATS, BOND, LANDRIEU, LEVIN, MOYNIHAN, KERREY, and DORGAN. I would also like to acknowledge the work of Finance chairman, Senator ROTH, 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 longstanding and intense dedication 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 will fundamentally 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 a month's time.

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 act 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 goal 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 a range of fundamental State services to help 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 die 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 Senator from Indiana is in 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 so 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, a chaotic prison-like 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 child 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 need to know that they 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 futile 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 some kids 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 support the Adoption and Safe Families Act because it takes 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 adjustments 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 are not kept; we 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 there. When the situation is that 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 seek adoptive homes for all ''free-to-be-adopted'' children, who often are assigned to long-term foster care. This bill, however, compels States to make reasonable efforts to place a child in a permanent adoptive home. Long-term foster care should never be a solution for any kid.

In most States, children are being denied permanency because of the artificial barrier of geography. This bill will break down the geographic barriers to 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 notice of hearings and the 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. We are sick and tired of kids being kept 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-adoptive 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 forging 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 more 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 is affected 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 said that long-term 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 thousand 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 that 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 make an enormous difference 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 is out of reach for hundreds of thousands of children across the nation. Although we've tried to provide a safety net to protect children at risk of abuse or neglect, that safety net is failing all too many children. The problem does not lie with the vast majority of foster parents, relatives and caseworkers who work valiantly to provide the care needed by these children. Rather, the problem is the system itself, and incentives built into it. On one end, it's allowing children to slip back into abusive homes; on the other end, it's trapping them in what was supposed to be ''temporary'' foster care, instead of moving them into permanent homes.

The Adoption and Safe Families Act of 1997 will bring more children home—to safe, permanent homes—and it will bring them home faster. It will change the culture of foster care with a number of fundamental reforms:

Currently, to obtain federal funds, states are required to use ''reasonable efforts'' to keep families together. While that sounds like a goal we all can support, this requirement has resulted in states using extraordinary efforts to keep children in what may actually be abusive or unsafe situations. Tragically, it's the children who ultimately pay for mistakes when this happens—sometimes with their very lives.

Our bill will change this. It requires that the child's health and safety must be the paramount concerns in any decisions made by the state on behalf of that child. While the reforms in the bill respect the rights of others—such as birth parents, relatives, foster families and adoptive parents—it makes clear that the focus must always be on the child's health and safety.

In addition to this general rule, the bill provides that the ''reasonable efforts'' requirement does not apply where there are aggravated circumstances such as abandonment, torture, chronic abuse or sexual abuse. This is not a comprehensive list; we've tried to make clear that states have the power to suspend the requirement for other aggravated circumstances that jeopardize the health and safety of the child.

Mr. President, these critical reforms will help save the lives of children. That's probably the most important goal of the Adoption and Safe Families Act. But it's not the only goal; other reforms in the bill are aimed at encouraging adoption and helping to move children through the foster care system and into permanent, loving homes.

For instance, for the first time, steps will have to be taken to free a child for adoption or other permanent placement once the child has been in foster care for fifteen months or more. In cases of severe abuse, when ''reasonable efforts'' are not appropriate, this bill establishes a new expedited process, requiring a permanency planning hearing to be held within 30 days. For the first time, states will be required to use ''reasonable efforts'' to place a child for adoption, if returning the child to the family is not an option. For the first time, those efforts must be documented.

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 in this area, 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 or reunited, 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 Chairman 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 PASS Act for their support: 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 SHAW.

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 November—which, appropriately enough, 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 mandatory foster care spending 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 $80 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 effects certainly 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 small, 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 funds 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 qualify for payments in the year 2000, 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 bill 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 time when a state needs it the most, when state coffers 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

negotiating a good bill, and I want to commend, in particular, my colleagues Senator CHAFEE, Senator ROCKEFELLER, Senator COATS, and Senator CRAIG for their hard work on this bill. 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 guarantee 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 define the term ''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—it 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 the 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 states 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 is, one who 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 are adopted, their access to 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, this bill is a victory 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, CRAIG, COATS, DEWINE, KERREY, and ROTH for their hard work on this bill. We have been working to come to 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, S. 511 [the ''SAFE'' 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 as 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—such 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 report.

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, 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, 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 a 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 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 2d 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. 2. 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 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, 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. 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.

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 the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 157) was agreed to, as follows:

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.

Mr. LOTT. Mr. President, I would like to note at this point in the RECORD that on occasion we do make use of the Vice President's office across the hall. He is unfailingly cooperative in making it available to Senators on both sides of the aisle. And it has been a pleasure working with the Vice President in his role in presiding over the Senate this year.

TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to Senate resolution 158, 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 President pro tempore 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 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.

The PRESIDING OFFICER. The Democratic leader.

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 that.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I want to thank Senator DASCHLE for his comments and the accuracy of the years of service. I note that the President pro tempore is working now as we are commending him. He is diligently tending

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 door, 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 present and accounted 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 deep 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. LOTT. Mr. President, I will take a moment here to say I do enjoy and appreciate the relationship that I have with the Democratic leader. We have developed a relationship that is based on trust. Our word has been good to each other. While on occasion we disagree on substance and sometimes we are a bit testy in our remarks, I think overall over the past year and a half since I have had the honor of serving as a majority leader our relationship has been a healthy one and good for the overall atmosphere in the Senate and I hope we can continue that relationship as we go into the second session of the 105th Congress.

Mr. DASCHLE. I thank the majority leader.

Mr. LOTT. I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table, if there is not objection by the Democratic leader

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res 159) 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 the 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 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 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 the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

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.

MEASURE READ THE FIRST TIME—S. 1530

Mr. LOTT. Mr. President, I understand S. 1530, which was introduced early today by Senator HATCH, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1530) to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and 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.

Mr. LOTT. I now ask for its second reading, and I would object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR COMMITTEES TO FILE REPORTED ITEMS

Mr. LOTT. I ask unanimous consent committees have from the hours of 10 a.m. to 2 p.m. in order to file legislative or executive reported items on the following dates: December 3, January 6, and January 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

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.

The PRESIDING OFFICER. 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.

DEPARTMENT OF DEFENSE

William J. Lynn, III, of the District of Columbia, to be Under Secretary of Defense (Comptroller).

NAVY

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)

Capt. 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 cases, 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 families, 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 30 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 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 in private practice in Wisconsin beginning in 1972 and continues to do so today.

In 1977, Lynn was elected to the Wisconsin State Senate for the 28th District. 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 State 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 and the State of Wisconsin has earned him bi-partisan praise. In fact, Republican Governor Tommy Thompson, writing in support of this nominee, characterized Lynn Adelman as ''. . .thoughtful, fair and open-minded. . .'' The Governor has also noted how he and Lynn have worked hand in hand to ensure the passage of important legislation ranging from anti-crime and anti-drug legislation to welfare reform. This bi-partisan praise is a significant statement about the character and ability of Lynn Adelman.

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. Lynn's considerable legal skills also resulted in him arguing before the United States Supreme Court in 1993.

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 and as a practicing attorney, He understands the fundamental principle of separation of powers and has the temperament necessary to treat everyone who comes before him with the respect and dignity they deserve. In short, 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 3,500 civilian 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 House. Senator 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.

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:

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, and an outstanding man in the 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, Greg Casey; the Senate 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 105th 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 clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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 of the first session of the 105th 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.

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, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. 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.

SEC. 4. The Clerk of the House of Representatives 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 105th 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 caring, developed with integrity and character. He is one individual who I think, when you look back at his theme of ''families first''—that was the view of all of the 100 Senators—that not only would this Chamber be covered with accolades for the job he has done, but we would see this country progress in a much better and finer fashion.

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 say 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 leader has had some tremendous stress 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 thank the Chair.

I suggest 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 as closely as I can and do 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 seating of Senator LANDRIEU.

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 his colleagues have 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. I thank our leadership team. I thank the caucus. I am very grateful once 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.

The legislative clerk proceeded to 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 14 years 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 had his name been called, he would not have been approved by the Senate 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 do not 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 cogent, 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 sought 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, who distinguished himself 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 tell you that 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 doesn't. I hope he doesn't. 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 that he is up to 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 they would approve 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 over Bob Dole 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 and his beautiful family are 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 gender, questions involving people with 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 view 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 meetings 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.

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 but I won't even try to guess what her age 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 as an immigrant 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 of this Chamber. 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 we have a responsibility 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.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAL ESTATE SETTLEMENT PROCEDURES 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 amendment:

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 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 clubs 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, 1999.''.

(b) ACCELERATED GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended—

(1) in subsection (b)(2), by striking ''or rural'' and all that follows through the end 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.''; and

(2) 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) 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; 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).''.

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 are eligible for the funding authorized under this bill to expand Boys & Girls Clubs across the country. I am also pleased that this legislation will be sent to the President this evening for his signature.

When this bill was under discussion in the Senate last spring, I made sure that rural areas, including many areas of my home State of Vermont, would be eligible for grants to establish some of the targeted 2,500 new Boys & Girls Clubs of America. Representative BUYER's amendment will now ensure that Indian reservations will qualify under this bill. The original language in this bill was more restrictive, requiring the grants to be used only for the purpose of establishing Boys & Girls Clubs in public housing projects and other distressed areas. I have worked with the Boys & Girls and know that they understand that rural areas as well as urban can qualify as ''distressed areas''.

The bill is now more expansive and will give girls and boys in rural areas and on reservations greater opportunities to share in Boys & Girls Clubs and their programs. The revised statute will authorize grants for establishing and extending facilities ''where needed''. Particular emphasis continues to be given to housing projects, where Boys & Girls Clubs have proven effective in preventing youth crime, and to distressed areas, rural or urban. But the ''where needed'' language should help make expansion into rural areas a greater priority.

The changes made to that program by this bill also permit up to 5 percent of the grant funds to be used to establish a role model speakers' program. Anyone who has seen Boys & Girls Clubs of America commercial with Denzel Washington and his coach will know the kinds of outstanding role models that we are seeking to promote to encourage and motivate young people to be involved, productive citizens.

I have seen the outstanding results at the Boys & Girls Clubs in Burlington, VT. The role models they provide include the outstanding instructors and volunteers who work in the Club's many programs. I have also witnessed the outstanding result of the Kids 'N Kops Program at the University of Vermont with the cooperation of local law enforcement.

Expansions are proceeding and over 200 new clubs serving 180,000 youth were opened as a result of last year's appropriation. I know that the Burlington Boys & Girls Clubs received $100,000 to help enhance that Club's outreach efforts. I am also pleased to report that a new club will soon be established in Rutland, VT. I would like to thank Robbie Callaway and the many others at the Boys & Girls Clubs of America who have worked so hard to establish these important programs throughout the United States. I applaud your dedication and commitment to ensuring that our Nation's youth have solid alternatives to hanging out in the streets.

I know that the national headquarters is also researching the feasibility of a club in Essex Junction. I hope that with the continuation of this initiative they will look for opportunities to serve young people in Montpelier, Brattleboro, St. Johnsbury and other Vermont locations, as well. I would be delighted for a sizable portion of the 1,000,000 additional young people who we hope will be served by the end of this century to come from the 145,000 young people in Vermont and those in other rural areas.

In supporting this bill, I encourage the Boys & Girls Clubs as one example of a successful youth-oriented program that can help make a difference in young people's lives and prevent crime and delinquency. I also support the work of others who are effective with young people, including our outstanding 4-H programs.

This measure should not become an excuse for anyone not to join with us to bolster comprehensive drug education and prevention for all elementary and high school students. As I have urged in the Judiciary Committee discussions of S. 10, the Violent and Repeat Juvenile Offender Act, we should 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, mentoring, and abstinence training. 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 the 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 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 of Congress to 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 H. J. Res. 95, a resolution passed by the House of Representatives which gives the consent of Congress to the Chickasaw Trail Economic Development Compact. As the U.S. Constitution requires all State compacts to be approved by Congress, Representatives ED BRYANT of Tennessee and ROGER WICKER of Mississippi recently introduced this legislation in the House.

This Compact will allow the States of Tennessee and Mississippi to determine the feasibility of establishing an industrial park which would straddle the border between the two States. This proposed Industrial Park would lie in both Fayette County, TN. and Marshall County, MS. Governors Sundquist and Fordice have each expressed their support for this initiative, as they believe this type of industrial park will be strengthened by taking a regional approach to industrial recruitment and development.

I believe that Tennessee will benefit from this initiative by combining the competitive assets of southwest Tennessee and Northern Mississippi to create an attractive and viable business park.

I ask my friend from Mississippi, Senator LOTT, if he agrees that this initiative will be of significant benefit to our two States and, indeed, to much of the Southeast region?

Mr. LOTT. I thank the Senator for his comments. This area of our two States is growing rapidly and I agree that a new, bistate industrial park would be of great benefit to both Mississippi and Tennessee. It is my hope that this proposed economic development project will mean a major increase in the number of jobs and level of prosperity for this region of the country.

I have been working on this proposal for an industrial park for a number of years and I am pleased that this essential, in fact critical, next step of the process is taking place now. I know that both you and I will keep a close watch on the progress of this proposed industrial park and I thank you for bringing it up on the floor.

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. This partnership is an interstate compact created by agreement of the Mississippi and Tennessee State Legislatures to promote joint economic development and interstate cooperation in a rural, undeveloped area of Fayette County, TN, and Marshall County, MS.

The plan creates the Chickasaw Authority, which will conduct a study of the feasibility of establishing an industrial park in the area. If this study produces a positive recommendation, Mississippi and Tennessee would then negotiate a new compact implementing the details to establish a 4,000- to 5,000-acre industrial park. Such a facility would capitalize on the strengths that lie on both sides of the State line and attract new investment and employment opportunities. The proximity of the park to metro Memphis would build on the already strong commercial activity in Southwest Tennessee and North Mississippi. To my knowledge, this type of cooperation between States has never been attempted.

Mr. President, I am proud to add my name to the unanimous support of the members of the Tennessee and Mississippi congressional delegations. it is my hope that this project will bring economic development and jobs by attracting new sophisticated high-technology industries to the area. I would like to thank the majority leader, Senator LOTT, for his assistance in bringing this measure before the Senate, and I would also like to thank Senator THOMPSON and Senator COCHRAN for their support for this initiative. I yield the floor.

Mr. LOTT. Mr. President, I ask unanimous consent that the joint resolution 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 resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

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 986, 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. 986) 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.

The Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the joint resolution 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 resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 986) was read the third time and passed.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

The preamble was agreed to.

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 Senate (S. 738) entitled ''An Act to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.'', do pass with the following amendment:

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 transportation.
Sec. 103. Route and service criteria.
Sec. 104. Additional qualifying routes.
Sec. 105. Transportation requested by States, authorities, and other persons.
Sec. 106. Amtrak commuter.
Sec. 107. Through service in conjunction with intercity bus operations.
Sec. 108. Rail and motor carrier passenger service.
Sec. 109. Passenger choice.
Sec. 110. Application of certain laws.

SUBTITLE B—PROCUREMENT

Sec. 121. Contracting out.

SUBTITLE C—EMPLOYEE PROTECTION REFORMS

Sec. 141. Railway Labor Act Procedures.
Sec. 142. Service discontinuance.

SUBTITLE D—USE OF RAILROAD FACILITIES

Sec. 161. Liability limitation.
Sec. 162. Retention of facilities.

TITLE II—FISCAL ACCOUNTABILITY

Sec. 201. Amtrak financial goals.
Sec. 202. Independent assessment.
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—AUTHORIZATION 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. 406. Americans with Disabilities Act of 1990.
Sec. 407. Definitions.
Sec. 408. Northeast Corridor cost dispute.
Sec. 409. Inspector General Act of 1978 amendment.
Sec. 410. Interstate rail compacts.
Sec. 411. Board of Directors.
Sec. 412. Educational participation.
Sec. 413. Report to Congress on Amtrak bankruptcy.
Sec. 414. Amtrak to notify Congress of lobbying relationships.
Sec. 415. Financial powers.

SEC. 2. FINDINGS.

The Congress finds that—

(1) intercity rail passenger service is an essential component of a national intermodal passenger transportation system;

(2) Amtrak is facing a financial crisis, with growing and substantial debt obligations severely limiting its ability to cover operating costs and jeopardizing its long-term viability;

(3) immediate action is required to improve Amtrak's financial condition if Amtrak is to survive;

(4) all of Amtrak's stakeholders, including labor, management, and the Federal government, must participate in efforts to reduce Amtrak's costs and increase its revenues;

(5) additional flexibility is needed to allow Amtrak to operate in a businesslike manner in order to manage costs and maximize revenues;

(6) Amtrak should ensure that new management flexibility produces cost savings without compromising safety;

(7) Amtrak's management should be held accountable to ensure that all investment by the Federal Government and State governments is used effectively to improve the quality of service and the long-term financial health of Amtrak;

(8) Amtrak and its 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 relationships promoting seamless transportation services which enhance travel options and increase operating efficiencies;

(10) Amtrak's Strategic Business Plan calls for the establishment of a dedicated source of capital funding for Amtrak in order to ensure that Amtrak will be able to fulfill the goals of maintaining—

(A) a national passenger rail system; and

(B) that system without Federal operating assistance; and

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

TITLE I—REFORMS

Subtitle A—Operational Reforms

SEC. 101. 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'' in subsection (a)(1);

(2) by striking ''24707(a) or (b) of this title,'' in subsection (a)(1) and 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)''.

(d) COST AND PERFORMANCE REVIEW.—Section 24707 and the item relating thereto in the table of sections for chapter 247 are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 and the item relating thereto in the table of sections for chapter 247 are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) is amended by striking '', 24701(a),''.

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

(a) REPEAL.—Section 24306 is amended—

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

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

''(b) AUTHORITY OF OTHERS TO PROVIDE AUTO-FERRY TRANSPORTATION.—State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.''.

SEC. 103. ROUTE AND SERVICE CRITERIA.

Section 24703 and the item relating thereto in the table of sections for chapter 247 are repealed.

SEC. 104. ADDITIONAL QUALIFYING ROUTES.

Section 24705 and the item relating thereto in the table of sections for chapter 247 are repealed.

SEC. 105. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

(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 24312(a)(1) is amended by striking ''or 24704(b)(2)''.

SEC. 106. AMTRAK COMMUTER.

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

(b) CONFORMING AMENDMENT.—Section 24301(f) is amended to read as follows:

''(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 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 chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities.

SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.

(a) IN GENERAL.—Section 24305(a) is amended by adding at the end the following new paragraph:

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

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

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

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

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

(b) POLICY STATEMENT.—Section 24305(d) is amended by adding at the end the following new paragraph:

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

SEC. 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) 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.

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 FOIA.—Section 24301(e) is amended by adding at the end thereof the following: ''Section 552 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 303B(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. 121. CONTRACTING OUT.

(a) REPEAL OF BAN ON CONTRACTING OUT.—Section 24312 is amended—

(1) by striking subsection (b);

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

(3) by striking ''(2) Wage'' in subsection (a) and inserting ''(b) WAGE RATES.—Wage''.

(b) AMENDMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENT.—

(1) CONTRACTING OUT.—Any collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees before the date of enactment of this Act is deemed amended to include the language of section 24312(b) of title 49, United States Code, as that section existed on the day before the effective date of the amendments made by subsection (a).

(2) ENFORCEABILITY OF AMENDMENT.—The amendment to any such collective bargaining agreement deemed to be made by paragraph (1) of this subsection is binding on all parties to the agreement and has the same effect as if arrived at by agreement of the parties under the Railway Labor Act.

(c) CONTRACTING-OUT ISSUES TO BE INCLUDED IN NEGOTIATIONS.—Proposals on the subject matter of contracting out work, other than work related to food and beverage service, which results in the layoff of an Amtrak employee—

(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 may be 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. 141. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to employee protective arrangements and severance benefits which are applicable to employees of Amtrak, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice.

(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act.

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

(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act; and

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

Amtrak shall, and the labor organization parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection under the preceding sentence 134 days after the date of enactment of this Act, the Board shall immediately select such individual.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad.

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

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

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

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

(e) NO PRECEDENT FOR FREIGHT.—Nothing in this Act, or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees and mass transportation employees as it existed on the day before the date of enactment of this Act.

SEC. 142. SERVICE DISCONTINUANCE.

(a) REPEAL.—Section 24706(c) is repealed.

(b) EXISTING CONTRACTS.—Any provision of a contract entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.

(c) SPECIAL EFFECTIVE DATE.—Subsections (a) and (b) of this section shall take effect 180 days after the date of the enactment of this Act.

(d) NONAPPLICATION OF BANKRUPTCY LAW PROVISION.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

Subtitle D—Use of Railroad Facilities

SEC. 161. LIABILITY LIMITATION.

(a) IN GENERAL.—Chapter 281 is amended by adding at the end the following new section:

''§ 28103. Limitations on rail passenger transportation liability

''(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury to a passenger, death of a passenger, or damage to property of a passenger arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State, punitive damages, to the extent permitted by applicable State law, may be awarded in connection with any such claim only if the plaintiff establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct carried out by the defendant with a conscious, flagrant indifference to the rights or safety of others. If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, this paragraph shall not apply.

''(2) The aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident, shall not exceed $200,000,000.

''(b) CONTRACTUAL OBLIGATIONS.—A provider of rail passenger transportation may enter into contracts that allocate financial responsibility for claims.

''(c) MANDATORY COVERAGE.—Amtrak shall maintain a total minimum liability coverage for claims through insurance and self-insurance of at least $200,000,000 per accident or incident.

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

''(e) DEFINITION.—For purposes of this section—

''(1) the term 'claim' means a claim made—

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

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

''(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 rail passenger car.''.

(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 24101(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 Federal operating grant funds appropriated for its benefit.''.

SEC. 202. INDEPENDENT ASSESSMENT.

(a) INITIATION.—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall contract with an entity independent of Amtrak 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 about railroad industry 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 assessment conducted under this subsection meets the requirements of this section.

(b) ASSESSMENT CRITERIA.—The Secretary and Amtrak shall provide to the independent entity estimates of the financial requirements of Amtrak for the period described in subsection (a), using as a base the fiscal year 1997 appropriation levels established by the Congress. The independent assessment shall be based on an objective analysis of Amtrak's funding needs.

(c) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including Amtrak's—

(1) cost allocation process and procedures;

(2) expenses related to intercity rail passenger service, commuter service, and any other service Amtrak provides;

(3) Strategic 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 rolling stock requirements, including capital leases, ''state of good repair'' requirements, and infrastructure improvements.

(d) BIDDING PRACTICES.—

(1) STUDY.—The independent assessment also shall determine whether, and to what extent, Amtrak has performed 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, or mail or express transportation. For purposes of this clause, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting. If identified, such contracts shall be detailed in the report of the independent assessment, as well as the methodology for preparation of bids to reflect Amtrak's actual cost of performance.

(2) REFORM.—If the independent assessment performed under this subparagraph reveals that Amtrak has performed services under contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation, then Amtrak shall revise its methodology for preparation of bids to reflect its cost of performance.

(e) 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.

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 under paragraph (1) shall be made within 30 days after the date of enactment of this Act.

(B) EXPERTISE.—Individuals appointed under subparagraphs (C) through (F) of paragraph (1)—

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

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

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

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

(3) TERM.—Members shall serve for terms of 5 years. If a vacancy occurs other than by the expiration of a term, the individual appointed to fill the vacancy shall be appointed in the same manner as, and shall serve only for the unexpired portion of the term for which, that individual's predecessor was appointed.

(4) CHAIRMAN.—The Council shall elect a chairman from among its membership within 15 days after the earlier of—

(A) the date on which all members of the Council have been appointed under paragraph (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 take action. No person shall be elected chairman of the Council who receives fewer than 5 votes.

(c) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide such administrative support to the Council as it needs in order to carry out its duties under this section.

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

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

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

(g) DUTIES.—

(1) EVALUATION AND RECOMMENDATION.—The Council 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 rail system which provides access to all regions of the country and ties together existing and emerging rail passenger corridors;

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

(C) management efficiencies and revenue enhancements, including savings achieved through labor and contracting negotiations.

(3) 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—

(1) Amtrak's progress on the resolution of productivity issues; or

(2) 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 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 and implementation 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's business performance will prevent it from meeting the financial goals set forth in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act; or

(2) Amtrak will require operating grant funds after the fifth anniversary of the date of enactment of this Act,

then the Council shall immediately notify the President, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(b) FACTORS CONSIDERED.—In making a finding under 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 24104(d) of title 49, United States Code, as amended by section 201 of this Act; and

(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 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 of the Department of Transportation and the General Accounting Office for accuracy and reasonableness.

SEC. 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 204 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 held at the desk at the request 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 committee and shall be placed on the Calendar.

(3) CONSIDERATION OF SINGLE LIQUIDATION DISAPPROVAL RESOLUTION.—After the Senate has proceeded to the consideration of a liquidation disapproval resolution under this subsection, then no other liquidation disapproval resolution 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 liquidation 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 NONDEBATABLE.—A motion to proceed to consideration of a liquidation disapproval resolution under this subsection 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 thereof to 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 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 resolution shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless 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) NO MOTION TO RECOMMIT.—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 to move to proceed to the consideration of a liquidation disapproval resolution for the same special message received from the House of Representatives and placed on the Calendar pursuant to paragraph (2), strike all after the enacting clause, substitute the text of the Senate liquidation disapproval resolution, agree to the Senate amendment, and vote on final disposition of the House liquidation disapproval resolution, all without any intervening action or debate.

(10) CONSIDERATION OF HOUSE MESSAGE.—Consideration in the Senate of all motions, amendments, or appeals necessary to dispose of a message from the House of Representatives on a liquidation disapproval resolution shall be limited to not more than 4 hours. Debate on each motion or amendment shall be limited to 30 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the House message shall be limited to 20 minutes. Any time for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, amendment, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.

(c) CONSIDERATION IN CONFERENCE.—

(1) CONVENING OF CONFERENCE.—In the case of disagreement between the two Houses of Congress with respect to a liquidation disapproval resolution passed by both Houses, conferees should be promptly appointed and a conference promptly convened, if necessary.

(2) SENATE CONSIDERATION.—Consideration in the Senate of the conference report and any amendments in disagreement on a liquidation disapproval resolution shall be limited to not more than 4 hours equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit the conference report is not in order.

(d) DEFINITIONS.—For purposes of this section—

(1) LIQUIDATION DISAPPROVAL RESOLUTION.—The term ''liquidation disapproval resolution'' means only a resolution of either House of Congress which is introduced as provided in subsection (a) with respect to the liquidation of Amtrak.

(2) RESTRUCTURING PLAN.—The term ''restructuring plan'' means a plan to provide for a restructured and rationalized national intercity rail passenger transportation system.

(e) RULES OF SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a liquidation disapproval resolution; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 206. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 is amended by adding at the end the following new subsection:

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

SEC. 207. OFFICERS' PAY.

Section 24303(b) is amended by adding at the end the following: ''The preceding sentence shall not apply for any fiscal year for which no Federal assistance is provided to Amtrak.''.

SEC. 208. EXEMPTION FROM TAXES.

Section 24301(l)(1) is amended—

(1) by striking so much as precedes ''exempt from a tax'' and inserting the following:

''(1) IN GENERAL.—Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are'';

(2) by striking ''tax or fee imposed'' and all that follows through ''levied on it'' and inserting ''tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier 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 therefrom''; and

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

SEC. 209. LIMITATION ON USE OF TAX REFUND.

(a) IN GENERAL.—Amtrak may not use any amount received under section 977 of the Taxpayer 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 ARC.—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.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

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 1998;

''(2) $1,058,000,000 for fiscal year 1999;

''(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)(A) through (C). In fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Accountability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabilities under section 3221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their beneficiaries.''.

(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 10102'' 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 sections 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.''.

SEC. 402. WASTE DISPOSAL.

Section 24301(m)(1)(A) is amended by striking ''1996'' and inserting ''2001''.

SEC. 403. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 and the item relating thereto in the table of sections for chapter 243 are repealed.

SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 and the item relating thereto in the table of sections for chapter 243 are repealed.

SEC. 405. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) REPEAL.—Section 24903 is repealed and the table of sections for chapter 249 is amended by striking the item relating to that section.

(b) CONFORMING 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 (j), respectively; and

(B) in subsection (j), 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 1998.—Amtrak shall not be subject to any requirement under subsection (a)(1), (a)(3), or (e)(2) of section 242 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162) until January 1, 1998.

(b) CONFORMING AMENDMENT.—Section 24307 is amended—

(1) by striking subsection (b); and

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

SEC. 407. DEFINITIONS.

Section 24102 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 AMENDMENT.

(a) AMENDMENT.—

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

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) 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 the Department 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 legislation authorizing 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 to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

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

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities;

(B) the purchase of locomotives; and

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

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

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

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for 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 described in paragraph (2) shall assume the responsibilities of the Board of Directors of Amtrak by March 31, 1998, or as soon thereafter as at least 4 members have been appointed and qualified. The Board appointed under prior law shall be abolished when the Reform Board assumes such responsibilities.

''(2) MEMBERSHIP.—(A)(i) The Reform Board shall consist of 7 voting members appointed by the President, by and with the advice and consent of the Senate, for a term of 5 years.

''(ii) Notwithstanding clause (i), if the Secretary of Transportation is appointed to the Reform Board, such appointment shall not be subject to the advice and consent of the Senate. If appointed, the Secretary may be represented at Board meetings by his designee.

''(B) In selecting the individuals described in subparagraph (A) for nominations for appointments to the Reform Board, the President should consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.

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

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

''(ii) are not representatives of rail labor or rail management; and

''(iii) in the case of 6 of the 7 individuals selected, are not employees of Amtrak or of the United States.

''(D) The President of Amtrak shall serve as an ex officio, nonvoting member of the Reform Board.

''(3) CONFIRMATION PROCEDURE IN SENATE.—

''(A) This paragraph is enacted by the Congress—

''(i) as an exercise of the rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a motion to discharge; and it supersedes other rules only to the extent that it is inconsistent therewith; and

''(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

''(B) If, by the first day of June on which the Senate is in session after a nomination is submitted to the Senate under this section, the committee to which the nomination was referred has not reported the nomination, then it shall be discharged 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 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, in accordance with the procedures set forth in subsection (a)(2); or

''(2) if Amtrak has not, 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.

''(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 a new separately governed corporation.''.

(b) 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. 412. EDUCATIONAL PARTICIPATION.

Amtrak shall participate in educational efforts with elementary and secondary schools to inform students on the advantages of rail travel and the need for rail safety.

SEC. 413. REPORT TO CONGRESS ON AMTRAK BANKRUPTCY.

Within 120 days after the date of enactment of this Act, the Comptroller General shall submit a report identifying financial and other issues associated with an Amtrak bankruptcy to the United States Senate Committee on Commerce, Science, and Transportation and to the United States House of Representatives Committee on Transportation and Infrastructure. The report shall include an analysis of the implications of such a bankruptcy on the Federal government, Amtrak's creditors, and the Railroad Retirement System.

SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBYING RELATIONSHIPS.

If, at any time, during a fiscal year in which Amtrak receives Federal assistance, Amtrak enters into a consulting contract or similar arrangement, 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 Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), Amtrak shall notify the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Transportation and Infrastructure of—

(1) the name of the individual or firm involved;

(2) the purpose of the contract or arrangement; and

(3) the amount and nature of Amtrak's financial obligation under the contract.

This section applies only to contracts, renewals or extensions of contracts, or arrangements entered into after the date of the enactment of this Act.

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

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

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

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

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

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

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 be discharged from further 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. This bill does that.

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—so 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 action is 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). 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.

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 on-line and Internet service providers. Mr. President, there are good arguments on both sides of the issue, and I will shortly begin the process of bringing the parties together to try to obtain a mutually agree-upon solution to this problem. It is my understanding that representatives of the OSP/ISP community and the fair use community were consulted during the passage of the bill in the House. This tends to confirm my judgment that the bill was not intended to affect the OSP/ISP liability debate.

Finally, Mr. President, I would like to point out two areas that are susceptible to interpretation mischief. First,

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 or expect to receive money but who receive tangible value. It would be contrary to the intent of the provision, according to my understanding, if ''anything of value'' would be so broadly read as to include enhancement of reputation or value remote from 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 computer.

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 who loaded the software enough times in the 180-day period to reach the more-than-$1,000 threshold may be a criminal. This is, of course, 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 to a hard disk or from a hard disk into RAM as a necessary step in their use. Modern operating systems swap data between RAM and hard disk to use the computer memory more efficiently. Given its purpose, it is not the intent of this bill to have the incidental copies made by the user of digital work be counted more than once in computing the total retail value of the infringing reproductions.

As you can see, Mr. President, I do not believe this is the perfect bill, but it is a good bill that addresses a serious problem that has the potential of very soon undermining copyright in many works, not just computer software. I am confident that prosecutors and the courts will make their decisions with the purpose of the bill in mind—the elimination of willful, commercial-scale pirating of copyrighted works.

Mr. LEAHY. Mr. President, America's founders recognized and valued the creativity of this Nation's citizens such that intellectual property rights are rooted in the Constitution. Article I, section 8, clause 8 of the Constitution states that ''The Congress shall have power * * * [t]o 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.'' The Continental Congress proclaimed, ''Nothing is more properly a man's own than the fruit of his study.''

Protecting intellectual property rights is just as important today as it was when America was a fledgling nation.

It is for this reason I am pleased that the Senate is considering H.R. 2265, the ''No Electronic Theft [NET] Act of 1997.'' I introduced the first legislation on this subject in 1995. The bill was the ''Criminal Copyright Improvement Act of 1995,'' and it stood as the only legislation on this issue in the 104th Congress. I then made some changes to that bill and introduced it this session as the ''Criminal Copyright Improvement Act of 1997,'' S. 1044. Senator KYL is an original cosponsor of S. 1044 and I thank him for his support.

Like the Criminal Copyright Improvement Act of 1997, the NET Act of 1997 would close a significant loophole in our copyright law and enhance the Government's ability to bring criminal charges in certain cases of willful copyright infringement. By insuring better protection of the creative works available online, this bill will also encourage the continued growth of the Internet and our National Information Infrastructure. It will encourage the ingenuity of the American people, and will send a powerful message to intellectual property pirates and thieves that we will not tolerate theft.

For a criminal prosecution under current copyright law, a defendant's willful copyright infringement must be ''for purposes of commercial advantage or private financial gain.'' Not-for-profit or noncommercial copyright infringement is not subject to criminal law enforcement, no matter how egregious the infringement or how great the loss to the copyright holder. This presents an enormous loophole in criminal liability for willful infringers who can use digital technology to make exact copies of copyrighted software and other digitally encoded works, and then use computer networks for quick, inexpensive and mass distribution of pirated, infringing works. The NET Act would close this legal loophole.

United States versus LaMacchia, 871 F. Supp. 535 (D. Mass. 1994), is an example of the problem this criminal copyright bill would fix. In that case, the defendant had set up computer bulletin board systems on the Internet. Users posted and downloaded copyrighted software programs. This resulted in an estimated loss to the copyright holders of over $1 million over a 6-week period. Since the defendant apparently did not profit from the software piracy, the Government could not prosecute him under criminal copyright law and instead charged him with wire fraud. The District Court described the student's conduct ''at best * * * as irresponsible, and at worst as nihilistic, self-indulgent, and lacking in any fundamental sense of values.''

Nevertheless, the Court dismissed the indictment in LaMacchia because it viewed copyright law as the exclusive authority for prosecuting criminal copyright infringement. The Court expressly invited Congress to revisit the copyright law and make any necessary adjustments, stating:

> Criminal as well as civil penalties should probably attach to willful, multiple infringements of copyrighted software even absent a commercial motive on the part of the infringer. One can envision ways that the copyright law could be modified to permit such prosecution. But, ''[i]t is the legislature, not the Court which is to define a crime, and ordain its punishment.''

I introduced the Criminal Copyright Improvement Act of 1995 on August 4, 1995 in response to this problem. The NET Act is the result of our efforts. It would ensure redress in the future for flagrant, willful copyright infringements in the following ways: First, it amends the term ''financial gain'' as used in the Copyright Act to include ''receipt, or expectation of receipt, or anything of value, including the receipt of other copyrighted works.'' This revision would make clear that ''financial gain'' includes bartering for, and the trading of, pirated software.

Second, it amends Section 506(a) of the Copyright Act to provide that any person who infringes a copyright willfully by the reproduction or distribution, including by electronic means, during any 180-day period, of 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 value of more than $1,000.

The felony threshold under the bill is defined as an offense in which an individual reproduces or distributes 10 or more copies of phonorecords of 1 or more copyrighted works with a total retail value of $2,500 or more.

Section (2)(b) of the bill clarifies that for purposes of subsection 506(a) of the Copyright Act only, ''willful infringement'' requires more than just evidence of making an unauthorized 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 as applied by the Department of Justice, nor does it change the definition of ''willful'' as it is used elsewhere in the Copyright Act.

Third, the bill requires that any criminal proceeding brought under the Copyright Act must commence within 5 years from the time the cause of action arose. The current limit, as contained in section 507(a) of the Copyright Act, is 3 years. This brings copyright crimes into conformance with the statute of limitations for other criminal acts under title 18 of the United States Code.

Fourth, the bill would insert new subsections in title 18 of the United States Code requiring that victims of offenses concerning unauthorized fixation and trafficking of live musical performances and victims of offenses concerning trafficking in counterfeit goods or services be given the opportunity to provide a victim impact statement to the probation officer preparing the presentence report. The bill directs that the statement identify the victim of the offense and the extent and scope of the injury and loss suffered, including the estimated economic impact of the offense on that victim.

The NET Act reflects the recommendations and hard work of the Department of Justice and the Copyright Office. Specifically, Scott Charney and David Green of the Department of Justice and Marybeth Peters, Shira Perlmutter, and Jule Sigall of the Copyright Office helped me on this legislation. The Department of Justice and the Copyright Office provided valuable input as far back as 3 years ago, when I introduced the first legislation on this subject, and they have worked with me through the drafting of this year's Senate bill and with me and all the interested parties on this year's House version to ensure that the final product was one that could be widely accepted. In fact, just today the Senate received a letter from the Department of Justice providing its views on the NET Act and strongly supporting the enactment of this legislation.

I also want to thank Mr. HYDE, Mr. CONYERS, Mr. COBLE, Mr. FRANK, and Mr. GOODLATTE for their fine work on this matter.

By passing this legislation, we send a strong message that we value intellectual property, as abstract and arcane as it may be, in the same way that we value the real and personal property of our citizens. Just as we will not tolerate the theft of software, CD's, books, or movie cassettes from a store, so will we not permit the stealing of intellectual property over the Internet.

I urge my colleagues to support H.R. 2265, and I ask unanimous consent that a letter from the U.S. Department of Justice dated November 7, 1997, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, November 7, 1997.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, This provides the views of the Department of Justice on H.R. 2265, the ''No Electronic Theft (NET) Act,'' which was passed by the House of Representatives on November 4, 1997, and which we understand may shortly be considered in the Senate. We strongly support enactment of this legislation.

As introduced, H.R. 2265 built upon, and closely resembled, S. 1044 and its predecessor bill that was introduced in the 104th Congress. The Department of Justice testified in support of H.R. 2265 while the bill was being considered by the House Judiciary Committee. We worked extensively with the bill's sponsors to ensure that it would meet the concerns of interested parties, including the Department of Justice, the copyright community, and those non-profit organizations and Internet Service Providers concerned about the possibility that the new legislation might sweep too broadly. The result, in our view, is an excellent bill that protects copyrights in the digital age in a careful and balanced manner. The House-passed bill accomplishes several important goals, including:

Permitting the Department to prosecute large-scale illegal reproduction or distribution of copyrighted works where the infringers act without a discernible profit motive, while making clear that small-scale non-commercial copying (copyrighted works with a total retail value of less than $1,000) is not prosecutable under federal law;

Clarifying that ''willful'' infringement must consist of evidence of more that the mere intentional reproduction or distribution of copyrighted products;

Defining ''financial gain'' to include the ''receipt, or expectation of receipt, of anything of value, including the receipt of other copyrighted works,'' to ensure that persons who illegally traffic in copyrighted works by using barter rather than cash are covered by the statute;

Clarifying that ''reproduction or distribution'' includes electronic as well as tangible means;

Extending the statute of limitations from three to five years, bringing the criminal copyright statute into line with most other criminal statutes;

Establishing a recidivist provision that raises penalties for second or subsequent felony copyright offenses;

Recognizing victims' rights by allowing the producers of pirated works to provide a victim impact statement to the sentencing court; and

Enhancing the deterrent power of the copyright criminal laws by directing the Sentencing Commission to amend the Sentencing guideline for copyright and trademark infringement to allow courts to impose sentence based on the retail value of the good infringed upon, rather than the often lower value of the infringing good.

The Department of Justice believes that the differences between S. 1044, as introduced, and H.R. 2265, as passed by the House of Representatives, are not significant. We therefore recommend that the Senate expedite final passage of this important piece of legislation by adopting the House-passed bill before the end of the first session of the 105th Congress.

Please do not hesitate to contact us if we may be of additional assistance in connection with this or any other matter. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

Mr. KYL. Mr. President, I am proud to support H.R. 2265, the No Electronic Theft [NET] Act which is the companion bill to S. 1044, the Criminal Copyright Improvement Act of 1997, introduced by Senator LEAHY and myself.

H.R. 2265 passed the House of Representatives earlier this week and now has 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 trade association of the computer software industry, representing over 1,200 companies that develop and market software for entertainment, 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 current law, a showing of 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 software piracy, he could not be prosecuted under criminal copyright law.

Because much software piracy on the Internet apparently occurs without the exchange of money, the so-called ''LaMacchia loophole'' discourages law enforcement from taking action against willful, commercial-scale software pirates out to gain notoriety, not money.

In sum, this bill extends criminal infringement of copyright to include any person—not just those who act for purposes of commercial advantage or private financial gain—who willfully infringe a copyright. Specifically, the bill: (1) expands the definition of ''financial gain'' to include the expectation of receipt of anything of value—including the receipt of other copyrighted works; (2) sets penalties for willfully infringing a copyright by reproducing or distributing (including electronically), during any 180-day period, one or more copies of one or more copyrighted works with a total retail value of more than $1,000; (3) extends the statute 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 infringement; and (6) directs the Sentencing Commission to determine sufficiently stringent guidelines to deter these types of crimes.

H.R. 2265 is needed to help protect the interests of the entire software industry by protecting against the unauthorized 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. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 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. 1604) entitled ''An Act 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.''.

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 naturalized as 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 CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 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.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time 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 (H.R. 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. 283, S. 758.

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.

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,

SECTION 1. SHORT TITLE AND REFERENCE.

(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 1995.

SEC. 2. DEFINITION OF COVERED EXECUTIVE BRANCH OFFICIAL.

Section 3(3)(F) (2 U.S.C. 1602(3)(F)) is amended by striking ''7511(b)(2)'' and inserting ''7511(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''.

(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'' 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 4911(d) 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''; 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 amounts paid or costs incurred in connection with such activities are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.''.

(c) SECTION 5(c).—Section 5(c) (2 U.S.C. 1604(c)) is amended by striking paragraph (3).

SEC. 5. EXEMPTION BASED ON REGISTRATION UNDER LOBBYING ACT.

Section 3(h) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613(h)) is amended by striking ''is required to register and does register'' and inserting ''has engaged in lobbying activities and has registered''.

ACTION ON MEASURE VITIATED AND MEASURE INDEFINITELY POSTPONED—S. 1292

Mr. LOTT. Mr. President, I ask unanimous consent that passage of S. 1292 be vitiated and the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

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'' at the end of paragraph (2)(J);

(2) by striking the period at the end of paragraph (3)(J) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

''(4) for fiscal year 1998, $229,673,000, including—

''(A) $16,379,000 for system development and infrastructure projects and activities;

''(B) $27,089,000 for capacity and air traffic management technology projects and activities;

''(C) $23,362,000 for communications, navigation, and surveillance projects and activities;

''(D) $16,600,000 for weather projects and activities;

''(E) $7,854,000 for airport technology projects and activities;

''(F) $49,202,000 for aircraft safety technology projects and activities;

''(G) $56,045,000 for system security technology projects and activities;

''(H) $27,137,000 for human factors and aviation medicine projects and activities;

''(I) $2,891,000 for environment and energy projects and activities; and

''(J) $3,114,000 for innovative/cooperative research projects and activities.''.

SEC. 3. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) PROGRAM.—Section 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 and technical colleges, including Historically Black Colleges and Universities and Hispanic Serving Institutions, in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

''(A) research projects to be carried out at primarily undergraduate institutions and technical colleges;

''(B) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration; or

''(C) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees.

''(2) NOTICE OF CRITERIA.—Within 6 months after the date of the enactment of the FAA Research, Engineering, and Development Authorization Act of 1997, the Administrator of the Federal Aviation Administration shall establish and publish in the Federal Register criteria for the submittal of proposals for a grant under this subsection, and for the awarding of such grants.

''(3) PRINCIPAL CRITERIA.—The principal criteria for the awarding of grants under this subsection shall be—

''(A) the relevance of the proposed research to technical research needs identified by the Federal Aviation Administration;

''(B) the scientific and technical merit of the proposed research; and

''(C) the potential for participation by undergraduate students in the proposed research.

''(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.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 48102(a) of title 49, United States Code, as amended by this Act, is further amended by inserting '', of which $750,000 shall be for carrying out the grant program established under subsection (h)'' after ''projects and activities'' in paragraph (4)(J).

SEC. 4. LIMITATION ON APPROPRIATIONS.

No sums are authorized to be appropriated to the Administrator of the Federal Aviation Administration for fiscal year 1998 for the Federal Aviation Administration Research, Engineering, and Development account, unless such sums are specifically authorized to be appropriated by the amendments made 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 Committees on Science and Transportation and Infrastructure of the House of Representatives and 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 referred to in paragraph (1), and plan 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 its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator 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.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 10, strike ''$229,673,000,'' and insert ''$226,800,000,''.

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 ''$26,550,000''.

On page 13, line 6, strike ''activities.'.'' and insert ''activities; and''

On page 13, between lines 6 and 7, insert the following:

''(5) 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 notice to the Committees on Science, Transportation and Infrastructure, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization (as determined by the Administrator) of any program 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 U.S. aviation system 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 my colleagues 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 aviation is, and will remain, an attractive terrorist target. That is why this legislation provides $54 million for security technology research and development. This figure represents almost one-fourth of the total authorized funding level, and is $10 million above the appropriations level.

Mr. President, Senator HOLLINGS, Aviation Subcommittee Chairman Senator GORTON, Senator FORD, and I have worked hard with the FAA and our colleagues in the House to craft legislation that can provide the FAA with the funding it needs for critical research and development projects, while also being mindful of our tight federal budget. 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, 1997, 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 heartbreaking.

H.R. 1271, the FAA Research, Engineering, and Development Authorization Act of 1997, authorizes more than 4450 million 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 or the 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 schools will facilitate our 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 $11 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. 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 title amendment be agreed to, 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 (H.R. 1271), as amended, was read a third time and passed.

The title was amended 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.

JOHN N. GRIESEMER POST OFFICE BUILDING

Mr. LOTT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 1254, and further that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1254) to designate the United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, as the ''John N. Griesemer Post Office Building.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read 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

Mr. LOTT. 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 clerk will read the report.

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 audiovisual conservation 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, and could, 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 many legislative branch 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 current 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 with regard to 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 Culpeper property over the 25 year life cycle of the facility is $47 million. Other alternatives identified by Abacus and the Library range from about $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 overhead of additional federal buildings and prime real estate, there should 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 is hog country, I also know a pig-in-a-poke when I see it. The Library may not be asking the American taxpayers to accept a pig-in-a-poke, but with all the unanswered questions, this Culpeper property is pretty darn close to it. I'll be sticking close to the farm over the next year, and as provided by this legislation, will be looking for answers to these questions before approving improvements and expansions on this gift.

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.

EXPRESSING THE SENSE OF CONGRESS RELATIVE TO GERMAN REPARATIONS TO HOLOCAUST SURVIVORS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 138, S. Con. Res. 39.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (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.

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. MOYNIHAN. Mr. President, the German Government has long recognized its moral obligation to assist the survivors of the Holocaust. The landmark 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. Until

last year, when the German Supreme Court ruled that cases of compensation for slave labor could be taken up by the German courts, survivors of slave labor had been told that they should address their claims to the companies that used slave labor and not the German Government. Often companies had already paid a lump sum toward compensation and refused to hear further claims, while other companies, which had never paid claims, refused to pay them altogether. After 50 years of avoidance, it is time for the German Government to take the opportunity this ruling provides and address the issue of compensation to slave laborers head on.

Judge Sonnenberger's ruling is the first time that a German court has awarded compensation to a survivor of slave labor to be paid by the German Government. The possibility that this ruling is a precedent may be a bright spot in this otherwise regrettable decision. Perhaps other survivors of slave labor, who have never received compensation from the German Government, will be emboldened by this ruling and bring their own cases forward. This progress is tempered by the rejection of the other 21 claims. In this regard, Judge Sonnenberger's decision carries on the German Government's practice of overlooking humanitarian considerations when judging compensation claims made by the survivors of Nazi persecution.

In order to encourage a change in the German Government's position, Senate Concurrent Resolution 39 urges the German Government to 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 the fore, 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 agreed to, 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 concurrent resolution (S. Con. Res. 39) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 39

Whereas the annihilation of 6,000,000 European Jews during the Holocaust and the murder of millions of others by the Nazi German state constitutes one of the most tragic episodes in the history of man's inhumanity to man;

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 concentration camp, or that the survivor is not considered sufficiently destitute;

Whereas tens of thousands of Holocaust survivors in the former Soviet Union and other formerly 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 coverage that all German citizens, including veterans of the Waffen-SS, receive from their government; and

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 that—

(1) the German Government should expand and simplify its system of reparations so that all Holocaust survivors can receive reparations, regardless of their nationality, length or place of internment, or current financial situation;

(2) the German Government should provide reparations to Holocaust survivors in the former Soviet Union and other former Communist countries in Eastern and Central Europe;

(3) the German Government should fulfill its responsibilities to victims of the Holocaust and immediately set up a comprehensive medical fund to cover the medical expenses of all Holocaust survivors worldwide; and

(4) the German Government should help restore the dignity of Holocaust survivors by paying them sufficient reparations to ensure that no Holocaust survivor be forced by poverty to live in conditions worse than those generally enjoyed by the surviving former Nazis who persecuted them.

PROVIDING FOR A CENTER FOR HISTORICALLY BLACK HERITAGE WITHIN FLORIDA A&M UNIVERSITY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1559, introduced earlier today by Senators MACK and GRAHAM.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1559) to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University.

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. GRAHAM. Mr. President, I rise today on behalf of myself and 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 Southeast.

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 vied with Harvard in enrolling the most National Achievement Scholars. (Florida A&M leading in 1992 and 1995 and Harvard in 1993 and 1994.)

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.

The bill Senator MACK and I introduce today would authorize the design, and construction of a facility to better house these priceless documents for future generations.

Our bill would stipulate 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 purpose of 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 in 1977. Part of its scholarly 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. True to the Carnegie-style architectural design, the building can easily be divided into four wings; two on the first floor and two on the second floor. The building which was originally the campus library and post office, would be used solely as museum space and would house permanent collections as well as traveling or touring exhibits. As such, there would only be a need for one staff person on site, a tour guide or docent. There is also potential for housing a museum store and gift shop at this location. This enterprise could possibly generate revenues toward the ongoing support and maintenance of the building. The basement of the Carnegie building would be used for an educational ''Underground Railroad'' for grades K–12.

With proper funding, the Carnegie building would be ''connected'' (via catwalk or breezeway) 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 be used as a 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. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1559) was deemed read the third time, and passed, as follows:

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

SECTION 1. CONSTRUCTION OF A CENTER FOR REGIONAL BLACK CULTURE.

(a) FINDINGS.—Congress makes the following findings:

(1) Currently 500,000 historically important artifacts of the Civil War era and the early days of the civil rights movement 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, design, construction, furnishing, and equipping 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 be appropriated 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 report.

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 struck through and insert the part printed in italic:

So as to make the bill read:

S. 1213

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 products, act as a frontier to 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, 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 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 innovations and the creation of new jobs.

(5) Marine research has uncovered 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 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 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.

(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 ocean frontiers, 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.

(b) PURPOSE AND OBJECTIVES.—The purpose of this Act is to develop and maintain 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, transportation, and national security, and the resolution of conflicts among users of the marine environment.

(5) The expansion of human knowledge of the marine environment including the role of

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 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 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, assessment, 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 extraction, national security, marine transportation, recreation and tourism, waste management, pollution mitigation and prevention, and natural hazard 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 advice of 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, maritime transportation safety and efficiency, the marine aspects of national security, marine recreation and tourism, and marine aspects of weather, climate, and natural hazards;

(C) designate responsibility for funding and conducting ocean and coastal 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 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 Secretary of the Navy;

(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 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 unavoidable 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 purpose 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 to them; 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) serve as the forum for developing an ocean and coastal policy and program, taking into consideration the Commission report, and for overseeing implementation of such policy and program;

(2) improve coordination and cooperation, 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; and

(5) report at least biennially on Federal ocean and coastal programs, priorities, and accomplishments and provide budgetary advice as specified in section 7.

SEC. 6. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—

[(1) 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, 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) 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) 2 shall be appointed by the Minority 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.]

(1) 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 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 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 Member of the House Committee on Resources and the Ranking Member of the House Committee on Science.

(2) CHAIRMAN.—The President shall select a Chairman and Vice Chairman from among such 15 members.

(3) ADVISORY MEMBERS TO THE COMMISSION.—The President shall appoint 4 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 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;

(5) review the known and anticipated demands for ocean and coastal resources, including an examination of opportunities and limitations with respect to 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 relationship 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, and actions available to the United States to effect collaborations between the United States and other nations, including the development of cooperative international programs for marine research, 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 whose compensation 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.

(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 executive director 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 III 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 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, the head of any Federal Agency shall detail appropriate personnel of 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, 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) The Commission is authorized to procure the temporary and intermittent services of experts and consultants in accordance with section 3109 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 when the Chairman of the Commission or a majority of the members of the Commission determine that the meeting or any portion of it may be closed to the public. Interested persons shall be permitted to appear at open meetings and present oral or written statement on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(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 statements filed. Subject to section 552 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.

(4) The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

(g) COOPERATION WITH OTHER AGENCIES.—

(1) 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 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.

(2) 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.

(3) The General Services Administration shall provide to the Commission on a reimbursable basis the administrative support services that the Commission may request.

(4) The Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the Commission in carrying out its duties. The Commission may purchase and contract without regard to sections 303 of the Federal Property and Administration Services Act of 1949 (41 U.S.C. 253), section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416), and section 8 of the Small Business Act (15 U.S.C. 637), pertaining to competition and publication requirements, and may arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

(h) REPORT.—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 findings and recommendations. The Commission shall cease to exist 30 days after it has submitted its final report.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to support the activities of the Commission a total of $6,000,000 for fiscal years 1998 and 1999. Any sums appropriated shall remain available remain available without fiscal year limitation until expended.

SEC. 7. REPORT AND BUDGET COORDINATION.

(a) BIENNIAL REPORT.—Beginning in January, 1999, the President, through the Council, 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 two fiscal years; and

(2) an evaluation of such activities and accomplishments in terms of the purpose and objectives of this Act. Reports made under this section shall contain 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.

(2) Working in conjunction with the Council, 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 each such element contributes to the implementation of a national ocean and coastal policy.

(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 1105 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 clerk 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 Ocean 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 creation of National Oceanographic and Atmospheric Administration in 1970.

I would note that two distinguished Rhode Islanders played leading roles in the Stratton Commission. University of Rhode Island 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. I expect that 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 marine 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 prior to the report of the independent National Ocean Commission created in the bill?

The manager's amendment that is before us to day answers both of these questions. 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 recommendations. 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 cease to exist one year 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 addressing 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, in particular, 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, LAUTENBERG, AKAKA, 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 two 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 a national 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 and the Commission 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 Mammal Protection 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 10 percent of our 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 maintain healthy coasts 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 fallen short in defending our shores and 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, grouper, 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*, the tiny killer cell wreaking 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 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 an additional 150 Americans die 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 has led 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 most provisions of the treaty as 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, that the bill be considered read the third time, and passed, as 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:

S. 1213

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 products, act as a frontier to 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, 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 ocean and 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 innovations and the creation of new jobs.

(6) Research has uncovered 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 designating 1998 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 on Marine Science, Engineering, and Resources (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.

(8) 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 create marine technologies and economic opportunities.

(9) 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 resources.

(10) While significant Federal and State ocean and coastal programs are underway, those Federal 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.

(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 innovative approaches for sustainable use of marine resources.

(5) The expansion of human knowledge of the marine environment including the role of 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 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 identification of appropriate 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 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 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 resource stewardship and use, marine 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, 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) 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.

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 and coastal 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 of the 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 unavoidable 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 purpose 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 to them; 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 6;

(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 one year after the Commission has submitted its final report under section 6(h).

(e) SAVINGS PROVISION.—

(1) Council activities are not intended to supersede 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 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.

(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 Member 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 the Chairman, the President is requested to consult with the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, and the Minority 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 minority leader 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, 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 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;

(4) 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;

(5) review the known and anticipated demands for ocean and coastal resources, including an examination of opportunities and limitations with respect to 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 relationship 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, and actions available to 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 whose compensation 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.

(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 executive director 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 III 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 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 of 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, 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 3109 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 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statement on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(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 statements filed. Subject to section 552 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.

(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 it deems 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.

(2) 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.

(3) The General Services Administration shall provide to the Commission on a reimbursable basis the administrative support services that the Commission may request.

(4) The Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the Commission in carrying out its duties. The Commission may purchase and contract without regard to section 303 of the Federal Property and Administration Services Act of 1949 (41 U.S.C. 253), section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416), and section 8 of the Small Business Act (15 U.S.C. 637), pertaining to competition and publication requirements, and may arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

(h) REPORT.—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 findings and recommendations. The Commission shall cease to exist 30 days after it has submitted its final report.

(i) 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 without fiscal year limitation until the Commission ceases to exist.

SEC. 7. REPORT AND BUDGET COORDINATION.

(a) BIENNIAL REPORT.—Beginning in January, 1999, the President 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 recommendations for legislation as the President may consider necessary or desirable.

(b) BUDGET COORDINATION.—

(1) Each year the President 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 each 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. 1101 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 airline crash 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. 2476. 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 treat people fairly. The 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 Korean Air 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 also asked that 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 spreads 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 would 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 [FAA] Reauthorization Act (P.L. 104–264), however, did not impose a similar requirement on foreign carriers serving the United States.

Section 703 of the FAA Reauthorization Act specifically requires that the air carrier submit disaster plans to the Secretary of Transportation and the National Transportation Safety Board. The plans must include items such as a means to publicize toll-free telephone numbers for the families, a process for notifying families, an assurance that the families be consulted on the disposition of remains and personal effects, and a requirement that the carrier work with other organizations in dealing with the disaster.

Congressman UNDERWOOD of Guam originally introduced H.R. 2834 on the House side, and a corresponding bill, S. 1196, was introduced in the Senate to subject foreign carriers serving the United States to the requirements mentioned above. The Senate bill was considered and reported by the Commerce Committee.

I urge my colleagues to support the passage of H.R. 2834 so the President can sign this bill.

Mr. NICKLES. 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 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.

MAKING CLARIFICATION TO THE PILOT RECORDS IMPROVEMENT ACT OF 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2626, which was received in the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2626) to make clarifications to the Pilot Records Improvement Act of 1996, 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. 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 law 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 necessitated 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

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 read the third time, 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 (H.R. 2626) was considered read the third time, and passed.

AUTHORIZING TESTIMONY AND SENATE LEGAL COUNSEL REPRESENTATION

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 162 submitted earlier in the day by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 162) to authorize testimony and representation of Senate employees in United States v. Blackley.

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, this resolution concerns a criminal prosecution brought against Ronald Blackley, the former chief of staff of former Secretary of Agriculture Mike Espy. The Independent Counsel, who is bringing this prosecution, seeks evidence from the Committee on Agriculture, Nutrition, and Forestry concerning representations made to the Committee about Mr. Blackley during the Committee's consideration of the nomination of Secretary Espy in January 1993. This resolution would authorize the testimony of employees and former employees of the Committee from whom testimony may be required, with representation by the Senate Legal Counsel.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 162), with its preamble, is as follows:

S. RES. 162

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;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent 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 will 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*.

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 restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, 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. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed 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 this point 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''.

TITLE 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 $400,000,000 in bank deposits) were assets whose beneficial owners were 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 $3,000,000 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 ⅙th 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 reconsideration 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 unrestituted 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 the 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:

(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 is at least 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 for that purpose.

(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, established pursuant to Part III of the Paris Agreement on Reparation, to seek and vote for a timely agreement under which all signatories to the Paris Agreement on Reparation, with claims against the monetary gold pool in the jurisdiction of such Commission, contribute all, or a substantial portion, of such gold to charitable organizations to assist 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 subject to subsection (2) an amount not to exceed $30,000,000 for distribution in accordance with subsections (a) and (b).

(2) CONFORMANCE WITH BUDGET ACT REQUIREMENT.—Any budget authority contained in paragraph (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 such sums as may be necessary for fiscal years 1998, 1999, and 2000, not to exceed a total of $25,000,000 for all such fiscal years, for distribution to organizations as may be specified in any agreement concluded pursuant to section 102.

(b) ARCHIVAL RESEARCH.—There are authorized to be appropriated to the President $5,000,000 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 export of art work and calls 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 booty to help finance their war of aggression.

(4) The Nazis' policy of looting art was a critical element and incentive in their campaign 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.

SEC. 202. SENSE OF THE CONGRESS REGARDING RESTITUTION OF PRIVATE PROPERTY, SUCH AS WORKS OF ART.

It is the sense of the Congress that consistent with the 1907 Hague Convention, all governments should undertake good faith efforts to facilitate the return of private and public property, such as works of art, to the rightful owners in cases where assets were confiscated from the claimant during the period of Nazi rule and there is reasonable proof that the claimant is the rightful owner.

NATIONAL WEEK OF RECOGNITION FOR DOROTHY DAY AND THOSE WHOM 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 on the 100th 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, REED, DURBIN, MIKULSKI, 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 addicted and the disenfranchised. She saw Christ in everyone—especially in the poor and the oppressed—and treated 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 Hospitality house, St. Joseph's 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 legions of poor who arrived 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 movements is still building, a rather remarkable feat in the history of American religious communities, now with over 125 houses and farming communes 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 antidotes 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 (vulnerable and yet like 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 possessed marvelous observational skills 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 to nonviolent, revolutionary change. She had a sense of humor about herself and her work, and told the story of having been asked to speak at a college on the topic ''Saints and Heroes.'' She was greatly surprised (and delighted) when she found the lecture hall packed. Only later did she discover the reason: her talk had been mistakenly billed ''Saints and Eros.''

For me, Dorothy Day was the most engaging and engaged person I have ever met. Even now, seventeen years after her death in 1980, I think of her almost daily, with deep affection. What would she have thought of this moral dilemma, this political situation, this church teaching? How would she have approached a certain 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 love to repeat the phrase, based on her sense of the Gospels. ''There are always answers; they are just not calculated to soothe''). Her principles were doggedly clear: The admonitions of the Gospels, the Psalms, and Saint Paul. These ran so deeply in her that they seemed to issue from her marrow. When TV newsman Mike Wallace asked her, ''Does God love murderers, does he love a Hitler, a Stalin?'' she responded reflexively: ''God loves all men, and all men are brothers''.

In person, even in her seventies, Day was physically striking: tall, lean, her pale blue eyes keen but not intrusive. In the ideal movie of Dorothy's life, Jessica Lange would be cast in the part. Dorothy was one of those individuals whose presence can affect the tone of whole gatherings. When she entered a crowded room, people with their backs to the door would turn spontaneously. Yet she was unfailingly modest, and almost painfully shy in public.

Dorothy'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, shrewd when it came to money, morally rugged. She seemed to know herself with perfect clarify, the fruit of a lifetime of self-examination: ''Cleanse us of our unknown faults,'' she would repeat often. Lecturing about the Catholic Worker, she would say of herself: ''There is always a subtle self-aggrandizement. One may not intend it, yet there it crops out to humiliate one. Perhaps it is good to have this come out in the open.'' Both spiritually and personally, she was the genuine article.

If you went to talk to Dorothy in her small room on the third floor of the East First Street house, where she lived from 1968–76, you might be ensnared for hours. She would regale you with stories. In her early years as a reporter she had interviewed everyone from Trotsky to Jack Dempsey. She knew Eugene O'Neill and Dos Passos, and had inspired Auden. She had testified before Congress on conscientious objection, and while in Moscow in 1971, had defended Solzhenitsyn before the Soviet writers' group, breaking up their meeting. She had been shot at for her civil rights protests, been thrown into solitary confinement; she had taken on both church and state, loved both the opera and folk singer Joan Baez, was a doting mother, grandmother, great-grandmother, received Communion from the hands of the pope, and was a voracious reader. Yet for all that, when you were with her you felt perfectly at home; so much so you wanted to stay, maybe forever—at least I wanted to.

Even after over forty years of the hard Catholic Worker life, Dorothy's voice was young and there was merriment in her laughter. Vivian Gornick, the feminist writer, did a perspective on Day for the Village Voice in November 1969. At one point during their four-hour conversation, Gornick sensed that Dorothy had read her thoughts—a not uncommon experience if you spent time with her. While Day had not been critical of Gornick, the experience had raised questions for the latter. According to Martin Buber, the zaddik (or righteous teacher) responds to people's needs but first elevates them. Sitting there in the soup kitchen at 36 First Street, Gornick observed in Day ''a love that categorically refuses to deny the irreducible humanity'' of each person. ''I felt in her a woman who has done many things she would wish not to have done; . . . been alone a long, long time in a curious, exalted, exhausting manner; and more important, that all of this was not a comfortable matter of the past; all of this was an ongoing affair . . . [in which Day's] faith is put through the fires daily.'' What comes through in Gornick's article is the journalist's keen respect for the older woman.

Dorothy once told Robert Coles—in a different context—''I have never wanted to lecture people; I have hoped to act in such a way that I will be reaching out to many others who will never be part of the Catholic Worker movement.'' It seems to have worked with Gornick and countless others.

I recently asked Tom Sullivan and Nina Polcyn Moore, both old friends and Catholic Workers, what made Day tick.

Sullivan, now in his eighties and in poor health in New York City, told me ''her spirituality is basic. She started with the saints, and was oriented to the early Christians.'' For Moore, who now lives in Illinois, it was a matter of ''love, divine and human.'' Dorothy ''was not content with anything but the best,'' Moore told me. ''She loved God with all her heart.''

But it was Day's constancy in the hard vocation she had chosen that most amazed Moore: ''Her availability to people and events, her fidelity to the Gospels, and her embracing the precariousness of the Worker life are keys to her greatness.'' According to Moore, who traveled with her here and abroad, Day evolved from a young radical to a person of international significance ''because she was on fire with the love of God.''

In *From Union Square to Rome*, Dorothy's first book about her conversion, she defines a mystic as someone in live with God: ''Not one who loves God, but who is *in love with* God.'' Years later, she quoted with relish Sonya's last line in *Uncle Vanya*: ''I have faith Uncle, I have fervent, passionate faith.''

That faith was evident in every aspect of Day's life, I suppose it is what attracted so many of us to her: In seeing her faith we experienced our own hoped-for faith being validated and strengthened. ''Every act of faith increases your faith,'' she instructed me over and over. But her faith was not a cold series of propositions or legalisms. It was rather a vital relationship. ''More and more I see [that] prayer is the answer,'' she wrote in 1970. ''It is the clasp of the hand, the joy and keen delight in the consciousness of the Other. Indeed, it is like falling in love.'' Not many people can write or speak of prayer that way because we don't practice it. C.S. Lewis advised that we develop not simply a spirituality, but an ''appetite for God.''

To see Dorothy at prayer was to observe someone completely engrossed. I can vividly picture her praying, off to the left side in one of the pews at Nativity Church in Manhattan. Coupled with this memory is another of my walking into her room one Saturday afternoon as she was listening to the opera. It was Wagner and Dorothy's face was transfixed. She didn't know I was there, and I retreated hastily, almost embarrassed to have intruded at such a private moment. But from those instances I learned something about the intercourse between prayer and ecstasy, and how they relate to beauty and love, human and divine.

For Nina Moore, it was Day's constancy in prayer, study, and reading that explained what could be explained about her continued spiritual growth. Lacking the structure of a formal monastic regimen (she was a Benedictine oblate and attached to the Jesu Caritas fellowship), Day had to steal the early morning hours for her spiritual exercises. She did this almost daily, year in and out: ''My strength . . . returns to me with my cup of coffee and the reading of the psalms,'' she said.

Dorothy's take on life of the soul was anything but ''spiritualized.'' It was sacramental and sensual, but it was not romantic. ''I can't bear the romantics,'' she told Gornick. ''I want a religious realist. I want one who prays to see things as they are and do something about it.'' Her own faith had required a terrible price: the end of her marriage and the breakup of her family: ''For me, Christ was not bought for thirty pieces of silver,'' she wrote forty years after her conversion, ''but with my heart's blood. We buy not cheap in this market.''

What was essential for Dorothy—and what a popular mid-century retreated movement and the Catholic Workers fostered (see box)—was the serious attention and self-discipline required for growth in the life of the spirit. In this matter, I believe, Dorothy's mentor was Friedrich von Hügel, who wrote, in Victorian style, of the ''costingness'' of such growth. ''Plant yourself,'' von Hügel counseled,'' on foundations that are secure: God, Christ, suffering, the Cross.'' I often saw Dorothy with his short classic, The Life of Prayer.

But the life of the spirit has to be cultivated, not merely for the sake of one's own self-improvement, but for the well-being of the whole church. As Dorothy prayed in Rome in 1965: ''Give us, O Lord, peace, strength, and joy, so that we in turn may give them to others.''

Theologically, Dorothy Day's chief contributions have to do with the issues of freedom, poverty, and violence.

Freedom. Perhaps her deepest personal, intuitive insight. Without freedom, there can be neither faith nor love.

When Dorothy first met Peter Maurin in 1932, she was impressed that he was carrying two books in his building pockets: Saint Francis and Peter Kropotkin. Kropotkin known as the anarchist prince, was, like Charles de Foucauld, a soldier and scientist. He had forsaken his title and had been jailed and exiled for agitating for reform in Czarist Russia. Even before meeting Maurin, Day held nonviolent anarchist views (she was a decentralist who felt more at home with the Wobblies than the Communists). The theoretical value Day saw in anarchism was its emphasis on personal freedom and responsibility, and on developing social patterns that foster them.

On the spiritual level, the highest rung of being, God gives freedom so that men and women can become human; thus the story of Adam and Eve. Charles Péguy, poet and essayist, and an influence on both Maurin and Day, has God address the issue this way: ''But what kind of salvation would it be that was not free?'' And then God validates ''man's'' power ''to decide'' by declaring: ''And that freedom of his is my creation'' (and therefore good).

Along with freedom comes the possibility—the inevitability—of sin. On this point Day would refer to Augustine and Julian of Norwich: God has already repaired the worst

possible catastrophe the Fall) by taking on our human flesh, suffering our fate, and redeeming us.

Unlike many birthright Catholics, Day did not feel constrained 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)—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 she found to be anything but toadies. Partiarchy? When it came to ''this business of 'asking Father' what to do about something,'' she said, it ''never occurred to us.''

At Vatican II, she noted her admiration for John Courtney Murray. She felt grateful for the church's clear but long overdue statement on religious freedom and the primacy of conscience.

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.

We begin by looking at our own lives. When asked to address the relations between individuals, Day said, Jesus always emphasized the problems of wealth and poverty. Looking at society this way, Day was explicit: ''It is impossible, save by heroic charity, to live in the present social order and be a Christian.'' After reading Abbie Hoffman's Revolution for the Hell of It in 1968, she commented: ''A terrifying book; bitterness, hatred, hell unleashed. The fruits of war, materialism, prosperity. . . . God help our children.''

Dorothy Day's own approach was twofold. First, there was a line she repeated often from Saint John of the Cross: ''Where there is no love, put love, and you will find love.'' And second, cultivate a life of detachment and share the plight of the poor: ''We [Catholic Workers] believe in an economy based on human needs, rather than the profit motive. . . .We are not judging [wealthy] individuals, but are trying to make a judgment on the system . . . which we try to withdraw from as much as possible. . . . What is worst of all is *using* God and religion to bolster up our own greed, our own attachment to property, and putting God and country on an equality.'' Finally, she pointed out, ''we are not going to win the masses to Christianity until we live it,'' and that included having a willingness to embrace poverty.

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—must be given love, ''not because it might be Christ . . . but because they *are* Christ.'' How did she know for sure? ''Because we have seen his hands and his feet in the poor around us. . . . We start by loving them for him, and soon we love them for themselves, each one a unique person, most special. . . . It is through such exercises that we grow, and the joy of our vocation assures us we are on the right path.'' According to Kate Hennessy, Day's granddaughter, ''she turned the life of poverty into something dynamic, full of richly simple moments for those who have nothing.''

How Dorothy Day managed to keep her psychological wholeness over the years in the disorder, disease, mental confusion, and violence that mark Catholic Worker houses was a practical miracle to me. ''Pray and endure,'' she would repeat. Some of her stamina came from knowing the critical distinction between love and pity. ''The law of love is reciprocity,'' Georges Bernanos had written, ''and reciprocity is not possible where there is pity.'' Martin Buber explained it more eloquently: ''Help is no virtue, but an artery of existence.'' To really help someone, however, ''the helper must live with the other; only help that arises out of living with the other can stand before the eyes of God.'' Day insisted that she ''would not dare write or speak or follow the vocation God has given me to work with the poor and for peace if I did not have the constant reassurance of the Mass.''

Violence I need not recount at length Day's work for justice, peace, and nonviolence. Historically, she had a critical if indirect bearing on Vatican II's condemnation of nuclear war and its endorsement of the right to conscientious objection. Her pacifist stand in World WAr II was intensely controversial, not only among Americans in general but even among Catholic Workers; Mike Wallace's question indicates that it still is today. Day's repeated stints in jail for protesting war preparation and the war economy—including her challenge that people withdraw from participating in both—achieved modest success, symbolically—by helping to end the air-raid drills in New York City during the fifties and sixties—and practically in the lives of not a few individuals who refused induction, changed their jobs, or resisted paying war taxes.

Day's staunch views on pacifism drew a deep line between just-war teaching and gospel nonviolence. She shared with Saint James the view that the roots of violence are fear, lack of forgiveness, and greed. Fear leads us to strike out at enemies; it may even help to create them. Day believed the Catholic Worker must be a school of nonviolence. The young volunteers who came in search of their vocation, she wrote, ''learn not only to love with compassion, but to overcome fear, that dangerous emotion that precipitates violence. They may go on feeling fear, but they know the means [the 'spiritual weapons,' as she called them, of self-discipline, willingness to take up the cross, forgiving 'seventy times seven,' and readiness to lay down one's life for one's fellows] to overcome it.'' Here, prayer and daily Mass were the best offense. From her own testimony of sitting through nights of threatened violence in the racially divided South in the 1960s, it is prayer that ''gives courage.''

Was she critical of her own track record? Always. Repeatedly I heard her say of herself and her co-workers, quoting the Letter to the Hebrews: ''We have not yet resisted unto blood.'' She felt she might yet prove to be as avenging as any potential adversary.

One of Day's most notable achievements for peace took place quietly behind the scenes. In Rome in 1965 for the last session of the council, she joined a small group of women at a convent to fast for ten days, on water only, as the conciliar debate raged over what would be the church's official teaching on modern war.

Dorothy did not like to fast (she said her besetting sins were gluttony and sloth), and made sure she had filled her senses by going to the opera (Cavalleria Rusticana) before the fast. Her report in the November 1995 Catholic Worker included the daily schedule of the group and concluded as follows:

As for me, I did not suffer at all from the hunger or headache or nausea which usually accompanied the first few days of a fast, but I had offered my fast in part for the victims of famine all over the world, and it seemed to me that I had very special pains. They were certainly of a kind I have never had before, and they seemed to pierce the very marrow of my bones . . . They were not like the arthritic pains, which, aggravated by tension and fatigue, are part of my life now that I am sixty-eight. One accepts them as part of age, and also part and parcel of the life or work, which is the lot of the poor. So often I see grandmothers in Puerto Rican families bearing the burden of children, the home, cooking, sewing, and contributing to the work of mother and father, who are trying to make a better life for their children. I am glad to share their fatigue with them.

But these pains . . . seemed to reach into my very bones, and I could only feel that I had been given some little intimation of the hunger of the world. God help us, living as we do, in the richest country in the world, and so far from approaching the voluntary poverty we esteem and reach toward. . . May we try harder to do more in the future.

This is vintage Dorothy Day: the immediacy of concerns; the challenge, complexity, and interrelation of the big issues (war and poverty); the incorporation of her personal experience; the self-criticism and pledge to do better; and the radical, foundational nature of her Christian perspective.

No retrospect of Dorothy Day's spirituality would be complete without mentioning her tremendous personal struggles. These centered, in her late years, on two related areas: discouragement and perseverance. From her earliest Catholic Worker writings, Day speaks of discouragement in the work (see, House of Hospitality). The utter hopelessness of the situation of some of the people with whom she lived (''we are a community of need, not an international community'') included physical violence, broken families, addiction, suicides, evictions, fires, poor food, attrition of co-workers. All of these could be overwhelming. Dorothy was sometimes so jangled by them—and by family concerns, overwork, travel, writing, speechmaking, and innumerable obligations—that she would break into tears. ''Don't let yourself get into this state!'' she would tell me, better escaping for a reprieve to her sister's or daughter's.

Dorothy also told me that twice in her life she had overcome serious bouts of depression by reading herself out of them (she recommended Dickens), but said that if she ever were to experience such depression again, she would consider shock treatment.

Another line of cure—which she had learned from her mother—was to clean the house. And then there were the theater and music: ''Saw My Fair Lady. A very good cure for melancholy. Theme: Man's capacity to change.'' Again, ''I am now listening to a concert, Brahms's Second Symphony, joyful music to heal my sadness. All day I have felt sad. I am oppressed by a sense of failure, of sin.''

On the conjunction between what Dorothy called ''the dark night of the senses and the dark night of the soul,'' she reflected: ''It seems to me that they often intermingle.'' this led her to prescribe Ruskin's ''Duty of Delight'': ''I found a copy of Ruskin, The True and the Beautiful,'' she wrote while visiting her daughter in Vermont, and ''the beautiful quotation on the duty of delight. Making cucumber pickles, chili sauce, and grape juice. Delightful smells.'' And the ''duty'' must be taken seriously, not only for oneself but ''for the sake of others who are on the verge of desperation.''

And then there was use of the other serious spiritual weapons: prayer, Scripture, community, the sacraments. The ancient Christian writers had long been concerned with acedia, spiritual sloth, which is associated with a failure against hope. Depression, a modern manifestation, is, in part, a constricting of that virtue, and of the power of the will to act. Day often prayed to Saint Ephraim, one of the desert fathers. He seemed to have struggled with the problem of discouragement, and spoke of the distress caused by his own procrastination. The best practical remedy for such a condition, Day

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.'' The psalms she found particularly helpful in this regard: ''I have stilled and quieted my soul'' (Ps. 131), and ''Relieve the troubles of my heart'' (Ps. 25). She would also quote Saint Paul's Letter to the Romans, chapter 8—''Nothing can separate us from the love of Christ''—and his advice not to judge others or even oneself, for Christ understands our failures: he was, after all, the world's greatest failure.

Among contemporary spiritual writings, she recommended in this regard Dom Hubert van Zeller's Approach to Calvary: ''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,'' she told him 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 Autobiography of Charles de Foucauld (she was always giving gifts and books, prayer books and Bibles especially), she had underlined the following passage from de Foucauld: ''Our 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 straightness of times,' 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, said Weigel: Austerity, preached and lived; a deeper awareness of the reality of God; and a truer and more effective love for all people, including those who are our enemies. One could not find a more succinct summary of Day's own views. In 1968, she complained that the Catholic press in the United States was too much concerned with the problems of authority, birth control, and celibacy, whereas the real problems were ''war, race, poverty and wealth, violence, sex, and drugs.'' Some things change slowly. Or not at all.

Without the saints, Bernanos said fifty years ago, the church is only dead stones: Without them, the very grace lying within the church's institutional and sacramental forms remains fallow. Despite the unparalleled upheavals of our times, grace has not remained hidden. We have been its appealing power.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, 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 resolution (S. Res. 163) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 163

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 ''the most significant, interesting, and influential person in the history of American Catholicism'';

Whereas His Emminence John Cardinal O'Connor has stated that he is considering recommending Dorothy Day to the Pope for Cannonization; 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 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 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 Emminence John Cardinal O'Connor of the Archdiocese of New York, New York City, New York.

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).

(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''.

(2) 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)''.

(3) In section 127(a) of the bill: In section 503A 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)(2), strike ''or other criteria'' and insert ''and other criteria''.

(4) 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)), 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)''.

(C) 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).''.

(5) 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 the 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.''.

CORRECTING 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:

S. CON. RES. 70

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. 635f) is amended by striking 'until' and all that follows through 'but' and inserting 'until the close of business on September 30, 2001, but'.''.

AMENDMING 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 clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3034) to amend section 13031 of the Omnibus 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, 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. NICKLES. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3034) was deemed read a third time, and passed.

MAKING TECHNICAL CORRECTIONS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate bill 1565 introduced earlier today by Senator ABRAHAM.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1565) to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act.

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 considered 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 this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1565) was considered, read a third time, and passed, as follows:

S. 1565

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

SECTION 1. TECHNICAL CORRECTIONS TO NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) ADJUSTMENT OF STATUS.—Section 202(a)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the matter preceding subparagraph (A), by striking ''Notwithstanding section 245(c) of the Immigration and Nationality Act, the'' and inserting ''The''; and

(2) in subparagraph (B)—

(A) by striking ''is otherwise eligible to receive an immigrant visa and''; and

(B) by striking ''(6)(A), and (7)(A)'' and inserting ''(6)(A), (7)(A), and (9)(B)''.

(b) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the matter preceding subparagraph (A), by striking ''Notwithstanding section 245(c) of the Immigration and Nationality Act, the'' and inserting ''The''; and

(2) in subparagraph (D)—

(A) by striking ''is otherwise eligible to receive an immigrant visa and'';

(B) by striking ''exclusion'' and inserting ''inadmissibility''; and

(C) by striking ''(6)(A), and (7)(A)'' and inserting ''(6)(A), (7)(A), and (9)(B)''.

(c) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as added by section 203(a)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in clause (i), in the matter preceding subclause (I), by inserting ''of this paragraph'' after ''subparagraph (A)'';

(2) in clause (ii), by striking ''this clause (i)'' and inserting ''clause (i)''.

(d) TEMPORARY REDUCTION IN DIVERSITY VISAS.—Section 203(d) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in paragraph (1) by inserting ''otherwise'' before ''available under that section''; and

(2) in paragraph (2)(A)—

(A) by striking ''309(c)(5)(C)'' and inserting ''309(c)(5)(C)(i)''; and

(B) by striking ''year exceeds—'' and inserting ''year; exceeds''.

(e) TEMPORARY REDUCTION IN OTHER WORKERS' VISAS.—Section 203(e)(2)(A) of the Nicaraguan Adjustment and Central American Relief Act is amended by striking ''(d)(2)(A), exceeds—'' and inserting ''(d)(2)(A); exceeds''.

(f) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect upon the enactment of the Nicaraguan Adjustment and Central American Relief Act (as contained in the District of Columbia Appropriations Act, 1998); and

(2) shall be effective as if included in the enactment of such Act.

REIMBURSEMENT OF MEMBERS OF THE ARMY DEPLOYED IN EUROPE

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 2796, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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 the 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 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.

The legislative clerk read as follows:

A bill (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 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. 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 to the bill appear at this point in the RECORD.

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.

The legislative clerk read as follows:

A bill (S. 191) to throttle criminal use of guns.

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 the Judiciary, with an amendment

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 Representatives 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—

(1) by striking ''(c)'' and all that follows through ''(2)'' and inserting the following:

''(c) POSSESSION OF FIREARM DURING COMMISSION OF CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—

''(1) TERM OF IMPRISONMENT.—

''(A) IN GENERAL.—Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

''(i) be sentenced to a term of imprisonment of not less than 5 years; and

''(ii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

''(B) EXCEPTION FOR CERTAIN OFFENSES.—If the firearm possessed by a person convicted of a violation of this subsection—

''(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; and

''(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

''(C) EXCEPTION FOR CERTAIN OFFENDERS.—In the case of a second or subsequent conviction under this subsection, a person shall—

''(i) be sentenced to a term of imprisonment of not less than 25 years; and

''(ii) if the firearm at issue is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to a term of imprisonment for life.

''(D) PROBATION AND CONCURRENT SENTENCES.—Notwithstanding any other provision of law—

''(i) a court shall not place on probation any person convicted of a violation of this subsection; and

''(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed.

''(2) DEFINITION OF 'DRUG TRAFFICKING CRIME'.—''; and

(2) in paragraph (3)—

(A) by striking ''(3) For'' and inserting the following:

''(3) DEFINITION OF 'CRIME OF VIOLENCE'.—For''; and

(B) by indenting each of subparagraphs (A) and (B) 2 ems to the right.

(b) CONFORMING AMENDMENT.—Section 3559(c)(2)(F)(i) of title 18, United States Code, is amended by inserting ''firearms possession (as described in section 924(c));'' after ''firearms use;''.

Mr. NICKLES. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be considered a third time and passed, the motion to reconsider be laid upon the table, 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 was agreed to.

The bill, S. 191, as amended, was considered read for a third time, and passed.

S. 191

Be it enacted by the Senate and House of Representatives 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—

(1) by striking ''(c)'' and all that follows through ''(2)'' and inserting the following:

''(c) POSSESSION OF FIREARM DURING COMMISSION OF CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—

''(1) TERM OF IMPRISONMENT.—

''(A) IN GENERAL.—Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

''(i) be sentenced to a term of imprisonment of not less than 5 years; and

''(ii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

''(B) EXCEPTION FOR CERTAIN OFFENSES.—If the firearm possessed by a person convicted of a violation of this subsection—

''(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; and

''(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

''(C) EXCEPTION FOR CERTAIN OFFENDERS.—In the case of a second or subsequent conviction under this subsection, a person shall—

''(i) be sentenced to a term of imprisonment of not less than 25 years; and

''(ii) if the firearm at issue is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to a term of imprisonment for life.

''(D) PROBATION AND CONCURRENT SENTENCES.—Notwithstanding any other provision of law—

''(i) a court shall not place on probation any person convicted of a violation of this subsection; and

''(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed.

''(2) DEFINITION OF 'DRUG TRAFFICKING CRIME'.—''; and

(2) in paragraph (3)—

(A) by striking ''(3) For'' and inserting the following:

''(3) DEFINITION OF 'CRIME OF VIOLENCE'.—For''; and

(B) by indenting each of subparagraphs (A) and (B) 2 ems to the right.

(b) CONFORMING AMENDMENT.—Section 3559(c)(2)(F)(i) of title 18, United States Code, is amended by inserting ''firearms possession (as described in section 924(c));'' after ''firearms use;''.

UNANIMOUS-CONSENT REQUEST—S. 900

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar 204, S. 900.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

COMMENDING THE ASSISTANT LEADERS

Mr. LOTT. Mr. President, I would like to take just a moment to thank the two assistant leaders for their work. A lot of nights they are here and bring everything to a conclusion. I really enjoy working with the Senator from Oklahoma. He has been a great assistant majority leader, and he has done yeoman work today in making it possible for us to bring this session to a conclusion. Also, the Senator from Kentucky. I appreciate very much the way he pitches in late at night and covers for the Democratic leader and does it always with a smile. We appreciate that very much.

ORDERS FOR TUESDAY, JANUARY 27, 1998

Mr. LOTT. With that, Mr. President, when the Senate completes its business today, it will stand in adjournment sine die under the provisions of Senate Concurrent Resolution 68. The Senate will reconvene under provisions of Senate Joint Resolution 39 at the hour of 12 noon on Tuesday, January 27.

I ask unanimous consent that on Tuesday, January 27, immediately following the prayer, the routine requests through the morning hour be granted and that I immediately be recognized to suggest the absence of a quorum for the Senate to ascertain that a quorum is present and the Members are prepared to begin the 2d session of the 105th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that following the ascertaining of a quorum, the Senate proceed to a period of morning business not to extend beyond of hour of 2 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

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.

MILITARY VOTING RIGHTS ACT OF 1997

Mr. LOTT. Before we conclude then, I ask unanimous consent that the Senate now proceed to the consideration of S. 1566 introduced earlier today by Senator THURMOND.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1566) to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to protect the voting rights of military personnel, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1566) was read the third time and passed, as follows:

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 clerk will 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. LASTER, 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 DULY 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 GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

TO BE REAR ADMIRAL (LOWER HALF)

CAPT. HENRY G. ULRICH, III, 0000.

EXTENSIONS OF REMARKS

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 fullfill 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 readjustment 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. 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 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. Thanks to some members of the Veterans of Foreign Wars who are also horse people and who know how to navigate around that area, Joe and company 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 fact 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—reneges on its responsibility under the concept of separation of powers, the people suffer by loosing their most important conduit to the Federal Government.

Members opposed fast track for various reasons, some sensible, some less so. Serious proponents consistently stated their 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 blatant 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 centralized banking, and World Bank loans? 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 defenders of freedom and free trade have essentially no record of ever promoting free market

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 government 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 ensconced in a 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 protectism. 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 unfare 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, temporary as it may be, in the inexorable march toward the NWO and the one world government.

TRIBUTE TO REV. J.A. PANUSKA

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. McDADE. Mr. Speaker, I rise today to pay tribute to one of America's preeminent educators, Rev. J.A. Panuska, on the occasion of his retirement as president of the University of Scranton in Scranton, PA.

Father Panuska is an extraordinary man who is well respected in the local community, the academic community, and the spiritual community. He is known for his studies in cryobiology, as well as for his dedication to his true passion—his students. Father Panuska enjoys a hands-on approach in his duties at the university which carries over into his work with many local organizations. His insight has greatly enhanced the activities of these groups as they work toward improving the community.

Founded in 1888, the University of Scranton has been enriched by Father Panuska's leadership over the past 16 years. He guided the university through its largest expansion effort in history, and has brought the school into a period of constant academic recognition and praise. Under Father Panuska's guidance, the university has ranked consistently among the top comprehensive institutions in the Northeastern and Mid-Atlantic states. It has also become widely recognized for the remarkable record of its graduates receiving Fulbright scholarships.

Mr. Speaker, in 1998, Father Panuska will conclude his 16-year tenure as president of the University of Scranton, the same year he celebrates the 50th anniversary of his entrance into the Society of Jesus. I would like to thank him for his close friendship, which has been dear to me, congratulate him on a remarkable record of achievement and wish him the best in his future endeavors.

HONORING RECIPIENTS OF HISPANIC INDEPENDENCE AWARDS

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 Hispanic Independence Awards Ceremony that will be held on Saturday, November 15, 1997, at Mott Community College in my hometown of Flint, MI.

September is National Hispanic Heritage Month and the Hispanic Independence Awards is a special event to celebrate Hispanic culture, ideas, and achievements in Genesee County. The Hispanic community will once again honor individuals who have unselfishly committee themselves to making Flint and Genesee County a better place for all people.

The Pedro Mata Leadership Award is given to a person who has provided leadership, encouragement, and influence in the Hispanic community. Mr. Chris Flores is this year's honoree. The Tano Resendez Community Service Award is being bestowed upon Mr. Pedro Suarez for his dedicated personal efforts to promote civic and cultural activities.

The Joe Benavidez Education Award will be presented to Ms. Marcie Forsleff for her support of educational issues relating to Hispanics of all ages. The Rafael Arceo, Sr. Labor Involvement Award will be given to Ms. Marcie Garcia for her efforts to increase community awareness, improve the quality of life, and open doors for Hispanics.

Ms. Sue Quintanilla will be honored with the Bruno Valdez Arts and Entertainment Award for promoting Hispanic culture through professional and personal activity. The Domingo Berlanga Veterans Award will be given to Mr. Refugio Rodriquez for his honorable service in the U.S. Armed Forces. The final award, the Pedro Mata, Jr. Scholarship Award will be given to a student that has a commitment to community service and a desire to continue their education.

Mr. Speaker, it is with great pride that I rise today and ask my colleagues in the House of Representatives to join me in recognizing the accomplishments of these individuals and the entire Hispanic community. I congratulate the honorees for their compassion and commitment to helping their fellow citizens.

OPPOSITION TO FAST-TRACK LEGISLATION IN CURRENT FORM

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. ROEMER. Mr. Speaker, in light of the recent decision to postpone consideration of the fast-track bill, I would like to make clear my position in opposition to this legislation in its current form. While I believe in the notion of free trade and voted for MFN for China and GATT, I also strongly believe in fair trade and our insistence on trade parity.

I would vote against this bill, but I want to make it clear that I will support free and fair trade in the future. I support expanding U.S. export opportunities and our position as the world's leader in trade. I have consistently supported, as I do now, efforts to expand fair and free trade. For example, I just recently voted for the United States-Caribbean Trade Partnership Act, also known as CBI.

I did not support NAFTA when it was considered by the House of Representatives in 1993, and I am proud of my vote. I believe that this fast-track bill, as written, will only aggravate NAFTA's failed legacy—larger trade deficits, expanding jobs losses, and rapidly declining standards of living. Bad trade deals like NAFTA have destroyed good jobs and go a long way to lure businesses to where it is cheaper to pay their employees and cheaper to meet safety requirements.

Bad trade deals include the 1995 automotive trade agreement with South Korea ''Memorandum of Understanding to Increase Market Access for Passenger Vehicles in Korea.'' South Korea simply failed to abide by the agreement to open up its markets. Bad trade deals like NAFTA are running up our $114 billion trade deficit. This deficit exacerbates job losses. It is eroding our automotive industry and chipping away at the number of high-paying jobs, including many quality jobs in Indiana's Third Congressional District. Our trade deficit with Mexico and Canada jumped from $11 billion to $39 billion after NAFTA passed. We should not agree to all trade deals. And most trade deals need constant vigilance. We must engage in trade but then follow through with verification, implementation, and enforcement.

Despite our healthy economy, there are still too many people in our country earning only $5 or $6 per hour, and often working a second job to raise their families. Families are working more hours at more jobs while just keeping pace or sometimes falling behind. Too many families have little or no time to spare for volunteer work or even time to raise their children. This causes social and developmental problems profoundly affecting our schools and communities. We must reach back and bring

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 authority to challenge foreign barriers 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 anticompetitive 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 insist on fair trade but enhanced 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 far-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 pure free traders. We must establish the rules of fair trade, and those must 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 a new career. It is not new 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 will most likely exempt 132 of 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 2008 to 2012.

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 8.3 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, which itself coincided 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, in New York City, on October 30.

Mr. José Rafaél Machado Yanes, 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 learning more about journalism 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 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 Marcha'', ''Los Cuadros del 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 demonstrated throughout 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 Rafaél 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 Fossedal, a leading expert on the subject, reports William Simon, the former Secretary of the Treasury and the current president of the Olin Foundation, in a recent issue of the Wall Street 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 add 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 pouting money into recklessly run economies on the assumption that they will be bailed out if things go wrong,'' writes Robert Choate in the Financial Times. Under the IMF's standard limits on borrowing, 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 own rules would normally 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 several governments and international institutions towards Indonesia is likely to cause more problems than it resolves . . . Investors will be encouraged to take ever 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, they are certain to come to 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 advocate 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 bails out currencies that have come under attack such as in Mexico, Russia, Thailand, and most recently Indonesia.

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 Wood's system 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 recklessness 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, fluctuating fiat currencies eventually 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 inflationism 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 richer 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 bankers 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 the 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, there has been 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 merely duplicates the efforts of other institutions that have the authority and expertise to act as one. Groups as diverse as the liberatian Cato Institute and the Friends of the Earth, a worldwide network of environmental organizations, point out that the IMF is not a development organization and should get out of the development business.

The entire Mexico bailout a couple of years ago required more than $50 billion, mostly U.S. taxpayers' money, to temporarily stabilize Mexico's financial markets. However, this was primarily done to bail out the Government of Mexico, as well as bankers and investors on Wall Street. Since the IMF is incapable of preventing problems, in time the market will make it irrelevant. But in the meantime, the process will continue to cost the American taxpayers a lot of money regardless of whether or not it's accounted for in the deficit. The least that should be done is that if we feel compelled to pour more money into the IMF, we should demand the return of the U.S. gold that the IMF holds. According to the central bankers of the world, gold has been totally discredited, and the managers of fiat currencies claim to manage quite well without it. If this is the case, there is no sound reason for the IMF to hold gold and, thus, the gold should be restituted, or dispersed to the respective countries. The IMF has spent more than $170 billion since the 1960's, and since 1978 there has been no monetary role for gold according to central bankers.

The IMF is nothing more than an international engine for inflation fueled by the creation of credit. The IMF's special drawing rights is an international fiat currency that, through the dilution effect, the weak currencies bail out the even weaker ones. Even if there is only a minimal increase in taxation necessary to finance IMF appropriations, the resulting inflationary impact is 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, along 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. Congress 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 them while we merrily march 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 with escalating deficits. The 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 their goals. But what is needed is less 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 McClatchy High School as class valedictorian 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 low 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 1966.

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 a loving uncle and son, Gordon 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, Gordon Schaber treated his hundreds of friends as family members; his retirement and 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 Kutak 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 this 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 chartered buses to get them 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 and positive attitudes.

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 experience as an important part of history and to allow them to work toward their collective goals of equity, unity, and love.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in expressing my 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 4, 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 hoped for with respect to ongoing human rights abuses, religious persecution, and exporting nuclear materials, it is still very important to recognize that we have now 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 pace 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: The cold war began to thaw, among other reasons, when the United States and the Soviet Union began to open diplomatic channels. Our much improved relationship 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 kind of success can be achieved with respect to our foreign policy toward China.

The United States-China Summit concluded with President Jiang's approval of the International Technology Agreement and the removal of numerous tariff barriers of United States exports to China. 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, and 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 not kept the promise.

U.S. business leaders are champing at the bit to capitalize on China's emerging role in the trade world. But protesters chastise the United States and Clinton for having anything to do with Jiang and his country given its human-rights stance or lack thereof, including continued persecution of Christians and dissidents.

During his eight-day visit, Jiang shrugged off such critics, even when they questioned him face-to-face. Responding to a question on the massacre of students at Tiananmen Square in 1989, the most Jiang could muster was that ''naturally, we may have some shortcomings and even make some mistakes in our work.'' Quite a belittlement of a country's bloody attack on its own people.

To his credit, Clinton did sit down 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, Teresa, 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 2, 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 spirit 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 saluting Dr. Kessler and in recognizing his 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 on a national and international level as well.

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 longevity 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 Committee on the Arts and Humanities and 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 conserve 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 being 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. Francy Lim Youngberg, executive director of the institute, removing our names 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 answerable 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, removing 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 both creators 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 legislation addresses 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 to section 1201, I have crafted an alternative that is more properly and closely tailored to our WIPO treaty obligations.

Last December, when the U.S. Government and the representatives of more than 100 other governments met in Geneva 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 is 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 this 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 as the core of its legislation implementing the WIPO treaties a device-oriented provision.

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 private-sector witnesses argued 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 also 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 announced by the Supreme Court in 1984 in its Betamax decision, Sony Corp. of America versus Universal City Studios, Inc. In that case, the Court held that a manufacturer could not be held liable for contributory copyright infringement for manufacturing a device that had a substantial non-infringing use. Even though there may be infringing uses for the device, the presence of a single substantial non-infringing use renders the manufacturer unanswerable under the copyright law.

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.

If 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 device-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 or operation 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 liability 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 Fair Use doctrine in the copyright law—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.

First Sale. Given the historical importance to libraries, scholars, educators, and consumers of transferring to others lawfully acquired copies of works, the legislation offers assurances of the continued applicability in the digital environment of the First Sale doctrine.

Library Provisions. The legislation permits libraries to utilize digital technologies for preservation purposes and increases the number of copies of a work that may be made for archival purposes.

Distance Learning. The legislation fully authorizes 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 such copying is made 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, the members of 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) Copyright 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 instigation of the United States, the delegates adopted the following Agreed Statement 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 Agreed Statement, 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 the technological means by which a work has been performed, displayed or distributed or whether an effective technological protection measure has been applied to it. This language would assure 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 decaying or otherwise unavailable copyrighted works by authorizing libraries and archives to make a ''facsimile'' of such works. (An analog facsimile was the best available technology at the time.) This clause has been read by some, however, to preclude the use of digital or other advanced technology for preservation purposes.

Like the Administration's original NII legislation introduced in the 104th Congress (H.R. 244I/S. 1284), Section 3 would amend section 108 of the Copyright Act to allow libraries and archives to use new forms of technology by deleting the phrase ''in facsimile form''. In addition, Section 3 would permit the making of three rather than just one copy of a work for archival purposes as allowed under current law, as well as in instances in which the existing format in which a work is stored has become obsolete. Such an approach was specifically endorsed by the Register of Copyrights in her testimony on the original NII legislation.

First Sale. Section 4 would amend section 109 of the Copyright Act to establish the digital equivalent of the ''first sale'' doctrine. Under current law, a person who has legally obtained a book or video cassette may physically transfer it to another person without permission of the copyright owner.

Given the historical importance to libraries, scholars, educators, and consumers of transferring to others lawfully acquired copies of works, Section 4 would permit electronic transmission of a lawfully acquired 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 at substantially the same time as he or she makes the transfer. To avoid any risk that the mere act of making the transfer would be deemed an infringing act under existing section 116 of the Copyright Act, Section 4 of the proposed bill states that the ''reproduction of the work, to the extent necessary for such performance, display, or distribution, is not an infringement.''

Distance Learning. Since the advent of broadcasting, educators have striven to use the latest communications technologies to enhance educational opportunities. Through the Copyright Act, as amended in 1976, Congress has supported such ''distance learning'' by exempting qualifying television transmissions designed to be received in traditional class-room 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 112(b) of the Copyright Act to ensure that educators can use personal computers and new technology in the same way they now use televisions 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 thus would specifically add ''distribution'' to the list of conditionally exempt educational uses.

In addition, Section 5 would broaden the range of works 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 new provision would extend an exemption only to teachers and their institutions, and only for materials used to illustrate particular lessons. It would not extend to companies or individuals who prepare distance learning materials for use by educators; they would be required to obtain copyright licenses, as appropriate, for the incorporation of preexisting 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 enjoy regarding analog ''hard'' copies (or digital ROM copies) today. In fact, as originally drafted, Article 7 of the WIPO Copyright Treaty expressly provided that 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 when such copying is made incidental to the operation of a computer or other device in the course of the use of the work in a way that is otherwise lawful, as long as such copying does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author. Thus, for example, a person would not be subject to liability for viewing 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 Internet.

Preemption. Content owners are increasingly using ''click on'' and ''shrink wrap'' license terms to limit what a consumer can do with a lawfully acquired copy of a work, or the uses to which a consumer can put the work itself. They are engaged in an effort at the state level to achieve adoption of a change to the Uniform Commercial Code that would recognize the validity of such terms under state contract law. If successful in these efforts, content owners will be able to eliminate fair use and other privileges established under the federal Copyright Act by means of stipulated license terms to which a consumer must agree in order to gain access to a work.

Section 7 would effectively preclude copyright owners from using non-negotiable license terms to abrogate or narrow rights and use privileges that consumers otherwise would enjoy under the Copyright Act, such as their fair use privilege, by preempting state common and statutory law, such as the proposed changes to the Uniform Commercial Code. In recognition that businesses and institutions might be willing to forego these rights in return for other consideration in an arms-length negotiated contract setting, preemption only applies with respect to non-negotiable license terms.

WIPO Treaty Implementation. Section 8 would implement the anti-circumvention and copyright management information provisions of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

With respect to anti-circumvention, the WIPO treaties require 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 engaging in an act of infringement, knowingly removes, deactivates, or otherwise circumvents the application or operation of an

effective technological measure used by a copyright owner to preclude or limit reproduction of a work in a digital format. Conduct 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 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, this provision explicitly excludes from the definition of copyright management information ''any personally identifiable information relating to the user of a work, including but not limited to the name, account, address or other contact information of or pertaining to the user.''

New section 1203 establishes civil penalties for violations of sections 1201 and 1202. Unlike the Administration's treaty implementation bill, no criminal penalties would be imposed for violations of either section 1201 or 1202.

Conforming Amendments. Section 9 merely 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 effective on the date of enactment. The WIPO implementation provisions would take effect when both treaties have entered into force with respect to the United States.

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 unsteady, and for good reasons. Many have correctly anticipated the ongoing financial events as a natural consequence of a sustained worldwide credit expansion of unprecedented proportions. According to free market/sound money economics, all credit expansions 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 financial markets currently face, is unwise monetary policy—plain and simple. Although the business cycle has been fully understood by the Austrian free market economists throughout most of this century, they have been ignored 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 implications for the world economy should gain the attention of everyone concerned about public policy.

The world has been functioning with total fiat currencies for more than a quarter century—a first. Even with continuous adjustment in the international exchange markets, artificial relationships develop between currencies. These imbalances are 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 monetary 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 borrow more than the rules allowed. Thailand will get $3.9 billion from the IMF which is 505 percent of its quota while Indonesia will receive $10.1 billion amounting to 490 percent of its quota. Mexico was offered $17.8 billion, 688 percent of its quota, in 1995.

Governments can instill value in a paper currency only temporarily; but markets ultimately dictate real worth at great cost to the currency stability the money managers pretend to achieve. More bailouts at the expense of the American taxpayers are wrong.

Monetary inflation and credit expansion of paper currencies mislead all financial participants. Fictitious interest rates promote mal-investment, 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 a big one.

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 benefit of a commodity standard of money and with a fiat dollar being retained as the reserve currency 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 responsibility for all of this. Instead of conceding monetary policy to a highly secretive, unaudited, off-budget, without oversight, central bank, our responsibility, under the Constitution, is to guarantee a sound convertible currency. There is no authority whatsoever for reckless credit expansion to be used as a tool for managing the economy. This illegal 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 trillion 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 Congress must give serious consideration to monetary 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 rejection 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 contributions to this Nation and to Latin America as one of the most talented composers of folkloric Colombian music.

Mr. Meyer is one of the most famous exponents of ''cumbia'' of this century. He is credited with being one of the pioneers who introduced ''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 decided to bring his music to other Latin American countries, the United States, and Canada. In Latin America, he enjoyed enormous success with his many compositions. ''Micaela,'' ''El Hijo de Mi Mujer,'' ''Linda Jorachita,'' and ''Trópico'' were immediate successes in Mexico, Venezuela, and Panama. He also performed 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 the time and continues to be in demand in many communities in the United States. He has been living 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 today to recognize and congratulate the Laymen's Retreat League as they celebrate the 75th anniversary of the opening of their retreat center St. Joseph's-in the-Hills in Malvern, 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-Hills.

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 the 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.

TRIBUTE TO MR. RAFER JOHNSON

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 Namasté 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 the gold medal in the decathlon 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 daring 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. He helped 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. Though a world renowed 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 Baila 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 predates 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 admiration in this record of the Congress of the United States of America.

GRATITUDE TO PHIL SWAFFORD

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. HILLEARY. Mr. Speaker, I rise today in U.S. House of Representatives in solemn gratitude for the life of may friend, Phil Swafford.

I have known Phil all of my life. To say that he will be missed by us all does not begin to adequately describe our feelings toward this man. Phil was everything a person is supposed to be. He was a loving and devoted son, husband, and father. He was a Christian gentleman who spread his sense of humor and good nature everywhere he went.

His pleasant personality was infectious, and he consequently had more people who considered him a friend that anyone I know. He was the type of person who, in my opinion, still makes our county the greatest in the world.

He was blessed by the Good Lord with two loving and intelligent parents, who, simply put, raised their boys right. Phil, in turn, as a grown man, gave generously to himself to his church, his family, and his community. Phil was a fun person to be around. All of us who knew him grieve at his death, but rejoice in his life.

Thank you, Phil, for being the type of person you were, and thank you Lord for letting Phillip Swafford's life on this Earth be a part of ours as well.

PROTECTING THE VIABILITY OF MONTANA'S FAMILY FARMERS

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. HILL. Mr. Speaker, I rise today to introduce much-needed legislation which will help preserve over 2,000 family farms in the Mission, Jacko, and Cama Valleys in Montana and provide for better government accountability. It also does not interfere with existing water rights or native American sovereignty and continues longstanding initiatives to protect the environment.

The bill I introduce today accomplishes all of these important objectives by transferring the operation and maintenance of an irrigation project in Montana from the Federal Bureau of Indian Affairs to the local irrigators who have been the caring stewards of their lands and water for generations. This reflects prior public law commitments to local management of the Flathead Irrigation District. I am proud to have House Agriculture Committee Chairman BOB SMITH and House Resources Committee Chairman DON YOUNG as original cosponsors. Their longstanding experience on these issues undersources the need for this legislation.

This legislation aims to correct a serious problem that deserves a timely solution. For too long, the Bureau of Indian Affairs has poorly managed this project. Using current estimates, the project is in need of 15 to 20 million dollars' worth of repair and conditioning and those needs will continue to grow unless positive actions are taken. The consequences of mismanagement are not only undermining the project's viability, but are leading to unnecessarily high costs for all of its users. This is simply unacceptable.

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, halting water deliveries 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 potatoes 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 twice in the past 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 causes has hayfield 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 out of a gate with six registered herd 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 passerby.

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 call 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 irrigators. Downstream 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 breach 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 is planned by BIA. No ditch rider had been assigned to patrol this section ditch and surveillance was minimal, despite known geologic problems in the area. A farmer has lost the use of 20 acres of land at a value of $2 to $3 thousand per acre.

10. BIA's failure to control weeds on ditchbanks led to a local association of farmers and ranchers to approach BIA with a cooperative weed control pan, allowing individual farmer and ranchers to spray for weeds 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 shutoff water deliveries to all non-tribal irrigators on 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 has not provide an accurate billing, or an accurate accounting of irrigator funds.

High cost due to mismanagement 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 by and used in the operation of the Flathead Irrigation Project. At the current time the BIA is unable, or unwilling, to proved 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 year-end 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 provide an opportunity to control the costs associated with the operation of this vital water source.

This bill gives local citizens the opportunity to control their futures. It also keeps the commitments of the past by continuing to allow for 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.

H.R. 2292, THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. ARCHER. Mr. Speaker, as the first session of the 105th Congress draws to a close, I rise to underscore my personal resolve and that of the Ways and Means Committee to complete work on needed reforms to the Internal Revenue Service when Congress reconvenes next year.

Mr. Speaker, I have long advocated fundamental tax reform. Our tax system must be more fair, more simple, and permit the working families of America to keep more of their hard-earned money. Yet the Internal Revenue Code is too complex, too unwieldy, and too great an impediment to savings and investment. In short, the Internal Revenue Code is too broken to be fixed. The current tax system must be torn up by its roots and replaced. I am fully committed to carrying forward the critical work of fundamental tax reform, and hope to continue work towards that goal in the second session of the 105th Congress.

In short, Mr. Speaker, America needs fundamental tax reform. However, I also wish to emphasize that there is much we can do more immediately to remedy some of the problems that now exist in our tax system. Towards that end, I am particularly proud of the work this House and the Ways and Means Committee have done on H.R. 2292, The Internal Revenue Service Restructuring and Reform Act.

Mr. Speaker, the purpose of H.R. 2292 is to implement the recommendations of IRS Restructuring Commission chaired by Representative PORTMAN and Senator KERREY and to make sure that the IRS applies the tax laws of our country in a fair, equitable, and consistent manner.

In fact, current law and sound tax policy require as much: For example, the IRS should not abuse its powers to seize property or its rule making authority; the IRS generally may not impose retroactive regulations; and the IRS should apply the tax laws in a consistent and reasonable manner, both among competitors and with respect to specific taxpayers from one year to the next. However, as was made clear in recent hearings by the House Ways and Means Committee and the Senate Finance Committee, the IRS often has failed to honor its duty to serve the taxpayer. H.R. 2292 builds on the procedural and administrative safeguards enacted as part of the taxpayers bill of rights I and the taxpayer bill of rights II to help ensure that the IRS faithfully carries out its duties to American taxpayers.

Mr. Speaker, the IRS should act in a fair, equitable, and consistent manner simply because its right. Yet doing so also serves to promote sound tax policy. For example, failure to apply the tax laws consistently, like retroactive changes in the tax laws, undermines public faith in the system. If the IRS applies the laws differently among competitors, or changes the way it applies the law to taxpayers from year to year, those actions violate the duty of consistency the IRS owes to taxpayers and erodes taxpayers' trust in the system. That loss of confidence, in turn, discourages taxpayer compliance and makes administration of the Tax Code more difficult.

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 will 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.

HONORING ESSEX CATHOLIC HIGH SCHOOL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

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.

PROTECTING THE RATEPAYERS AND THE ENVIRONMENT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SHERMAN 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. Billions of dollars made available to communities under the Clean Water Act to build clean water facilities using the construction grants program has helped to make our waters healthier.

Over the years, local governments that have received these grants have undergone rigorous audits to ensure that the facilities were constructed as planned and designed, in an effort to ensure that taxpayers' dollars are used as intended. At the same time, we have heard from local officials that these audits have often gone beyond the stated purpose of ensuring that grant funds have been used as intended. Instead, they the focussed on whether the funded project should have been constructed as approved by EPA. These reevaluations occur even though there is no evidence of fraud or abuse in the project's expenditures and after the project has received both Federal and State approvals to proceed to construction. In may congressional district, the Las Virgenes Municipal Water District has been seeking to resolve an adverse audit report dating back to 1977. Despite documentation demonstrating that the facility was planned, designed, and constructed in accordance with Federal and State approvals, EPA auditors have sought the return of $4 million by the local taxpayers.

Simply stated, after 20 years, the auditors now have decided that my constituent could have constructed the project in a better way. This second-guessing of previously approved, eligible project costs should not be permitted. It penalizes the local community for project approvals it did not make and, more importantly, it diverts resources away from water quality improvement projects that the community wants. Instead, the district's resources would have to be spent to contest audit findings that seek to disallow eligible project costs.

Congress attempted to correct this situation most recently in 1987 when it passed the Water Quality Act of 1987. Because the problem of second-guessing and reevaluation persists, the Committee on Appropriations included language in the Veterans, Housing and Independent Agencies Fiscal Year 1998 Appropriations Bill. It directs the EPA Administrator to uphold local government construction grants project eligibilities where the local government grantee has provided decision documents of the EPA, or the designated State agency, permitting use of the funds. I expect that with the clarification provided in this year's spending bill, EPA will adhere to Congress' directive and uphold eligible project costs such as those of my constituent, the Las Virgenes Municipal Water District.

THANKING ACTING VA SECRETARY HERSHEL GOBER

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. HINOJOSA. Mr. Speaker, I rise today to say thank you to 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, nonurgent, 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. Secretary, I could certainly never have done this alone. I want to sincerely thank you for sharing my vision.

RECOGNITION OF DR. CHARLES ROARK, NORTHEAST EL PASOAN 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 Dr. Charles Roark as the Northeast El Pasoan of the Year for 1997. In addition to his outstanding work for Hospice, he also

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 Civitan Club and past district governor for the Great Southwest District of Civitan International. 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 Northeast El Paso. He received the highest certification 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 Pasoans to follow. I am proud to recognize Dr. Roark as the Northeast El Pasoan 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 Representatives to join me in honoring a man of remarkable dedication and commitment 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 councilman representing the South Ward in Newark, 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 primaries in 1972, the Honorable Shirley Chisholm.

Reverend Allen shared with Mrs. Chisholm a passion for justice and equality in our society. In fact, at a breakfast sponsored by a member of the Newark Municipal Council and candidate for the New Jersey General Assembly, the Honorable Donald Tucker on November 2 of this year, Reverend Allen spoke out with characteristic 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 improving the quality of life in our community and ensuring that all people are treated with fairness and dignity.

Among his many accomplishments and contributions to the community are: founding board member, Rainbow/Push Coalition chapter, Operation Push; lecturer and teacher of urban education and equal education opportunity; active involvement in the Jersey City community; cochair of the Clergy for Jesse Jackson for President in 1984 and 1988; counselor to youth and families in distress.

A graduate of my Alma Mater, Seton Hall University, Reverend Allen also pursued studies 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 Education; college administrator, assistant to the educational opportunity fund director, and adjunct 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 successful years ahead.

DISTORTING SUBSIDIES LIMITATION ACT OF 1997

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MINGE. Mr. Speaker, I rise today to introduce the Distorting Subsidies Limitation Act of 1977 [DSLA]. The DSLA is a comprehensive 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 entities have engaged in the use of targeted subsidies which include grants, below market loans or rent, and tax deferrals, aimed at a particular 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 following:

TAXABILITY OF SUBSIDIES

The bill creates a federal excise tax on businesses 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 aggregate value of the subsidy for calendar year in which it was received. The rate of the tax will be the same that applies in determining the regular income tax of a corporation. The excise tax will not apply if 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 subject 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 payment 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 provided for employee training or other educational programs. The legislation shall apply to any economic subsidy provided to a business 30 days after the date that this bill is enacted.

TAX EXEMPT BOND FINANCING

The DSLA will also deny the exemption from tax for interest on bonds providing targeted state or local government development subsidies for a specific business entity. The legislation shall apply to bond obligations issued after the enactment of this bill.

FEDERAL FUNDING

The legislation will prohibit the use of federal funds by a state or local governmental unit for any targeted subsidies. The DSLA is not intended to deny the use of federal program dollars for economic development if the federal program dollars are available to all businesses or are used for an established federal economic development program such as an enterprise zone. If it is determined that federal funds have been used for targeted subsidies, the bill provides for recovery of those funds from the governmental unit or the business entity. The legislation shall apply to funds provided after the enactment of this bill.

CLOSING

The Distorting Subsidies Limitation Act of 1997, would reduce the ever-increasing financial burdens placed on the citizenry of various taxing jurisdictions who are exploited by the race for business development. When enacted, it will allow state and local officials, who face exploitation by companies' threats to relocate, the ability to negotiate with businesses on a level playing field. The ever-increasing practice of giving targeted subsidies to demanding businesses is having a very detrimental effect on both the employment stability and fiscal stability of cities and states. We cannot allow the this short-term, targeted favoritism for a particular business to continue to skew the long term economic health of our communities.

A TRIBUTE TO HENRY B. GONZALEZ, 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 Delegation and the Congressional Hispanic Caucus, will be honored by his community on November 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 nobelist 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 system. While he was chairman, 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 businessowners 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 work ethic. Integrity was his hallmark. Our youth, who are certain to achieve great accomplishments of their own, will 1 day look upon the legacy of HENRY B. GONZALEZ for inspiration and pride.

Mr. Speaker, on this auspicious occasion I ask my colleagues to join me and the people of San Antonio in saluting a great friend and grand American: the Honorable HENRY B. GONZALEZ. He will always be an exemplary leader * * *. He will always be HENRY B.

WALTER GREFFE: SELFLESS CITIZEN

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 my friend and constituent, Walter Greffe, who passed away this Veterans Day weekend at the age of 71. Walt Greffe was a special individual who will be greatly missed but fondly remembered.

After graduating from Morristown High School in 1944, Walt served our Nation as a sergeant in the Army Air Corps during World War II. However, has service did not end when the bombs stopped falling and the troops came home. I have the pleasure of being a member of the same VFW and American Legion posts to which Walt dedicated so much of his time. In particular, his service to the Veteran of Foreign Wars Watnong Post 3401 was extraordinary. Walt was twice the commander of the Watnong Post, one of New Jersey's largest VFW posts. Walt, along with his wife, Mae, continued to volunteer their time and talents for the hundreds of events at the Watnong Post, including many events for senior citizen groups and even some of may own Medicare town meetings.

In 1953, Walt moved to Morris Plains and immediately became an integral part of this close-knit community of 5,000 inhabitants, aptly 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.

Aside from his involvement with veterans organizations, Walt worked for United Parcel Service in Parsippany for 27 years, and was 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 may colleagues to join me as we remember Walt in our prayers; Mae, his wife of many years; his son, John; his daughter, Diane; and the many other close family and friends Walt leaves behind. Walt was truly a selfless citizen and an outstanding veterans.

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, the 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 recalled a remark attributed to J. Pierpont Morgan. A woman is said to have approached him at a social gathering roughly 100 years ago and asked, "Mr. Morgan, what is the stock market going to do?"

Morgan hesitated a moment and then gave the woman the full benefit of his years of money-accumulating experience. "Madam," he said, "the stock market will fluctuate."

If J. Pierpont Morgan had been born 100 years later and specialized in climate instead of money, and if he were asked now what the climate is going to do, the same answer would be appropriate. "Madam, the climate will fluctuate."

I do not mean to suggest by this that we can ignore the possibility that this time Henny Penny may be right. The sky may be warming. The seas may rise. And it would be irresponsible to sit idly by doing nothing if there is a real chance that all the world's coastal cities will go under water in the next 50 or 100 years.

Neither, however, do I believe it responsible to rush to the binding international agreement the Administration is proposing to replace the voluntary approach we agreed to in Rio de Janeiro in 1992.

The administration's proposal is a fast answer to incompletely formulated questions based on inadequate data. Fast answers all too often are half-baked. In this case, the kindest thing we can say about the fast answer is that it is not fast at all. At best, it is half fast.

Just for starters, we do not know whether global warming is taking place now. It is true that surface temperature readings have gone up by about one degree Celsius over the past century. Some evidence suggests that over the past decade, however, modest global cooling may have occurred. At this point, we simply do not know. What we do know is that the Climate Treaty will not answer this question. Only time and serious scientific study will produce an answer.

If global warming is taking place, we do not know the extent to which greenhouse gases may be responsible. For years, climatologists believed that the sun's energy output was constant, but I have read recently that some now believe the solar constant may not be constant at all. Variations in solar activity may well account for the one degree rise in global temperature recorded over the past 100 years. This one degree change may be an entirely natural progression following the Little Ice Age which ended about the time Mr. Morgan was sharing his wisdom on the stock market, and it may well prove to be cyclical.

Even if in the face of all the scientific uncertainties, we could properly conclude that capping CO_2 emissions would remove the potential threat of global warming, there is little reason to believe that the Administration's proposal will accomplish that objective. Even its supporters concede that emissions from China and India alone are likely to overwhelm the proposed reductions by the U.S. and Western Europe.

Although the proposed Climate Treaty is *not* an answer to either the objective of understanding global warming or capping CO_2 emissions, we can be certain that it will accomplish several other objectives. I think it will be helpful to consider some of them.

First, if we want to hasten the day when the United Nations will be transformed from an association of sovereign states into a one-world governing body, the Climate Treaty will work! Some international entity will be necessary to enforce emission mandates. Many Americans bridled at the 55 mile per hour national speed limit. Imagine that fast answer expanded to cover all matters involving energy consumption, and imagine it administered out of Geneva instead of Washington, D.C. That's the path we are on if we accept binding international mandates.

Second, many people complain about the fact that combined federal, state and local

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 emission 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 income per capita 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. Housing and food 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 fall 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. With food costs 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 presidency, both having to do with the timing of major events. First, he should not have won the Gulf War so long before he had to run for re-election—the 1992 outcome would quite likely have been different if he had still had his post-war approval ratings in the 90's. Second, he should not have signed on to the Democratic Party's tax increase so close to the election. President Clinton certainly learned from that mistake!

But on the global warming subject, President Bush was right on the money in 1992 when he agreed to voluntary, not mandatory, CO_2 caps, and to continued scientific scrutiny of the warming phenomenon to see what future action would be indicated, what action would work, and what action would be worth what it cost.

JOPPA-MAGNOLIA VOLUNTEER FIRE CO., INC.

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. EHRLICH. Mr. Speaker, today, I rise to give due recognition to a venerable institution in my district which recently had occasion to celebrate its past and its future on the very same day.

On October 25, 1997, the Joppa-Magnolia Volunteer Fire Co. celebrated the opening of a new main fire station at its Joppa, MD, location. I was fortunate to attend the dedication ceremony along with a number of community and civic leaders. I was especially impressed that the celebration occurred 43 years to the day the first fire station was formally unveiled.

The Joppa-Magnolia Volunteer Fire Co. was first organized in 1951. It answered its first call of record on January 11, 1953, and went on to respond to 32 fire and 32 ambulance calls 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 both 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 fever-stricken mother and brother. Mr. Linehan had 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 Associations holds a ceremony in solemn remembrance of those who perished in the famine November 15 at the Bergen County Courthouse in Hackensack, NJ. 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 to ruin. 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 in the United States.

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—seen 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, 263 Congressional Medals 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 this evening in recognizing Doug Scott, a San Juan Island resident, 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

formed, has been invaluable. The commission was formed and public dialog broke down concerning the marine sanctuary process, and Doug helped facilitate a dialog in order to resolve important differences and issues by consensus. His ability to work with individuals with differing perspectives in a cooperative and resourceful manner is a true asset to the commission.

Doug has a notable background and experience when it comes to the environment. He joined the Sierra Club in 1967, and served as their Northwest field representative from 1973 to 1977. In 1980 they named him national conservation director of the Sierra Club, and in 1988 he became the organization's associate executive director. In 1990, he left the Sierra Club to direct the San Juan Community Theater in Friday Harbor, WA. Currently, Doug is the executive director of Friends of the San Juans.

Doug is in good company in receiving this award. Previous recipients include such distinguished persons as Jacques Cousteau and Wallace Stegner.

Mr. Speaker, it is a privilege to recognize Doug Scott, a Washington State resident, before the U.S. House of Representatives, and to congratulate him on receiving the John Muir Award.

CONGRATULATIONS, MAYOR CARDELL COOPER AND THE WORKERS OF EAST ORANGE

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 major 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 their children 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 Cooties 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 protemp 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 Stan's campaign manager for the last three elections. Jetta is a life member of the Veterans of Foreign Wars Woman's Auxiliary, life member of the Disabled American Veterans Women's Auxiliary, and is currently serving her second term as El Paso representative on the Texas 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 Consolidation 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 concerns to address. 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 asides, 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 Consolidation 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, 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 Reform and Immigrant 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 statutes of Amtrak, 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 recommit 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. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. DELAURO. 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 person who cared and 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 75th birthday. Ben truly embodies the best New Haven politics has to offer, and it is my deepest hope that we will have the benefit of his wisdom and kindness for many years to come.

THE SLAMMING PREVENTION AND CONSUMER PROTECTION ACT OF 1997

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. DINGELL. Mr. Speaker, I rise today to introduce H.R. 3050, the Slamming Prevention and Consumer Protection Act of 1997 to protect the American public from an unfair, unscrupulous and anticonsumer practice known as slamming. The perpetrators of this type of rascality switch a consumer's choice of long distance or local telephone service providers to their own service without the consumer's knowledge or consent. With this legislation, consumers finally will be able to fight back against slammers.

The measure will allow consumers to receive a full refund for any charges or shield them from liabilities incurred as a result of slamming. Consumers will be able to recover up to three times their actual damages for intentional violations, in addition to the monetary penalties this bill imposes upon any person or telephone carrier and their agents who slam. Additionally, the legislation sets a deadline for the Federal Communications Commission [FCC] and the Federal Trade Commission [FTC] to set rules that will protect consumers from slamming. The FCC rules will ensure that any consumer switch of carrier is verified, while the FTC rules will prohibit unfair and deceptive acts and practices used in connection with switching a consumer's choice of service.

Slamming is a spreading epidemic. It is the single largest source of consumer complaints at the FCC. In 1995 alone, slamming represented more than a third of the complaints consumers registered at the FCC's Common Carrier Bureau. The number of slamming complaints processed by the FCC has nearly doubled from 1995 to 1997. Moreover, the number of slamming complaints processed by the FCC to date in this calendar year, 16,440, represent nearly half of all the complaints, 34,557, that have been processed by the agency this year.

The telephone industry estimates that approximately 2 million slamming incidents occur each year in the United States, with the bulk of these slams undetected or unreported by consumers. And there is no doubt these numbers will continue to grow unless adequate protections are put in place.

The current regulations against slamming are simply inadequate. There is little incentive for consumers to bring a lawsuit or file a complaint with the FCC. The higher phone bills borne by slammed consumers often pales in comparison to the cost of suing for recovery. This bill will correct that anomaly.

Moreover, under the current rules, if a consumer files a complaint with the FCC, he or she is only entitled to receive the difference between what was paid to the slammer and what would have been paid to the authorized carrier. In other words, lengthy involvement in an administrative proceeding yields too little, too late.

The FCC has been ineffective in protecting consumers from slammers. It has been nearly 2 years since the passage of the Telecommunications Act of 1996, and the agency still has not promulgated effective rules to protect consumers.

Despite the growing problem, the FCC has settled disputes with only a handful of slammers resulting in injunctions and fines. While these fines were paid into the U.S. Treasury, the consumer who was defrauded never received a dime.

The people in my home State of Michigan are particularly hard hit by slammers. Michigan ranks eighth overall in the number of State and Federal slamming complaints. But slamming respects no State lines.

Slammers prey upon victims of all kinds, although minorities and non-English speaking consumers are frequent targets. These slammers act in nefarious ways: sign here and you will be eligible for valuable and exciting prizes. The only thing valuable and exciting accrues to the slammer. The consumer unwittingly authorizes a change in their telephone carrier while under the impression that he or she has simply entered a contest. Or, the consumer receives a welcome package or other promotional mailing at home that says if you do not sign here or return the enclosed card, your service will be switched. Or telemarketing firms, driven by commissions, forge consumer authorizations or develop even wilder schemes to skim cash from the American public.

Mr. Speaker, we need tougher laws against slamming. The American public should have the tools to fight back against these bad actors. The Slamming Prevention and Consumer Protection Act of 1997 will provide those tools.

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 Fourth Congressional District, 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 to set up traveling exhibitions in schools and other public places so that Americans who cannot visit Washington can experience a little bit of the Smithsonian in their hometown.

As a young man in Wisconsin, Mr. Behring opened a modest used car business in what turned out to be the first step in achieving the American dream. Through hard work and creativity, first in the automobile business and later as a real estate developed, he achieved great wealth. Now, in his own words, he believed it is time to give back.

Mr. Behring delights in telling of his experiences as a world traveler. He speaks eloquently of the natural beauty he has witnessed in the animal world, and of his desire to help the Smithsonian enable others—especially young people—to get at least a small sense of what he has seen.

I believe his generous gift is a noble example that should serve as a model for all Americans 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 New 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 unscratched. 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 defense medal, two Purple Hearts, 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 ask that you join me, our colleagues, and Joseph's family and friends in celebrating the life of Joseph Stolarz, a patriot, entrepreneur, and family man.

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.

[From the Washington Times, Nov. 13, 1997]

LOW BRIDGE FOR THE FAST TRACK FLAP

(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 low in fear-mongering 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 Juarez, Mexico, with a CBS film crew in tow. Visiting one of its worst slums, which predates NAFTA, Mr. Bonior pointed to the shacks and said, ''This is the global economy.'' It was a totally one-sided editorial 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 several weeks, bashing NAFTA and repeating big labor's protectionist line. Nowhere was it reported that U.S. exports to NAFTA partners Mexico and Canada had reached nearly $200 billion 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; or that all 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 expansion 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, flattened by the creation of an astonishing 284,000 jobs in October alone. Since 1993 the U.S. economy has created more than 13.5 million new jobs. ''Clearly, NAFTA has not hurt the U.S. economy,'' trade analyst Rebecca Reynolds Bannister writes in a study for the Progressive Policy Institute.

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 54,000 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 will add another 11,000 jobs to its factory lines. Other companies like Caterpillar were expanding their payrolls to keep up with mounting exports to Latin America.

Rather than worry about losing jobs, the biggest complaint among U.S. business leaders in the country today is the lack of labor, qualified or otherwise.

But too little or none of this is getting reported to the American people. One reason is an abysmal level of ignorance in much of 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.

The truth is we will begin losing jobs if we don't negotiate lower trade barriers abroad because U.S. companies will move plants 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. Millions of privately owned businesses add to the nation's growth rate, which was expanding at a 3.5 percent annualized rate in the third quarter—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.

Americans have produced this level of GDP. But because we produce more products and services than we can possibly buy ourselves, we sell the rest in global markets. And those sales have 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 much 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 even more trouble getting trade bills through Congress in the future.

HONORING MERIDIAN TOWNSHIP'S VIRGINIA WHITE FOR 25 YEARS OF PUBLIC SERVICE

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 a woman who exemplifies public service in every sense of the word—Virginia White.

After serving for 25 years as clerk of Meridian Township, Virginia has decided to step down from office, leaving a legacy of trust, responsibility, and dedication.

As clerk, her responsibilities for Meridian Township included director of elections, keeper of records, and voting member on the township's policy board. But Virginia was much more. Virginia gained admiration by always doing what was best for her community—she was, and will always be, an outstanding public servant.

During her 25 years in office, it wasn't just what Virginia did, but how she did it. Each responsibility she held was completed with conviction, pride, and the deepest sense of integrity.

One of her largest contributions has been her work in bringing more people into the political process. As president of the Michigan Association of Clerks, Virginia worked hard to modernize elections for the public and wrote a book on how to improve voting in the State of Michigan. In November 1995, Virginia was appointed to the Secretary of State's Election Advisory Committee, where she made a series of recommendations to curb duplicate voting and make voting rules more clear for voters.

I have enjoyed working with Virginia on many occasions during the past 20 years. I particularly appreciated our joint efforts to organize a celebration for the Meridian Township Sesquicentennial.

Virginia will always be a leader, not only in Meridian Township, but throughout Michigan. I thank her for her service and I wish her the very best in the future.

THE THOMAS M. FOGLIETTA SUPPORT SITE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. TRAFICANT. Mr. Speaker, on November 8, 1997, I introduced H.R. 2931, legislation to redesignate the naval facility located in Gricignano d'Aversa, Italy, currently known as the Naples Support Site as the ''Thomas M. Foglietta Support Site.'' I respectfully urge my colleagues to support this bill, which will pay tribute to a fine Member, who was recently sworn in as Ambassador to Italy.

Born and raised in Philadelphia, PA, Ambassador FOGLIETTA has a long history of service to his hometown, his State, and his country. He practiced law for 27 years. First elected to the Philadelphia City Council in 1955, he was the youngest council member of a major U.S. city. He held this position until 1975. From 1976 to 1977 Ambassador FOGLIETTA was the representative of the U.S. Secretary of Labor in Pennsylvania under President Gerald Ford. In 1980 he was first elected to represent Pennsylvania's First Congressional District and has since won the overwhelming loyalty of his constituents.

As a Member of Congress, Ambassador FOGLIETTA sought to protect the industrial base of his constituents. He fought tenaciously to keep open the Philadelphia Naval Shipyard, a facility that once formed the backbone of industry in the area. Unfortunately, as the facility was deemed to have become obsolete, an independent commission set up by Congress recommended that the base be closed. However, Ambassador FOGLIETTA would not let the matter rest. In an effort to make the best of the situation, TOM fought to secure Federal funding for defense conversion. He wanted to ensure that his hometown would be able to shift its industrial base, and to preserve its economic vitality.

Now, our friend and colleague is taking his career in another direction. Last month, he was confirmed by the Senate as the next United States Ambassador to Italy. However, foreign affairs is not a new interest for Ambassador FOGLIETTA. During the 1980's Ambassador FOGLIETTA was one of the leading advocates of democratic reforms in South Korea. He has also participated in efforts to restore the democratically elected regime of Haiti. In Congress his committee assignments involved work related to international relations and national security. He was appointed to the Appropriations Committee in 1993 and has served on its Subcommittee on Foreign Operations. As a member of this subcommittee he has served as a leading advocate for U.S. assistance to promote free markets and democratic reforms in the newly independent states of the former Soviet Union.

More than 10 years ago Ambassador FOGLIETTA visited the Navy's facilities around Naples and was disturbed by the conditions he saw there. Following this visit he worked with the Navy and Congress to build new facilities for U.S. forces. H.R. 2931 is a fitting tribute to our former colleague, in light of his efforts on behalf of our troops and his new position as U.S. Ambassador to Italy.

I would like to wish the best as he assumes his new responsibilities. I hope my colleagues

will join me in honoring the work that he has done for the city of Philadelphia, here in Congress and the work that he will continue to do on behalf of our country as Ambassador to Italy. I urge all of my colleagues to support H.R. 2931, to redesignated the naval facility located in Gricignano d'Aversa, Italy, currently known as the Naples Support Site, as the ''Thomas M. Foglietta Support Site.''

TRIBUTE TO THE PEREZ COUNCIL #262, KNIGHTS OF COLUMBUS

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 your attention to Perez Council #262 of 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. Shepherd 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 Burgoyne 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.

RECOGNITION OF THE JAMES L. GAMBLE FAMILY AS NORTHEAST EL PASO FAMILY 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 the James L. Gamble family as the Northeast El Paso Family of the Year for 1996. Jim and Flo Gamble moved to El Paso in 1967 and have served the El Paso community with unmatched dedication ever since. Although Jim Gamble, Sr., passed away last year, the family has not relented in their pursuit of improving El Paso and the lives of all El Pasoans.

The Gambles have been members of Highland Presbyterian Church for more than 20 years. Jim Gamble, Sr., was a ruling Elder of the Session and chairman of the Worship Committee, which oversees worship services, communion, and supervises the positions of organist and music director. Flo Gamble is employed as secretary of Highland Presbyterian Church and teaches Sunday School to Junior High Youth.

Jim Gamble, Sr., served his country in the U.S. Army for 20 years. After his retirement from the Army, he worked for 14 years for the Federal Bureau of Prisons as physician's assistant at La Tuna Federal Correctional Facility until he retired again to turn his attention to community and civic pursuits with a goal of helping children and young people. He joined the Northgate Optimist Club and served as president, vice president, member of the board of directors, and secretary-treasurer. He was also active in the probe by Providence Memorial Hospital to bring medical facilities to Northeast El Paso. JIm was an ex-president of the Northeast Democratic Party and helped to raise funds for the Reach for a Star Program.

Jim Gamble, Jr., is the current president of the Northgate Optimist Club and has been nominated by his club for Lt. Governor of his district. He works in every area of the club functions, especially with the Reach for a Star Program and the Thanksgiving Dinner for young military men who are away from their families during the holidays. Jim Gamble, Jr., is also a member of the Highland Presbyterian Church and is currently serving as an Elder and works with the Fellowship Committee.

I am proud to recognize the entire Gamble family as the Northeast El Paso Family of the Year for 1996. On behalf of all El Pasoans, I would like to commend the Gambles for providing leadership and dedication in our community. They are shining beacons of hospitality and vitality, shining as bright as our star on the mountain.

CONTRAST BETWEEN TWO LEADERS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. KING. Mr. Speaker, last month the ruler of Communist China, Jiang Zemin, was welcomed to Washington by President Clinton. During his visit to the United States, Jiang was defiant in his defense of Communist China's appalling record on human rights and its violations of non-proliferation agreements.

In the aftermath of Jiang's visit, I was interested to read the article that appeared on the front page of The Washington Post on November 8, 1997 relating to the democratically elected government of the Republic of China on Taiwan. Having met President Lee Teng-hui, I know of his deep commitment to democratic values and respect for human rights. The contrast between these two leaders could not be greater and I commend this informative article to the attention of my colleagues.

LEADER ASSERTS TAIWAN IS ''INDEPENDENT, SOVEREIGN''

(By Keith B. Richburg)

TAIPEI, TAIWAN, NOV. 7.—Facing pressure to renew high-level talks with China, President Lee Teng-hui of Taiwan has taken a defiant stand, ruling out concessions to Beijing and stating bluntly that Taiwan ''is an independent and sovereign country.''

In an interview at the presidential palace Thursday, Lee made it clear he is in no hurry to see Taiwan reunify with China—not until China ''becomes free, democratic and has social justice.'' He said most Taiwanese prefer the status quo and do not consider Taiwan to be a province of China, as Beijing contends.

Lee repeated an offer made in his inaugural address last year to travel to China for a meeting with Chinese President Jiang Zemin. But he seemed to add a condition: He would go, he said, only if he were allowed to speak freely to average Chinese about Taiwan's experience with democracy.

''I'd like to talk to the people. I'd like to make a speech,'' he said. ''I'd like to speak to young university students.''

The hour-long interview provided Lee's first detailed comments to an American newspaper since Jiang and President Clinton met last week in Washington. Lee said he is not worried that the new ''strategic partnership'' between Washington and Beijing will jeopardize Taiwan's interests or change the island-state's security relationship with the United States.

''Taiwan is a symbol of American idealism,'' Lee said. ''Freedom, democracy and human rights—Taiwan is a symbol.''

In the interview and 11 pages of answers to written questions, Lee touched on a variety of topics, from concerns over Taiwanese business growing too dependent on investments in China to confidence that Taiwan will weather the turmoil afflicting East Asian economies. He said it is premature for Taiwan to lift its ban on direct shipping and air links with china. And he said his ruling Nationalist Party ''never offered funds, nor has it ever participated in fund–raising activities'' to help American political parties in recent elections.

Lee also weighed in on the debate over whether ''Asian values'' or Western-style liberal democracy is more suited to Asian countries developing their political systems. Lee said the talk of Asian having different values from Westerners is ''nonsense.''

''Human beings are human beings,'' he declared.

But it was his comments about Taiwan as an ''independent'' entity that seemed likely to draw the wrath of Chinese leaders. Lee, speaking in heavily accented English, several times referred to Taiwan as ''independent.'' When asked if he really intended to use a word Beijing 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. There is no need to say so. . . . Maybe 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 two years 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 in 1988, and winning the country's first democratic election last year, Lee constantly has played to the island's separatist sentiment. He has sought to raise Taiwan's profile and break its diplomatic isolation, while being careful not to cross the delicate verbal line that would mark a formal declaration of independence.

Against that background, some analysts here were divided over whether Lee's repeated use of the word ''independent'' marked a shift in his rhetoric or whether he was rephrasing a familiar position that the Taiwan government is a sovereign entity representing all China. But most agreed that his statements showed a significant hardening of his position, demonstrating that for the moment he has no interest in restarting talks with China.

''If he says we are an independent sovereign state, that makes it clear we are independent and not a part of China,'' said Andrew Yang, secretary general of the Chinese Council of Advanced Policy Studies, a think tank.

''It changes a lot. People were really expecting a breakthrough in cross-strait relations.

''He is conveying a very important message to the United States and to the world—that Taiwan is not going to negotiate with China on Beijing's terms; Taiwan has its own agenda; and unless China accepts Taiwan's agenda, there won't be any talks,'' Yang said. ''He has sent a message to Beijing that he must be treated as the leader of a sovereign state.''

He added, ''It is very clear it seems to me, that there's no room to reopen the talks.''

Another academic who follows cross-strait issues, David Auw of the Institute of International Relations, predicted reaction from Beijing may be muted since the Chinese leaders have grown accustomed to Lee's rhetorical flirtations with secessionism and may have determined that they cannot deal with him.

''I think the mainland leadership no longer takes President Lee seriously,'' Auw said. ''It's not the first time he has made confusing remarks. They are starting to question the ability of Lee to have a coherent mainland policy. The majority of scholars and officials on the mainland I talk to say they are willing to wait for the post-Lee era.''

Auw and others said Lee may have been reacting to new pressures on Taiwan to restart high-level talks, which were suspended after Lee's highly publicized 1995 visit to the United States to attend his college reunion. With Hong Kong's so-far successful reversion to Chinese rule under an autonomy formula, and with Jiang's successful visit to Washington, the spotlight has shifted to Taiwan as the largest of the many unresolved trouble spots between the United States and China.

But Lee denied feeling particular pressure to restart talks with China. He made it clear he intends to continue his diplomatic outreach, traveling abroad and pushing to gain membership for Taiwan in such international bodies as the World Trade Organization.

''No, I don't feel anything,'' a smiling Lee said, when asked if he felt under pressure. He said he sees no parallel between Hong Kong's handover to China and Taiwan's case, since Hong Kong was a British colony and had no say in its own destiny.

''Taiwan in Taiwan,'' he said. ''They use this to pressure [us]. But I don't feel anything. We are an independent sovereign country.''

On July 1, in the first hours after Hong Kong reverted to Chinese rule, Chinese Premier Li Peng said Taiwan should consider rejoining China under the same formula, known as ''one country, two systems.''

But Lee, in the interview, was dismissive. ''They say, 'one country, two systems,' I say your system is a Communist system. Taiwan is a free and democratic society. You say Taiwan is a provincial government. I don't think so,'' Lee said.

Asked if Taiwan is prepared to make any gesture to restart the stalled dialogue with China, Lee replied. ''We are waiting for them. We won't give anything to them.''

He said the two sides have technical issues to resolve, including smuggling and illegal immigration, which could be addressed with low-level exchanges. But as for broader political dialogue at a higher level, Lee replied. ''I don't see any political issues now.''

Lee also said he does not feel bound by the timetable of Beijing's leaders, particularly Jiang, who would like to see the ''Taiwan problem'' resolved within the next decade. ''We don't care about this timetable,'' Lee said. ''That's his timetable. Here, it's a democratic society. What do the people think about this problem? We have our own reunification timeable. When China becomes free, democratic and has social justice—in that case, we will have unification.''

For all his defiance, though Lee did express concern over a problem that could end up forcing Taiwan's integration with China faster than political leaders on either side of the strait can control: the rush by Taiwan businessmen to invest in the world's fastest-growing economy, and its largest market.

Even as Taiwan drifts further from China culturally, socially and politically economic relations are seeing an unmistakable convergence, similar to the kind of convergence that linked Hong Kong to southern China long before the actual transfer of sovereignty this year. And in Taiwan's case, the economic integration is even more dramatic, considering that Taiwan only lifted its travel ban on citizens going to China in 1987, and the two sides are still technically in a state of hostilities.

According to government figures 16.5 percent of Taiwan's exports go to China, making China the second-largest export market for Taiwanese goods and its largest foreign investment market. Between 1991 and 1996, the sum of Taiwanese investment in China rose to $14.9 billion about what the United States and Japan invest there.

But much of the Taiwanese investment in China goes through Hong Kong and Macau and is unaccounted for, leading some academics to estimate its true size as closer to $30 billion.

Lee, in a written answer to a question on the investment problem, said ''excessive investment by Taiwan-based businesses there [in China] may increase the political and economic risks for Taiwan as a whole.''

He said China pursues a long-standing ''economic united front tactic,'' meaning Beijing is trying to ''gradually increase Taiwan's economic independence on the mainland, and to undermine Taiwan's political bargaining position.'' Lee said China has ''stepped up its economic united front tactics'' since its missile tests and military exercises failed to intimidate Taiwan last year.

Lee became most animated near the end of the interview, when dealing with the question of ''Asian values'' as espoused by some regional leaders, including Malaysian Prime Minister Mahathir Mohamad, Hong Kong Chief Executive Tung Cheehwa and Singapore's founder and elder statesman, Lee Kuan Yew.

Those leaders, and other proponents of the ''Asian values'' theory, have suggested that Western-style democratic systems, with their emphasis on individual liberties, are unsuited for Asian countries that value consensus, community and solving problems without confrontation. Critics have said the ''Asian values'' proponents merely are offering excuses for authoritarian government.

Lee, who oversaw Taiwan's ''quiet revolution'' from authoritarianism to free-wheeling democracy, dismissed the idea that democracy is unsuited to Asia. ''Asian people are people, are human beings,'' he said. ''They have their culture and heritage and tradition—that's different. But you can't say human nature is different.''

DISAPPROVING CANCELLATIONS TRANSMITTED BY PRESIDENT OCTOBER 6, 1997

SPEECH OF

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

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 HEFLEY 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 as the use in the military 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 transmissions, it is these 38 items which have caused 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 the authorizing committee. 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 the funding for design completion, the criterion was changed to require that the ability to begin work on the project happen in the same fiscal year as appropriated. Again, the administration erred in judgment. In testimony before the House National Security Committee, Chairman HEFLEY 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 yet for mitigating 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's pen struck a hanger facility 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 that advised the President. 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 rose to 11. Then it escalated to 18. And now the Senate has indicated up to 28 projects were errantly 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 those items with dollars 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 law 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 crampted 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 important role 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 Consortia, 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 our Nation changes, grows, and develops, public broadcasters, above all others, have a responsibility to mirror back to us our progress, our achievements, and our shortcomings. This effort can only be successful if broadcasters allow us to view the full panorama of our Nation and its cultures.

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. BERMAN, passed on the consent calendar. This legislation addresses a severely destabilizing development in the Middle East region: the acquisition by Iran of long-range missile capabilities—capabilities that threaten U.S. forces in the region, Israel, our NATO ally Turkey, and territory as distant as Central Europe.

H.R. 2709 takes a step beyond the concurrent resolution which passed last week in both bodies. That resolution urged the Administration to impose sanctions on Russian entities proliferating 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 establishes a incontrovertible basis for imposing sanctions.

H.R. 2709 also allows the President to waive sanctions if there is subsequent evidence that an identified case of trade with Iran did not assist Iran's missile program. And, the legislation grants the President authority 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 comment 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 two 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 after-thought 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 approved by the full International 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 pronounces concrete recommendations for advancing 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 undermine 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 major 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 reform on human rights issues 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 a truly 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 Resolutions.

We have an obligation to do all that we can to ensure that this historic opportunity for the promotion 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 at the current talks will need 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 urge passage of 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 to developing a lasting peace in Northern Ireland.''—Amnesty International

''We very much welcome this resolution. It's the first document of its 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 it raises are all matters 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 welcome and deserves widespread support. In that regard, the initiative taken by Chairman Smith and supported by other members in relation to the resolution on these issues and others is particularly welcome . . . it would be helpful if the concerns of Congress on these and other human rights could be raised with the British and Irish governments, Senator Mitchell, and with the U.S. administration . . . We look to the resolution receiving widespread support and are grateful for the efforts of Congress and hope they will continue.''—Committee on the Administration of Justice

''We join in your call expressed in the concurrent resolution for repeal of emergency laws and the establishment of a mechanism for independent investigations of threats and intimidation of solicitors. We urge Congress to . . . continue to press its concerns about human rights in Northern Ireland . . . ''—Lawyers Committee for Human Rights

H. CON. RES. 152

Expressing the sense of the Congress that all parties to the multi-party peace talks regarding Northern Ireland should condemn violence, adequately address outstanding human rights violations and fully integrate internationally recognized human rights standards as part of the peace process.

Whereas approximately 3,000 people have died and thousands more have been injured as a result of the political violence 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 Country Reports on Human Rights Practices for 1996 states that both Republican and Loyalist paramilitary groups have engaged in vigilante punishment attacks and the exile of informers ''by force'';

Whereas the Department of State's Country Reports on Human Rights Practices for 1996 also states that members of the Royal Ulster Constabulary (RUC), Northern Ireland's police force, have committed human rights abuses;

Whereas emergency legislation, namely the Northern Ireland Emergency Provisions Act and the Prevention of Terrorism Act, have provided the RUC with sweeping powers to arrest and detain suspects without being charged, deny them access to counsel for extended periods of time, and search their premises without a warrant;

Whereas an unnecessary reliance on emergency powers and the absence of jury trials in Diplock courts has created significant problems in the judiciary in Northern Ireland, including a dependency on confessions obtained through abusive police tactics and the acceptance of uncorroborated police statements;

Whereas these Diplock courts have, among other abuses, violated the right to remain silent and have inconsistently applied the controversial doctrine of common purpose, convicting people such as Sean Kelly and Michael Timmons on the premise that they should have anticipated the actions of others around them;

Whereas the United Nations Committee Against Torture, the United Nations Human Rights Committee, the European Court of Human Rights and the United States Department of State's Country Reports on Human Rights have raised serious concerns about mistreatment of detainees in Northern Ireland in prisons and in special holding centers where confessions have been forced from people such as William Bell under duress;

Whereas the emergency laws have also led to life threatening intimidation of defense attorneys and interference in the attorney-client relationship;

Whereas the government authorities have failed to provide an effective means of independently investigating threats against solicitors and complaints of police harassment and abuse raised by citizens and solicitors;

Whereas the murder of Patrick Finucane, a leading defense and civil rights solicitor, is just one case in which the government has refused to release the findings of its inquiries and has ignored the call for independent public inquiry for the purposes of identifying responsible parties;

Whereas in contravention of internationally recognized standards and despite criticism by the United Nations Committee Against Torture and the European Parliament, the British Government uses plastic bullets only in Northern Ireland and in a way that appears sectarian;

Whereas Catholic males are more than twice as likely as Protestant males to be unemployed, and a series of important proposals concerning employment equality await serious attention by the government;

Whereas the 1985 Anglo-Irish Agreement, the 1993 Joint Declaration, and the 1995 Framework Document were signed by the British and Irish Governments and have led to the multi-party talks aimed at facilitating justice, peace, stability, and an end to violence in Northern Ireland;

Whereas the multi-party talks, attended by the representatives of the British and Irish Governments and representatives elected from the political parties and chaired by former United States Senator George Mitchell, resumed on September 15, 1997;

Whereas for the first time since the partition of Ireland in 1922 both sides of the conflict are attending multi-party peace talks creating a momentous opportunity for progress on human rights concerns; and

Whereas the objectives of the United States, which has contributed to the International Fund for Ireland, has always been to help facilitate a just and lasting peace based on a guarantee of human rights and fair employment opportunities for members on all sides of the conflict: Now therefore, be it

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

(1) the Congress condemns the violence committed by paramilitary groups on both sides of the conflict in Norther Ireland and, at times, by agents of the British Government, as illegal, unjust, and inhumane;

(2) the Congress commends and supports the new leadership in both the British and Irish governments for fostering a new environment in which human rights may be addressed and an agreement may be reached expiditiously through inclusive talks;

(3) the Congress commends the work of former United States Senator George Mitchell, who as the Independent Chairman of the talks has authored the ''Mitchell Principles'', signed by all participants, rejecting violence and emphasizing democratic, peaceful means for resolving the outstanding political issues; and

(4) it is the sense of the Congress that—

(A) human rights abuses have been at the heart of the conflict in Northern Ireland and respect for human rights must now be at the heart of the peace process;

(B) human rights should be protected for all citizens in a society and any peace agreement in Northern Ireland must recognize the state's obligation to protect human rights in all circumstances;

(C) the establishment of a bill of rights for the people of Northern Ireland may advance and strengthen the peace duress;

(D) the multiparty negotiations should consider the feasibility of establishing an independent ''Truth Commission'', with international input, to look into outstanding cases of human rights abuses committed by all sides of the conflict, giving special consideration to those who have been unable to obtain full disclosure about how their loved ones met their deaths;

(E) during this unprecedented period of peace and all party talks, emergency legislation that limits human rights should be repealed;

(F) a truly indpendent compliants mechanism for the review of citizen inquiries regarding alleged abuses of the Royal Ulster Constabulary (RUC) and other security forces should be established;

(G) there should be a mechanism by which all defense solicitors have a vigorous independent investigation of threats they receive and are accorded effective protection; and

(H) plastic bullets hould be withdrawn from use in accordance with the recommendations of the European Parliament and many other international and local bodies.

H.R. 1280: SUNSHINE IN THE COURTROOM ACT

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. CHABOT. Mr. Speaker, I would first like to thank all of my colleagues for their continued support of the effort to bring sunshine into our courts. Because of this dedicated bipartisan effort to bring cameras into our Nation's Federal courtrooms, this issue has become very familiar to legislators, attorneys, the media and the public. Again, I thank my colleagues for their efforts.

I would like to emphasize to the American people and to members of Congress the importance of passing H.R. 1280, the Sunshine in the Courtroom Act. This Act, which Congressman SCHUMER and I introduced in April, allows for the photographing, electronic recording, broadcasting, and televising of Federal court proceedings at the discretion of the presiding judge. Its passage in the next session of this Congress would protect the right of every U.S. citizen to see their judicial system at work and ensure the accountability of our Federal judges.

Proceedings on the floor of the House of Representatives, as well as the Senate, are open to all citizens through C-Span, and the local and national television news, allowing the American people to stay appraised of the actions of the legislative branch of the Government. Why then, should the judicial branch be any different? Members of the Congress are elected every 2 to 6 years, Federal judges are appointed for life. Lifetime tenure for unelected officials confers a tremendous amount of power. The American people deserve to see for themselves what is happening in Federal courtrooms. I don't think anyone should be denied that right.

One of the many clear benefits that cameras will bring to our Federal courts is a more open system, which will generate more faith in our judicial system. Chief Justice Berger once wrote, ''People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.'' In many ways, the Federal courts were intended to be, and are,

the most majestic and deliberative institutions of our Government. Why should our constituents not be allowed access to those institutions?

Look across the street any day that the Supreme Court is in session. Hundreds, sometimes thousands, of Americans amass hoping to be lucky enough to gain admittance to an argument before our Nation's highest court. Some are tourists, visiting the Nation's capital. Some are students on a school trip. All will see the impressive building that houses the Court, but most will not see the actual proceedings that occur inside.

Why should the American people be kept in the dark? Why should they be forced to rely on the news media to interpret and filter the proceedings when, if cameras were allowed, they could watch it for themselves? As Judge Robert Bork has written, ''There is often great value in the public seeing the reality of the legal system or of a particular case rather than being left with unchallenged myth and media distortions. The courts are a public institution * * *''. The public needs to know that our judicial system is strong, stable and trustworthy.

Another benefit of cameras is the effect that they will have on curbing judicial activism. Federal judges are appointed to interpret the laws set forth by the Constitution of the United States. Unfortunately, there seems to be a disturbing trend in the judicial system. Some judges have reached far beyond their Constitutional authority in recent years and begun to make their own laws. They seem to thrive on twisting the laws passed by Congress, and the Constitution, ignoring its plain meaning and in some cases extrapolating new doctrines. We need to hold judges accountable for their actions and decisions in our courtrooms. One of the best ways to do this is to keep the judicial system under the scrutiny of the public eye. We, all of us, as citizens and particularly as lawmakers have the absolute responsibility to ensure that the balance of powers is being respected by the third branch just as they scrutinize Congress and the executive branch.

From civil rights to religious rights to property rights, to domestic tranquillity, the decisions of our Federal courts impact our constituents, shaping their lives and their liberties. Out constituents are able to watch C–SPAN to observe how these laws are formulated; they should be able to see how they are interpreted, as well.

I would also like to address a concern of open courtroom opponents by entering into the RECORD an excerpt of a letter I recently received from Fred Goldman, father of murder victim Ron Goldman. ''The courts belong to the people and the public must have the right to see the process for themselves. Sometimes the system works and sometimes it does not. In either case, the public should have the ability to see for itself. Camera opponents love to argue that the camera's presence in the criminal trial of Ron's killer was somehow to blame for his acquittal. I know this is a popular argument, so I want to state clearly and for the record that I think this is wrong. We sat in the courtroom throughout the trial and we know the camera was not to blame.''

Fred Goldman has endorsed the Sunshine in the Courtroom Act and I want to thank him for his support.

It also is important to remember that H.R. 1280 does not force Federal judges to admit cameras in every Federal court case regardless of circumstance. Instead, this legislation grants the presiding judge the power to decide in each specific case whether he or she will allow cameras in the courtroom. This allows judges to protect those who need the privacy of a closed courtroom, such as children, victims of sexual assault, and other sensitive cases in which the identity of those involved in the trial need to remain confidential or where there is reasonable concern or disruption.

Finally, Mr. Speaker, 48 States have found that cameras work in their courtrooms. In my own State of Ohio, for example, Chief Justice Moyer has been at the forefront of pushing for camera access. In his words, ''* * * our opportunities to educate the public about the nature of our work are greatly enhanced by television. 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 continue to believe, along with many of my distinguished colleagues from both sides of the aisle, that cameras in Federal courts is key to the judicial branch being accountable and accessible to the American public.

The Sunshine in the Courtroom Act works to keep the American people informed about their Government, a government supported with 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 employees across America. These public servants, 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 benefits 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 benefits of private sector and public sector retirees.

This legislation, the Social Security Benefit Restoration Act, will bring this equity to retirement 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 cosponsoring this legislation. For every retired government 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 Friday, November 21, 1997. That evening, LYD is celebrating this milestone with a special dinner in New Haven, CN.

LYD began in 1977 as a small youth program 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 system for Latino youth and their families. LYD provides educational, social, cultural, and recreational 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 prejudices 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 efforts of LYD to provide educational and employment opportunities to the Latino community particularly commendable.

I would also like to personally commend the four individuals being honored at the LYD dinner: Andrea Jackson-Brooks, a longtime member 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 where LYD is located.

I share LYD's goal of seeing Latino members of our community prosper and become productive citizens of our community, able to assist others in positive development. I congratulate 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 export 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 high-level 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, Guenter Rexrodt, said, ''Users can only protect themselves against having 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 export restraint 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 upgrade 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 sold over-the-counter, by mail or 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. Even our most steadfast ally sees that export controls can no longer 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, ''foreign competition 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.

HUNTER SCOTT VINDICATES CAPTAIN McVAY

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. SCARBOROUGH. Mr. Speaker, I want to call the attention of my colleagues to the work of 12-year-old Hunter Scott, from my hometown of Pensacola, FL. Hunter was recently featured on the NBC Nightly News ''American Spirit'' segment for his work in vindicating Captain McVay, skipper of the U.S.S. *Indianapolis.*

Captain McVay was commander of the World War II heavy cruiser, the U.S.S. *Indianapolis.* On July 30, 1945, after delivering the atom bomb to the *Enola Gay* on the Pacific Island of Tinian, the U.S.S. *Indianapolis* was torpedoed by the Japanese sub I–58, and sank in 12 minutes. The first torpedo knocked out all power, the SOS was ignored. Since arrivals of combat ships were not then reported, no one knew the ship was sunk. Of the 1,196 men aboard, 300 went down with the ship. After 4½ days without food or water, they were discovered by chance. Only 316 survived the shark attacks in the Philippine Sea.

McVay was court-martialed and convicted on a micro-technicality, making him the only skipper in history court-martialed for losing his ship in combat. Survivors felt their captain was a scapegoat and, with the McVay family, have tried unsuccessfully to vindicate him for years. Captain McVay committed suicide in 1968, and the guilty verdict still stands.

One year ago, Hunter saw the movie ''Jaws,'' and was so taken by Captain Quint's soliloquy on his hatred of sharks due to being a shark bitten *Indy* survivor, he decided to find out more. He placed an ad in a military based newspaper at Pensacola Naval Air Station, searching for survivors. He discovered 80 survivors, and became aware of five books and documentaries highlighting Captain McVay. Hunter took the extraordinary step of interviewing survivors, examining documentary evidence and beginning his personal mission to search out the truth.

Hunter Scott, who now aspires to be a Navy Blue Angel, explains that the action taken against Captain McVay was misguided. He has focused a tremendous amount of effort and energy on clearing the good captain's name.

Hunter has requested Congress' support his efforts to expunge the court-martial from Captain McVay's record. I hope my colleagues will join me in supporting the efforts of this tremendous young man.

An even greater wish of mine is that Hunter Scott's example of courage and diligence in seeking the truth will be followed not only by his peers but also by adults inside Congress and across America.

REMEMBERING THAT FREEDOM COMES AT A PRICE

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MORAN of Kansas. Mr. Speaker, last Tuesday, Veterans Day, millions of Americans were afforded the opportunity to remember and express our sincere gratitude to those who have served in defense of our Nation.

It was a day to honor great sacrifices, celebrate heroic victories, and to renew their commitments to our Nation's Veterans.

''With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and lasting peace, among ourselves, and with all nations.''

These words are taken from President Abraham Lincoln's second inaugural address and sadly read again just two months later over its author's grave. The excerpt ''to care for him who shall have borne the battle, and for his widow, and his orphan,'' now lays etched in stone on the plaque of the Veterans Administration building in Washington reminding us of the debt we owe to those who have defended our land in times of both war and peace.

On Veterans Day we honor those individuals who set their own aspirations aside to serve their country in defense of freedom and liberty. Our duty is not only to ensure that wreaths are placed on the graves of those who paid the ultimate sacrifice, nor is it only to fly our nation's flag in honor and support of current service members; it is our duty to care for the soldier and his dependents who continue to bear the effects of battle.

In our history, more than one million American men and women have died in defense of our nation. If these now-silent patriot's have taught us anything, it is that because of the men and women who were willing to sacrifice their last blood and breath, the United States remains a symbol of freedom and a country whose ideas are still worth defending.

Veterans Day is a day of national respect. We should not forget those who have allowed us to enjoy that which we have today. More than ever, we must rededicate ourselves to honor the lives and memory of those who served, fought, and often died.

How might we best recognized these American heroes? We should pause to give them thanks for safeguarding our liberties. We should pledge to carry out the civic responsibilities of citizens living in a free country. And we should exercise those loyalties by demonstrating our respect for both our living Veterans and those in their final resting places. It is so little to ask of us when they have given so much.

Veterans are the unsung heroes who define our American heritage, ordinary citizens who did their duty. And to those who have fallen, let us remember that freedom is never free

and that we can never adequately express our thanks to those who could not return to us.

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 brought pride and distinction to the University of North Carolina.

His presence in college basketball is best described by a comment made by Coach Jim Valvano moments after his North Carolina State Wolfpack won the national championship in 1983. Valvano remarked: ''This'll be really big news back home. Unless Dean Smith retires tomorrow. * * *''

Mr. Speaker, I come from a state where college basketball loyalties assume fanatical proportions. But competing allegiances aside, we can all recognize Dean Smith's unparalleled success on the court, his devotion to his players, and his fundamental decency as a human being. We wish him well.

SPECIAL RECOGNITION TO DR. LAWRENCE H. EINHORN, INDIANA UNIVERSITY SCHOOL OF MEDICINE

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. CARSON. Mr. Speaker, Dr. Lawrence H. Einhorn of the Indiana University School of Medicine at Indianapolis was recently awarded the 1997 International Citizen of the Year Award by the International Center. Dr. Einhorn, a highly distinguished professor of medicine has demonstrated unparalled expertise in cancer education, research and treatment. The award distinguished Dr. Einhorn for his contribution in the world in concert with medicine, government, sports, community service, research, culture, education and business.

His renowned success was made in the creation of chemotherapy treatment to cure disseminated testis cancer in 1974. This method led to a remarkable reduction in what had been a devastating disease. In partnership with Dr. John P. Donahue at the School of Medicine, 95 percent of those afflicted with testis cancer that are treated at a major medical clinic survive.

Dr. Einhorn's dedication to medicine can also be seen in his previous achievements. Besides being chairman of numerous cancer study groups, clinical associations and serving as associate editor for several medical journals, he has received awards and shared 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 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 it adds to the host of other awards he has won. I am confident that this recognition will serve as one of many along his career.

We are most proud of Dr. Einhorn and his successful endeavors in behalf of patients now and in the future.

FAST-TRACK TRADE AUTHORITY

HON. 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 {NAFTAγ. 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 food supply. 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.

CITY OF HOPE NATIONAL MEDICAL CENTER

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 through out 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 local economy 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 private citizens, 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 referendums, 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 Texas 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 others estates. In my travels around 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 HONOR OF ERNIE ANDERSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. KUCINICH. 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 sacrifices 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 unselfish 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 ''Buddy'' 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-mannered 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 been an active participant 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 Barristers 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 manifested in his hard 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 61ST 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 offices in Escanaba and nearby Menominee. 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 Fittanti, 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 I 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.

Now the partnership will carry on this tradition of service in a new downtown building, reflecting the partners' long-term commitment to the city's historic commercial district.

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 forward 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 be a leader of international standing. Our community was blessed to have him among us for so long.

As Mike departs this January, his contributions will be missed, but never forgotten. I wish Mike the best in his new adventures and endeavors. His travels may take him to the far corners 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 teachers 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 started a library in his neighborhood where he collected 7,000 books.

Now, 18, Mr. Coleman is a senior at Northwest High School and the Chair of the Youth as Resources Marion County Action Board. His dedication to fighting crime has never diminished.

I thank the National Crime Prevention Council and Ameritech for selecting Mr. Coleman. I applaud NCPC for its dedication to providing individuals with the tools to fight crime and build community, and Ameritech for its commitment to supporting crime prevention initiatives.

I am pleased to have this opportunity to present hard working individuals like Mr. Coleman who have dedicated their lives to crime prevention.

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.

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 decisionmaking 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.

BOB WORTHINGTON: WORLD-RENOWNED FIRE PROTECTION EXPERT

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 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

and CEO of Globe Fire Sprinkler Corp., located in Standish, MI, which provides valuable jobs to more than one hundred dedicated professionals. He has been essential in building three major sprinkler manufacturing companies: Star Sprinkler Corp., the Central Sprinkler Co., 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. Additionally, Bob has represented his company and the fire sprinkler industry on numerous technical advisory committees, and has provided training in the use of the first mini computers for pipeline hydraulics and grid systems.

Bob's professional memberships are numerous, and include the National Society of Professional 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 California.

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 profession have received this award before him. Bob has been an inspiration to us all and especially to his two children who have both decided to follow their father's life work in the fire sprinkler industry.

Mr. Speaker, I urge you and all of our colleagues to join me in commending Bob Worthington for his career choice, which blends technical expertise and the desire to ensure the personal safety of others, and in congratulating 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 remained 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 straightforward approach to politics. As a lifelong Democrat and a precinct committeewoman, she got voters involved the old fashioned way–engaging them one-on-one. The Macon County Democrats will certainly miss her presence, but will have her memory as a guide for the future.

Marjorie was an honorable citizen and enthusiastic local government official. She was a faithful Democrat who helped her party in numerous ways, from serving as local precinct committeewoman to county board district chairwoman. In all of these roles, Marjorie was a model for all Democrats to follow. She wanted to help her party as much as possible, and was active in recruiting her fellow citizens to become involved in politics. She eagerly participated in the registration and elective process for her local Democrats and was extremely 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 before 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 Illinois will miss her greatly. I will miss her dedication and her love of this great party.

Mr. Speaker, as you can see, Marjorie dedicated 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 Gilbert'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 determination, teamwork, and resilience, the Bulldogs have shown all season. When critics said they were too young to compete throughout 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 sportsmanship 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 attendance at the home games or the car-pools to the away games, the Mason community has shown great spirit and support. My congratulations go to the team, Mason High School, and the many fans, young and old.

INTRODUCTION OF THE SMOKE-FREE AND HEALTHY CHILDREN ACT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Ms. DELAURO. Mr. Speaker, for years, the tobacco industry has blatantly targeted children in their ads. Cartoon characters and glamorous models have made cigarettes appear to be the key to popularity and happiness.

Of course, these ads didn't tell kids the truth, which is that cigarettes kill more Americans than AIDS, alcohol, car accidents, murders, suicides, illegal drugs, and fires combined. 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 people 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 tobacco 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 National Institutes of Health—almost doubling the NIH budget and allowing researchers to expand studies into cancer and addiction prevention and treatment centers.

The bill will also direct approximately $10 billion per year to increase research and investment in early childhood development, including initiatives for children aged 0–3 and expanded Head Start and child care. We have learned so much recently about the importance of the first three years in a child's development; now more than ever we know that giving a child a good start in life can help ensure they grow up to be healthy and productive 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 35TH ANNIVERSARY OF THE UNITARIAN UNIVERSALIST FELLOWSHIP 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 creation, but rather would save all. 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 in celebration of this special anniversary for the Unitarian Universalist Fellowship of Stony Brook.

SMALL BUSINESS LEADERS IN LA JOLLA, CA

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BILBRAY. 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 hosted day long events to this 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 Worunann 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, Candice Stephens, Joyce Snell, Jeff Stone, Gerhard Klein, Joost Bende, Gerhard Bendl, John Wolfe, Steve Riddle, Patti Keyes, Beth Dunn, Ron Searfoss, and Mike McGeath, the current Board of Directors who have shown the continued dedication to make 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. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. LATOURETTE. Mr. Speaker, on a December morning in 1996, Lake County Coroner William C. Downing walked into my district office in Painesville, OH, with a photograph taken 44 years earlier in Okinawa, Japan. The photograph showed a young Dr. Downing being presented with a scroll of appreciation from the Governor of Okinawa.

About the time Dr. Downing stopped by my office, there had been a rash of bad publicity about U.S. servicemen in Okinawa following the rape of a 12-year-old girl. Dr. Downing, a former Army surgeon, was distressed by it all, and remembered how warmly he had been received by the Okinawan people nearly five decades earlier. He hoped that the story behind the aging photograph might make up for some of the negative images Okinawans had of Americans in uniform.

Doc, as he was known by everyone in Lake County, handed one of my caseworkers the photograph, taken January 9, 1952, and asked for our assistance in locating the folks in the picture. We realistically did not know if we would be successful, as the picture had been taken almost a half century earlier. But Dr. Downing was adamant about trying to find out what became of the people in the photograph, especially the 4-year-old girl who was held by her parents. After all, in 1952 he performed life-saving surgery on the child in the photograph, Sachiko Ikei.

Dr. Downing recalled how the little girl had swallowed a game piece about the size of a checker, and for more than a week it had been lodged in her throat. Her parents had taken her to every doctor on the island but no one could help her. Young Sachiko was unable to eat and could barely drink. ''The doctors said to take her home and let her die,'' Doc recalled.

As a last resort, Sachiko's parents brought her to Ryukyus Army Hospital in Okinawa where Dr. Downing, then about 30 years old, was chief of general surgery. Dr. Downing, the handsome, young American surgeon, agreed to perform lifesaving surgery on the little girl, at no cost to her family or the Okinawan Government.

As Dr. Downing explained it to us, there was no hesitation in his decision to save the little girl's life. He had never forgotten the first autopsy he performed as a young physician in training. It was in 1946 in Cleveland, and a 5-year-old boy had died after choking on a bean from a toy beanbag. Dr. Downing recalled removing the swollen lima bean blocking the boy's larynx, and thought it so senseless that an innocent child had died from playing with a toy. Six years later, he had the chance to save a child in a similar predicament, and he did. He made an incision in the girl's neck, and then entered her esophagus to retrieve the game piece.

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 often, 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, it 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 congressional affairs section of the Embassy 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 had 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 wound up marrying 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 these years. ''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'd 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 prosector. I was always impressed by his professionalism and his uplifting spirit. He was a man of great, legendary humor and great integrity.

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 have 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 longstanding 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, of our entire 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 UJA/United Jewish Federation and the Jewish Advisory Committee. In 1989 Lew was recognized as the Man of the Year by the National Conference of Christians and Jews in New Jersey and awarded the Herbert Lehman Humanitarian Award by the American Jewish Committee.

Judy, the mother of three daughters, serves on several boards including Monmouth University, CPC Behavioral Healthcare Corp., Visiting Nurse Association of Central Jersey, New York Service for the Handicapped, Monmouth 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. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. ADERHOLT. 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 Griffith, Peter Gregerson, 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 our communities and this great 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 sent to 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 wintery 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, serving his country in Vietnam as a marine. Officer Vanderjagt had a great deal to offer his family and the community.

Our thoughts go out to his wife Anna Marie and daughter Hayley who are missing and grieving for a man they deeply loved. At only 2 years of age, Hayley is forced to grow up without her father all because some vicious criminals were afraid they would be held responsible for their crime. A close knit family has now been separated because these villains could not see behind the police uniform to a man who was loyal, honest and loving. I ask you to remember Officer Vanderjagt and all he did to serve his community and his family. This tragic loss is being felt all over the State of Colorado. His family needs our prayers and concern today as they grieve his loss.

The Congress of the United States expresses its sympathy for a brave officer who gave his life for the freedom of his fellow citizens.

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 wield in Washington?

Suddenly, as 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 partisan 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.

Claims 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 appropriate 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 in the workplace. The UAW, the AFL–CIO and the Teamsters have grown very powerful because millions of Americans have put great faith in this notion.

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 world. In these 30 years, Dr. Arnold 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 ppepruralinst.org.

The work began by Dr. Arnold so many years ago and 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 hopeless; 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 comment 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 be successful only 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 run the daily affairs of the city. However, the Congress does have a unique constitutional responsibility to the District of Columbia. Without micromanaging 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 RFP's 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 bill forward 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 and they are now either living 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 achieve agreement on the outreach provisions, which should be of some assistance.

NATIONAL TESTING

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

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. 2264, prohibits any pilot testing, field testing, implementation, 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 tests could nationalize school curriculum. I commend his letter and article to my colleagues, both of which are attached to this statement.

ADMINISTRATIVE OFFICES,
NORTH MERRICK, NY,
October 9, 1997.

HON. WILLIAM GOODLING,
Chairman of the Committee on Education and Work Force,
U.S. House of Representatives, Washington, DC

DEAR CONGRESSMAN GOODLING: Enclosed is a copy, which you may have already seen, of my recent submission that appeared in The New York Times Op-Ed page (October 2, 1997) entitled "The Tyranny of Testing." I believe this topic to be extremely important to the future of public education. I'd like to share my thinking with you and ask for your advice.

The main premise of my piece is that national testing and national curriculum are one and the same. In spite of Secretary of Education Riley's assertion that one can differentiate between supporting national testing (which he does) 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 pouring 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 rework the curriculum to guarantee that students will be taught that specific material so to answer these questions correctly the next time around. We call this process "item analysis." In addition 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 curriculums, 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). Though 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 do it. Through a series of national tests which will point-out failing schools, the argument goes, learning will be improved as a result of increased public attention. 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 low per-public expenditures, 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.

One has 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" was brought together after the panel membership was debated ad nauseam to insure a proper balance of ethnicity, gender, religion, geography, etc. These well-intentioned individuals then embarked on the never-ending task of determining what all American school children should learn about their

country's history. Before they reached the American Revolution, their work was torn asunder. Advocates for American Indians, for African-Americans, as well as Italian-Americans, and a host of other cultural interests, not to mention religious groups, screamed that their constituents' contributions were under represented. Scholars were vociferous in asserting their disagreements regarding the proper priority given geography versus economics, environment versus nationalism; human rights versus urbanization, etc. The end-product was an incoherent set of history standards which continues to be attacked to this day and not utilized! Whether the new panel of experts is to be selected by the Secretary of Education or a nonpartisan board is inconsequential; more troubling is the process that would be followed to create a consensus, to reduce criticism, and to advance the political correctness of our time.

The ineffectiveness of such a panel of experts is far less dangerous as compared to the possibility that the panel members have a preconceived agenda motivated by strong desires to change American education and society. Is it inconceivable that a certain group of idealogues—be it political or religious—will achieve a dominant position on this panel? And, is it inconceivable that they would then use the position to pernicously advance their deeply-held beliefs? And, what better way to effectuate a change in America than through its children's education? Consider the formulation of history standards, once again. A national history curriculum offers innumerable and immeasurable opportunities to inject one's biases into material related to world religions and cultures, political and economic systems, human and societal rights, etc. The dangers of curriculum intrusion are real in that many Americans feel that our schools are devoid of values. What better way to integrate values than through a uniform national curriculum?

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 examples 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 in elementary and secondary math classrooms. Set theory was in vogue and replaced more traditional math computation and word problems, practically ousting them from the curriculum. In the 1970s ''creative writing'' was the emphasis in elementary and junior high school classrooms. Teachers were told to ignore spelling errors or sentence structure mishaps for fear of limiting students' creative energies. The result was obvious—students could not spell, punctuate, or clearly express themselves as they reached high school. In the 1980s, the purist version of ''whole language'' replaced the teaching of phonics, suggesting that all students would benefit from 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, exposure to the fads of a particular university or school of thought could have been confined to a singular state or region of the country.

Though I've used history at the prime example because of our actual experience, President Clinton has suggested national testing for reading and math. Are the risks as great in these subjects? Yes. Whether it be 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 from unrelenting idealogues and lobby groups; or pressure to be part of a larger school of thought (or educational fad). These same pressures exist, but to a lesser extent, in each of our State's departments of education. 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 confounded 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 for us to convince 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 harm. In addition, there is a strong argument to be made 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 agree that the monolithic educational textbook industry would not take very long to distribute to American schools the new curriculum needed to address these tests 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, in what way? Being a local superintendent of schools, I have had the opportunity to express my opinions and influence to 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, ED.D.
Superintendent of Schools.

[From the New York Times, Oct. 2, 1997]

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 too 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 that ''what is tested will be 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 the 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 to create a consensus, 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 university or school of thought 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 permits parents to evaluate their 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 with 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 children's education, but we can do it without national tests.

H.R. 2964, THE OLDER AND DISABLED AMERICANS PROTECTION ACT OF 1997

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

homefinder referral service that matches seniors and disabled persons with others who wish to share a house, apartment, or mobile home at affordable rates. There are more than 350 programs throughout the country. Usually, a participant lives in the home of a senior or disabled person and provides care in lieu of rent.

Abuse in shared housing arrangements is on the rise. Most Americans do not know that senior citizens and disabled persons are all too often being manipulated and abused within the privacy of their own homes. A recent article on August 31, 1997, from the Orange County Register noted that 4 to 10 percent of Orange County's 350,000 seniors are victims of some sort of abuse. During the past 6 months, Adult Protective Services in Orange County, CA received 300 calls about financial abuse, compared with 70 calls for a similar period a year ago. These numbers ring true throughout the county, where abuse reports have risen to 2,173 in 1995 from a low of 903 in 1987. Most of these acts of abuse are either physical or financial, and unfortunately, many more cases often go unreported due to shame and reluctance on the part of the victims to report problems.

I believe that solving this problem of abuse can be done through proactive prevention. Currently, there is no national or statewide standard operating procedure available to screen shared housing participants. Shared housing referral services and senior advocates have informed me of their desire to perform criminal background checks on those who wish to live with and care for the elderly and disabled persons. H.R. 2964 will give these agencies the means necessary to protect their clients from abuse. In addition, it would exempt services using background checks from any civil liability, so they can focus strictly on providing safe living arrangements for seniors. I believe this bill will help ensure that our Nation's seniors and disabled persons can lead secure, healthy, and dignified lives. I encourage my colleagues in Congress to join me in making sure that seniors and disabled persons do not become victims.

HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1997

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. CONYERS. Mr. Speaker, yesterday, the House passed the D.C. appropriations bill which included the Victims of Communism Relief Act, giving Nicaraguans, Cubans, and refugees immigration amnesty; and Salvadorans, Guatemalans, and certain Eastern European refugees the opportunity to apply for suspension of deportation under the standards set forth in the Immigration and Nationality Act prior to its amendment last Congress. Unfortunately, the bill did not include any relief for similarly situated Haitian refugees who fled persecution in their country and received protection in the United States. I am introducing the Haitian Refugee Immigration Fairness Act of 1997 to resolve this inequity.

After a September 1991 coup toppled the democratically elected government in Haiti, the number of persons fleeing Haiti by boat for the United States rose dramatically. During the Bush administration, over 40,000 Haitians were interviewed at Guantanamo Bay and approximately 10,000 Haitians met the ''credible fear'' asylum standard and were paroled into the United States by the Attorney General. Thus, these Haitians are in the United States legally, 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 MOYNIHAN 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 CONCEPCION 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 Concepcion 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.

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 Concepcion Cruz left a legacy of service and devotion to the island of Guam and its people. He is remembered by many as a mentor, and an adviser. 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.

THANKING RIDGEWOOD HIGH SCHOOL STUDENTS FOR ORGAN DONOR EFFORTS

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 Morgen Weiss—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.

CHUGACH ALASKA CORPORATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

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 aboriginal land 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 National Interest Lands Conservation Act [ANILCA] which, among other things, contained a provision which guaranteed access to Alaska 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 to 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 is back for the 2d session of the 105th Congress and to pass this legislation. Both my colleagues in the Senate, Senator STEVENS and Senator MURKOWSKI support this endeavor and will work for passage.

RECOGNITION OF REV. BOB SWEET'S RETIREMENT FROM OLD BEDFORD VILLAGE AFTER 21 YEARS OF SERVICE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

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 the United Church of Christ, 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 granddaughters, 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.

FR. GEORGE G. PASSIAS HONORED FOR TWO DECADES OF SERVICE TO ST. NICHOLAS GREEK CHURCH

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. ACKERMAN. Mr. Speaker, I rise to join with my constituents and members of St. Nicholas Greek Orthodox Church as they gather to honor Fr. George G. Passias for two decades of service to our community.

Originally a native of Chicago, Fr. George received his early education in Morton Grove, IL. At the University of Illinois, he received his B.S. in structural science and mechanical engineering, and an M.S. in theoretical and applied mechanics. Against this background of intensive education, he married Mary Ellen Orlando and maintained an active participation in the parish of St. John the Baptist in Des Plaines where he served as a teacher in the church school, was the GOYA advisor, a parish council member and executive board member.

In 1976, answering to a higher calling, Fr. George left his doctoral studies and with his wife moved to Boston to enter the Holy Cross School of Theology to undertake a master of divinity degree. He graduated in 1979 and received the Massachusetts Bible Society Award. At this point in their lives and with two children, Fr. George moved his family to Bayside, NY, and became assistant pastor of St. Nicholas.

The next 20 years were not only years of dynamic growth for the parish, but also for Fr. George. He devoted his efforts to help in making St. Nicholas a parish known for caring, learning and serving people in fulfilling themselves. Under his efforts, the church's educational programs were expanded and the William Spyropoulos Greek American Day School was formed. In addition, he spearheaded the formation of the young adult league, adult Bible classes and retreats for members of all ages.

In 1982, he was appointed pastor of St. Nicholas and undertook a program that rapidly expanded the physical building of St. Nicholas, increased its membership and brought to the parish a most warm and compassionate sense of dedication and involvement. It is now the largest parish in the archdiocese.

After two decades of service, Fr. George has been appointed chancellor of the Greek Orthodox Church of America. In all his years as a priest, Fr. George has been endowed with a spiritual warmth that not only made him a builder of a church, but a builder who combines all the good and positive feelings in a person that leads to success and fulfillment. As he now assumes the chancellorship of the Greek Orthodox Church of America, it is with great pride that I ask my colleagues to join me in honoring this man who will now spread his warmth and compassion throughout our great country.

KATRINA

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

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 so 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 Mariana Islands [CNMI], is one that I hope Congressman ABERCROMBIE will examine. I have high professional, political, and personal admiration for NEIL 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 attorney 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 could 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 after the Federal case is completed depending on its outcome.

I intend to seek further information on matters as reported by the Reader's Digest author—and I would hope that a fair minded person like Congressman ABERCROMBIE would accompany me early next year if, and when, we can both work a visit into our schedule—a visit that would not involve the expenditure of any American tax dollars. He has indicated that he will check his schedule and be open to full information.

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 entire leadership, and help them to address the problems set out in the Reader's Digest article. They are entitled to accurate and verified reporting—and a chance to correct any such tragedies as reflected by the ''Katrina'' story—true or untrue.

HONORING PASADENA-BAY AREA JUNIOR FORUM

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BENTSEN. 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 in special education classes for mentally retarded children. The next year, they helped to develop the opportunity center, which provided classes for mentally retarded children unable to attend public schools. In 1971, the forum purchased an acre of land with the dream of building an education center for the 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 established at 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 tribute 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 starves from 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 AMERICAN AIRLINES

HON. SONNY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. BONO. Mr. Speaker, I rise to recognize a great partnership that has lasted for 30 years. The partnership between America's premier desert resort community and 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 ask my colleagues to join 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 out 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. This milestone 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.

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 MDA because of its commitment to the people it served. In 1978, ERA created its first national fundraising event, ''MDA Day in May,'' and challenged all ERA offices to do something for MDA on the same day. This tradition continues and, each year, ERA offices gather to support MDA during May. To help people with neuromuscular diseases, ERA members have raised nearly $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 who need a little extra time, energy and support from others. Together, MDA and corporations like ERA help ''Jerry's Kids'' live longer, more productive lives.

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 of intentions. That is what makes the ERA/MDA bond so special. ERA has set a standard in corporate community service and in doing so has set an admirable example for the children of our Nation. So, Mr. Speaker, I ask my colleagues to join me as I salute ERA Real Estate for their 20 years of hard work and commitment on behalf 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 applaud Chairman MCDADE and the ranking member of the subcommittee VIC FAZIO, for their work to finalize this appropriations bill.

This conference agreement provides funding for the Department of Energy [DOE], 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 fully compensate those veterans who have sacrificed for our country, they are a small step toward repaying the debt we owe them. This is why Federal and State income taxes are not deducted from disability benefits. Likewise, we believe disability benefits should also not be taken into consideration when a veteran with a disability applies for section 8 or other housing benefits.

Across the political spectrum, there are many different opinions as to the proper role of Government. Regardless of your party affiliation, I hope that my colleagues will share our strong concurrence that veterans with disabilities deserve our help. As you know, veterans with disabilities face many challenges every day. For example, many veterans with disabilities must overcome employment discrimination and transportation obstacles, while trying to provide a decent standard of living for themselves and their families. Unfortunately, some veterans reside in public housing and have difficulty making ends meet. Many other veterans with disabilities are denied eligibility for housing assistance because of the disability benefits they receive.

As the International Union of Gospel Missions reported this week, one in three men at homeless shelters are veterans. With an estimated 250,000 homeless veterans in our country—one-third of the total—this legislation is the least we can do. I believe that H.R. 2820 is consistent with the philosophy of helping those who cannot always help themselves, especially when that person has sacrificed for this country.

So, Mr. Speaker, I would urge my colleagues to join us in showing their support for the many veterans who have sacrificed so much for our country's freedom of cosponsoring H.R. 2820.

GOLDEN LEGACY, BOUNDLESS FUTURE

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. CHAMBLISS. Mr. Speaker, the United States had just come out of two world wars and was on the brink of a new era. The future was boundless. The military had discovered the value of a new technology, a technology that demanded a new branch of our Armed Forces. Fifty years ago, on September 18, 1947, Stuart Symington took the oath of office as the first Secretary of the U.S. Air Force, thus the beginning of a golden legacy.

For the last 50 years, the men and women of the Air Force have carried on the dreams and vision of millions of aviators who have gone before them. It is for these aviators that I would like to take this opportunity to not only recognize this golden anniversary, but to thank those who have helped us come this far. It is hard to believe in today's skies where our planes fly over Bosnia, Iraq, Korea, and the world that the first aviation occurred 89 years ago.

The Air Force roots go deeper than the National Security Act of 1947. They extend all the way back to 1907. That year the Army Signal Corps formed an aeronautical division. In 1908 the first military aviation flight occurred at Fort Myer, VA, just miles from this very spot. The Wright Brothers delivered their first plane to the aeronautical division that next year. On July 18, 1914, Congress ordered the Army to establish an aviation section of the Signal Corps. A few weeks later, Europe erupted into World War I.

In response to criticism of the American aircraft effort, President Woodrow Wilson created the Army Air Service and placed it directly under the War Department on May 24, 1918. By the time of the armistice in November 1918, the Air Service had grown to more than

19,000 officers and 178,000 enlisted men. American industry had turned out 11,754 aircraft.

It took World War II to prove the importance of air power to the defense of our Nation. In 1920, the Army Reorganization Act made the Air Service a combatant arm of the Army. The Air Corps Act of 1926 adopted the name of the Army Air Corps. Two years after Hitler launched World War II by invading Poland, the War Department created the Army Air Forces as its aviation element. By the last year of the war, the quantity and quality of Army Air Forces aircraft and airman dominated the skies over both Germany and Japan, all but paralyzing their war economies.

Based on the Army Air Force's wartime achievements and future potential, the U.S. Air Force won its independence. The National Security Act of 1947 created the U.S. Air Force as a separate branch of the armed services. This secured the Air Force's full partnership with the Army, Navy, and the Marine Corps. The creation of the Air Force signaled America's commitment to the dominance of the skies. And I am proud to report that commitment is being honored today in skies all around the world.

From that first military flight in 1908, what has come from now a golden legacy is moving toward a boundless future. This future knows no limits, as it moves toward new horizons. As the 20th century has worn on, our military focus has increasingly shifted into a third dimension—the vertical. This is the realm of air and space forces. When we dominate the third dimension we control both the horizontal and vertical battlefield. In conflict, superiority is not enough: air and space dominance must be our objective. It is with these challenges in mind, that the Air Force commemorates its 50th anniversary looking firmly to the future while remembering the lessons and achievements of the past. In this spirit, we honor the sacrifices and contributions the brave men and women of the Air Force have made.

In commemoration of this anniversary, the Air Force has been busy indeed. The Air Force launched several events to celebrate its first 50 years on September 18, highlighted by the Air Forces Annual Convention in Washington. The U.S. Postal Service issued the first Air Force stamp. That same day, a wreath was placed at the Tomb of the Unknown Soldier at Arlington National Cemetery. And the Air Force proudly dedicated its site of the Air Force Memorial at Arlington while the President led a cake cutting ceremony at the Pentagon. In communities all over this great Nation, local Air Force associations sponsored road races, participated in school festivals, and other community activities. I am proud to say that I and many of my fellow members of the Congress participated in the many events to help celebrate this momentous anniversary. It is my honor to further recognize the U.S. Air Force, and on behalf of the Congressional Air Power Caucus and the U.S. Congress, I wish the Air Force God's speed as it presses on toward it boundless future.

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 way in 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 Calvary 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 victory.

Members, please join me in congratulating Lt. Gen. Richard G. Graves (retired). 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 used Biblical principles to shepherd progress. For that reason, National Bible Week has several goals. It is an opportunity for individuals to expand their knowledge of the Bible, reaffirm commitment to its principles, and introduce its values into the lives of others. I also encourage my colleagues in Congress to recognize and explore Scripture's treasures upon which our great Nation depends. I urge everyone to use National Bible Week to understand God's message in Psalm 119:105. It says, ''Your word is a lamp to my feet and a light for my path.'' National Bible Week enables us the occasion to commit ourselves to Biblical guidance.

Americans have long had a commitment to the Bible. Indeed, the greatest success of many new world colonists was to break free of religious intolerance in England and create a community firmly established on an observance of Biblical principles. Perhaps no group better exemplified the Reformation in early America than the Puritans of the Massachusetts Bay Colony. Their hope of religious freedom led them to leave the hypocrisy of England in search of a closer connection to God's word. It was aboard the flagship *Arbella*, just before landing in Massachusetts Bay, that John Winthrop issued his sermon, ''A Model of Chritian Charity.'' In his sermon he said, ''We must consider that we shall be as a city upon a hill; the eyes of all people are upon us.'' His words explained the purpose of the Puritans, a people who would develop a close relationship with God's Word and lead by example.

Years later, the 13 colonies waged the Revolutionary War against the English to secure their religious freedoms. Their triumph was a cleansing of intolerance in the new frontier. After the war, revolutionary America set out to champion the values for which they fought into a national law. This challenge was met with the Constitution, a unique document heavily influenced by the laws of God in the Bible. James Madison spoke of the Bible's influence on the Constitution. He said, ''the future and success of America is not in this Constitution, but in the laws of God upon which this Constitution is founded.''

Psalm 119:2 says, ''Blessed are they who keep to His statutes and seek Him with all their heart.'' This verse is especially relevant for today's national leaders. My colleagues and I need to seek personal guidance from the Bible. As Noah Webster said, ''The Bible must be considered as the great source of all truth by which men are to be guided in government. * * *'' My hope for National Bible Week is that it will serve notice to our U.S. Congress, that we may begin to reacquaint our actions, words, and politics with Biblical example to serve our citizens better.

All Americans should take notice that ''All Scripture is God-breathed and is useful for teaching, rebuking, correcting and training in righteousness. (II Timothy 3:16)'' Society puts

many burdens on family values. National Bible Week is an opportunity for families to reaffirm their unity through study of the Bible, or to acquaint children to the Bible for the first time. Remember the example of John Quincy Adams who said, ''So great is my veneration for the Bible, and so strong my belief, that when duly read and meditated on, it is of all good books in the world, that which contributes most to make men good, wise, and happy—that the earlier my children begin to read it, the more steadily they pursue the practice of reading it throughout their lives, the more lively and confident will be my hopes that they will prove useful citizens to their country, respectable members of society, and a real blessing to their parents.'' Utilize National Bible Week to introduce its stories and parables to your children so that they may later in life rely upon the Bible.

Finally, how appropriate that National Bible Week falls in the same week as Thanksgiving, a holiday that celebrates the Founders of our Nation, founding principles, and all of our blessings. On Thanksgiving we can all thank our Nation's Founders for remaining true to Biblical principles and incorporating them into law. More importantly, National Bible Week enables all Americans to enhance the celebrations of Thanksgiving through a renewed and heighted focus on the study and mediation of the Bible.

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, Police Officer, 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 the next year. Lieutenant Davis also served as chief of the Highlands Fire Department and was instrumental in obtaining a $200,000 grant for the city to purchase new equipment. He was also one of the first two paramedics trained 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 fire. He is also active in Cub Scouts, teaching kids, including his son Aaron, 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 in many capacities within 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 own 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 that the council has gained from its 4-year existence is simply to 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 Whitley, 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 a 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 has responded. 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.

When 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 sheer complexity 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, landscaping, 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 be protected, consoled and healed.

Let me close with a few words about the namesake of Ginnie's House. Virginia Newman 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 Fulgham. 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. Fulgham had Ginnie Littell in mind. Among myriad other tasks, she has dedicated the last few years to brining 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.

FOUNDATION 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 Democracy in Africa 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 nonprofit group based in Miami, FL and Washington, DC—is determined to educate 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 will serve well the future leaders of Africa.

The FDA 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 economy and provide a bright future for its people. 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 1980's, 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.

The data bank will include a registry of clinical trials, both federally and privately funded, of experimental treatments for serious or life-threatening diseases and conditions. The registry will contain a description of the purpose of each experimental drug protocol. All this information will be available by calling a 1–800 number, and through other means such as the Internet.

This bill is an important piece of legislation for the American people. I urge my colleagues to support its passage.

TRIBUTE TO LIONELL ''WOODY'' WOODS OF DALLAS, TX

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

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 lawnmowers 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. Wood's 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 due to Mr. Woods' bravery was unsuccessful, Mr. Woods was not frightened and driven 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.

IN HONOR OF THE RETIREMENT OF NEW JERSEY STATE SENATOR JOHN EWING

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. FRANKS of New Jersey. Mr. Speaker, it is rare that I come to the floor to speak about a particular individual. But New Jersey State Senator John Ewing of Bernardsville is indeed worthy of special recognition.

Jack Ewing has been an institution in the New Jersey Legislature—a tireless crusader for all the people of our State. For three decades he has waged a long, at times, lonely battle to improve the quality of public education and to make New Jersey's colleges nationally acclaimed institutions of excellence.

But just as important, Jack will be remembered for his extraordinary commitment to help people in need. Jack Ewing is the kind of man who, after a long day and night session at the state house, would stop to change a tire for a motorist in need. The next day, he would be up early, back in his office calling everyone he knew to help find a job for a father of young children who was down on his luck.

Next month, Drew University in Madison, NJ will establish the John E. Ewing Center for Public Service and Public Affairs. It is a fitting tribute to a man who represents the finest in public service and the best of New Jersey.

On behalf of all the people of New Jersey, I want to extend a heartfelt thanks to Jack Ewing for his exceptional leadership, dedication, and service. We extend our sincere best wishes for a long, healthy and fulfilling retirement.

RESTRICTIONS ON FOREIGN AIR SHOWS ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. STARK. Mr. Speaker, today, I am introducing legislation to stop the use of taxpayer funds from subsidizing the U.S. defense industry at international air and trade shows.

Prior to 1991, the Federal Government avoided direct military involvement in air shows and arms bazaars. Aircraft were leased to U.S. companies by the Department of Defense [DOD]. The leasing fee covered the cost of insurance, ramp fees, transportation to and from the show, and payment for Government personnel needed to watch the aircraft. In June 1991, the Secretaries of Defense and Commerce changed the Pentagon practice of leasing U.S. aircraft to industry at air shows. The new practice allows for the loan of DOD aircraft to industry free of charge. This results in the U.S. taxpayer paying for the cost of industry participation at air shows and arms bazaars.

In 1992, taxpayers were forced to absorb the cost of a Marine aircraft that crashed on its way back from an airshow in Singapore. This crash came with the price tax of $18.9 million to American taxpayers.

In response to the Singapore incident, Congressman HOWARD BERMAN sponsored an amendment to the fiscal year 1993 DOD authorization bill which limits the Government's ability to engage in future air shows. It requires the President to notify Congress 45 days in advance of any proposed participation in airshows. It also requires the President to certify that participation is in the interest of our national security and to submit a cost estimate.

In order to circumvent the intent of the Berman amendment, DOD adopted a new standard of sending aircraft carriers to the sites of airshows on so called training missions. This practice allows the aircraft on display to do overflights of the airshow off the deck of the carrier under the guise of a defense authorized training mission. It also puts the U.S. military crew in close proximity to fraternize with prospective buyers. The Clinton administration has been drastically underreporting the involvement and cost of the United States in these airshows by excluding transportation costs. The Pentagon is able to classify shows as training missions in order to avoid reporting the real costs incurred. As a result, the costs reported by the Pentagon to Congress are 15 to 20 times less than the actual costs, and the American taxpayer pays the bill.

One of the many examples of this practice is the transfer of a B–2 bomber to France to do a demonstration flight at the Paris Air Show in 1995. This flight involved at least a 24-hour round trip at $14,166 per hour to operate the plane, for a total cost of more than $330,000—all at the taxpayer's expense. However, the cost report for the entire airshow submitted to Congress by the Pentagon was only $342,916.

The bill I am introducing today, the Restrictions on Foreign Air Shows Act bans direct participation of the defense personnel and equipment at airshows. It prohibits planes, equipment, weapons, or any related materials from being sent to exhibits on training missions unless the contractor has paid for the expenses incurred by DOD. The legislation prohibits training missions from involvement or contact with concurrent airshows. It requires contractors to lease the equipment covering insurance costs, transportation costs, ramp fees, salaries of Government personnel needed to watch the aircraft, and all other costs associated with these events. If contractors are making a profit by showing U.S. aircraft, then they should be required to pay for the advertisement of the aircraft. Additionally, the bill bans the availability of military personnel—either on site at the airshows or at nearby training missions—to assist the contractors in their sales unless the contractor pays for their services.

This bill does not outlaw the use of U.S. equipment in foreign airshows or trade exhibitions. It merely takes the financial burden off of the American taxpayer and puts it where it belongs—on the contractor. I urge my colleagues to support this bill.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. KIND. Mr. Speaker, one more day and no campaign finance reform. At a press conference today, the members of the Republican

leadership said that they will take up campaign finance reform early next year. The leadership also said that they will consider several small bills, rather than a comprehensive piece of legislation. Mr. Speaker that approach is inadequate.

As I have explained before, next year is going to be too late to consider campaign finance reform in time for the 1998 election. In addition, allowing a variety of small incremental bills will only result in more confusion and more loopholes for special interests to buy our elections. It is obvious that the leadership has no desire to see real campaign finance reform pass this year.

What we need is comprehensive campaign finance reform. We need reform that takes the big money out of campaigns. We don't need incremental bills that only add confusion to an already confusing system. The House of Representatives has to act soon.

Mr. Speaker, it appears that we have failed the people of this Nation by not passing a campaign reform vote this year, lets not let them down again next year.

TRIBUTE TO ALMA ANNA WELK

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. STUPAK. Mr. Speaker, I would like to recognize a very special individual who is residing in my congressional district in Michigan. Her name is Alma Anna Welk and next month she will be celebrating her 100th birthday.

I'd like to bring you back in history 100 years to the time of the Klondike gold rush, Joseph Stalin's birth, and the closing of the British Victorian period. It was during this era that Alma was born in Alpena, MI, on December 11, 1897.

Born to Millie and Charles Bromund, Anna was the second of six children. Not long after Anna's birth, the Bromund family made their way to Marinette, WI, where Anna attended Peshtigo Point School. In 1910, at the age of 13, she began working for families around the area. She left her jobs and her community when she was 17 to return with her family to Alpena. It was here, in 1917, during the Lenten season, that Anna met her true love, William Welk. They were introduced to one another by a mutual friend, Beulah Schultz. Beulah had put together a perfect match. Anna and William were married on November 23 of that same year.

On March 9, 1919, they had their first child—Laurine. During the next 15 years and all through the Great Depression, the couple bore five more children, three girls and two boys: Ethel, Margaret, Ruth Jane, William, and Richard. They were just getting over the effects of the Depression when the family was struck by tragedy with the death of their youngest child, Richard, at the age of three.

Years went by and Alma and William's children grew up and, one by one, they all married. The family expanded with the addition of 10 grandchildren and 12 great-grandchildren. In 1967, the passing of William—loving husband, father, grandfather, and great-grandfather—was a tremendous loss to the entire family.

Mr. Speaker, next month we will be commemorating these 100 years of Alma Anna Welk's life. My congratulations go out to Alma on this very special occasion. It is an event that has found her continuing to be a vigorous and active member of the Alpena community. It is always a pleasure for me to deliver a tribute of this kind to my constituents who are living legends of the Michigan area. Alma is an enduring witness of American history from the William McKinley administration to the William Clinton administration. As she celebrates this milestone with family and friends, I offer my best wishes for many more joyous years to come. In my personal life with family members and my professional life as a Member of Congress, I have found that age does indeed equate with knowledge, wisdom, and a profound respect for the value of tradition.

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 underinsured 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 9 years in existence, child 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.

IN OPPOSITION TO THE DISPARATE TREATMENT OF HAITIANS

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. KILPATRICK. Mr. Speaker, I rise today in opposition to the language in the conference report accompanying H.R. 2607, the District of Columbia Appropriations Act, that allows for the different and disparate treatment of Haitians. Last year, the Immigration Reform Act would retroactively allow for the wrongful deportation of hundreds of Central Americans—Nicaraguans, Guatemalans, and Salvadorans—and Haitians. Mr. Speaker, guess who, in the final analysis, was left out of the legislation? Haitians. That's right, Haitians. This is patently unfair, and although I am not a member of the House International Relations Committee, I will do all that I can to ensure that this situation is rectified when Congress reconvenes for the second session of the 105th Congress.

Like many of my colleagues, I listened with rapt attention during the debate late last night on the District of Columbia conference report. the citizens of the District of Columbia—hardworking, taxpaying citizens—have a hardworking, but non-voting representative in the House of Representatives. Because of this fact, the District of Columbia appropriations bill is historically laden with riders that are totally unrelated to anything regarding how the District of Columbia should spend its annual Federal appropriation. One of these riders in the conference report would prevent the wrongful deportation of Central Americans but not for Haitians. While yesterday's CONGRESSIONAL RECORD delineated the agreement, that the U.S. Attorney General will temporarily suspend the deportation of Haitians while Congress deliberates legislation to provide similar relief to Haitians, this is not part of the current law. And all of us know the weight and importance of the law in the U.S. house of Representatives.

It disturbs me greatly that this great Nation, under God, indivisible, is incapable of treating all persons fairly. More than 18,000 Haitians were admitted to the United States after being processed in Guantanamo Bay in 1991. Many of these persons fled a violent military dictatorship, led by General Cedras and Michel Francois. These persons were determined to have credible, bona fide claims for political asylum, and were permitted to enter our sacred shores. Now, we find out that the law has unfairly excluded these persons.

I will do all I can to bring justice to the Haitian people and to the citizens of America. I demand hearings on this legislation, and the expeditious consideration and adoption of this bill when Congress reconvenes.

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 be lasting. 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 charisma, 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, John as the local union president. President Carter had named me to chair the Equal Employment Opportunity Commission when the Commission had gone though perhaps the most troubled period—a huge backlog, firings by the President at the top of the agency, the whole ball of wax. Though entirely a management problem, it could not be fixed without top to bottom change 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 unions represent. But, John rose the way that yeast makes bread rise—because, by conviction and ability, he could not be contained. John Sturdivant was made for the modern era of American unionism. He knew how to do it by fighting, 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 landmark changes the occurred when I chaired the old Subcommittee 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 its decline. 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 admire. John knew how to work 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 faithfully served our Nation's public servants. As president of the American Federation of Government Employees, John Sturdivant deeply believed in the importance of Government service and deeply valued our system of Government.

From 1991 through 1994, as the chairman of the House Post Office and Civil Service Committee, I was privileged to work with John Sturdivant on a variety of issues. I respected John as an aggressive advocate of the rights of Federal workers. He was very actively involved in the successful effort to enact the landmark Family and Medical Leave Act. And, John fought tirelessly to protect the salaries and benefits of his members as those on the other side sought to balance the Federal budget on the backs of Government workers. He worked closely with the members of the Post Office and Civil Service Committee staff and took a strong personal interest in all legislation affecting the retirement and health benefits of Federal workers. He and his fellow union members worked closely with the Post Office and Civil Service Committees to develop legislation to mitigate the effect of defense downsizing and base closings on Federal workers. John Sturdivant also helped to establish a Federal employee buyout program that became the model for civilian government agencies experiencing downsizing.

John Sturdivant was at the forefront of the effort to ensure that Government, itself, lives up to the promise of equal opportunity for its own workforce. No one worked harder to bring about reform of the Hatch Act. Until it was amended, the Hatch Act precluded Federal employees from engaging in any effort to campaign in a partisan election campaign. John Sturdivant clearly understood the dangers of Hatch Act restrictions on Federal workers and was outraged that anyone should be required to sacrifice this most vital right of free speech in order to work for the Federal Government.

When John Sturdivant became president of the American Federation of Government Employees, he worked diligently and successfully to lobby the Congress to amend the antiquated Hatch Act. Then he encouraged his members to exercise their new rights and take an active interest in the politics of this Nation and the affairs of Government. John Sturdivant helped bring out the voice of Government workers. He understood that in a democracy, the ballot was the ultimate power and that the surest means of self-protection for AFGE members was active, informed political participation. John Sturdivant made certain that those he represented understood their rights and responsibilities. That by itself is a significant legacy.

I will miss John Sturdivant as I cherish his memory.

TRIBUTE TO JOHN STURDIVANT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. GEPHARDT. Mr. Speaker, I rise to pay tribute to the late, great American labor leader, John N. Sturdivant. John passed away on October 28 after a long and courageous battle with cancer. He will be forever remembered and missed, especially by those of us who worked alongside him on issues of critical importance to America's working men and women.

John was the National President of the American Federation of Government Employees [AFGE] since 1988. An AFGE activist for more than 30 years, he worked his way up the ranks, serving as president of Local 1754 in Winchester, VA, from 1968 until 1976, when he joined the union's national office. Upon his election as national President in 1988, he had the proud distinction of being the first African-American to hold that office and to serve as president of a major AFL–CIO union.

John 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 country until 1960. In 1961 he went to work as an electronics technician with the Army Interagency Communications Agency in Winchester, VA, where he became active in AFGE.

When he was elected National President of AFGE, John inherited an AFGE that was in dire financial straits. Although the union 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, VA, 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 was proud to know and work with him. All of his many friends and colleagues join me in remembering his passing, and praising his many contributions to improving our Government and Nation.

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

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Ms. WATERS. Mr. Speaker, I am pleased 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 recision 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 Consortia, 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 Consortia 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.

IN HONOR OF SUSAN STRONG

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. MATSUI. Mr. Speaker, I am honored to rise today in tribute to Ms. Susan Strong, former executive director of the Center for AIDS Research, Education and Services [CARES].

Located in Sacramento, CA, CARES provides a unique mix of out-patient, state-of-the-art medical care, mental health counseling, health education and case management services, and psychiatric services to persons living with HIV and AIDS.

In 1988, it took a tremendous collaborative effort among northern California's major public and private health care entities to establish the Center for AIDS Research, Education and Services as a community-based clinic.

Under the leadership of Susan Strong, CARES grew to become a major regional HIV/AIDS non-profit clinic in northern and central California. Its growth is a testament to the professional abilities of its former executive director.

The dream of establishing a centralized location in the downtown Sacramento area to provide quality health service while coordinating with other AIDS service providers was fully realized under the stewardship of Susan Strong.

Since the founding of CARES, the epidemic of HIV and AIDS has changed dramatically, impacting more women of color, a community whose special needs are varied and great. Under the guidance of Susan Strong, CARES established a Women's Clinic to meet these special concerns.

As executive director, Ms. Strong steered CARES to ensure that the depth and breadth of its services continually expanded and strengthened while serving an ever-increasing and demanding client case load.

It is through Susan Strong's inspiration, dedication, and hard work at CARES that the Sacramento area and the entire northern California region has benefited in the successful operation of these programs to care for those suffering from HIV and AIDS.

Although Ms. Strong departed from her position as CARES executive director last month, the foundation of compassionate care which she laid so well will carry-on for years to come.

Since its founding, CARES has served approximately 3,000 infected people and maintains an active caseload of approximately 1,200 clients at this time.

These patients rely upon the extraordinary specialized medical expertise which CARES provides. Without the steady guidance of Susan Strong, CARES would not be the great success story that it is today.

Mr. Speaker, today I ask my colleagues to join with me in saluting the remarkable work of Susan Strong, a great leader in the area of coummunity-based HIV and AIDS health care in Sacramento. I am confident that her selfless endeavors at CARES will endure well into Sacramento's future.

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

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of the Conference Report on H.R. 2264, the Labor Health and Human Services, and Education Appropriations Bill for Fiscal Year 1998, and want to take this time to specifically express my support for the funding for the Corporation for Public Broadcasting.

The conference report includes $300 million in advance funding for fiscal year 2000 for the Corporation, which is a $50 million increase over the fiscal year 1999 level. I hope that these additional funds will make it possible to fund the Principles of Partnership Initiative, a $5 million effort set forth by the Corporation in 1994 to increase the amount of multicultural programming on public television. This initiative is to be accomplished through the establishment of formal partnerships among the organizations of the National Minority Public Broadcasting Consortia, television stations, and other public broadcasting organizations.

The House Committee Report specifically supported this initiative and called upon the Corporation to maximize resources for this initiative.

The National Minority Public Broadcasting Consortia organizations include Pacific Islanders in Communications, National Black Programming Consortium, National Latino Communications Center, National Asian American Telecommunications Association, and Native American Public Telecommunications. They have contributed hundreds of hours of programming addressing the cultural, social and economic issues of our country's racial and ethnic communities. These important programs help us explore who we are and learn more about the rich diversity of cultures and experiences that define our country.

I am proud to note that the newest member of the Consortium is Pacific Islanders in Communications which is headquartered in Hawaii. This group has already promoted several award winning public broadcast productions including ''Storytellers of the Pacific'' which was co-produced with Native American Public Telecommunications.

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

(Adopted 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 before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect; and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the staff director of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the staff director of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open to the public including radio, television, and still photography coverage. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the vice chairman, or the Chairman's designee.

(e)(1) The Chairman of the committee and of each of the subcommittees shall designate a vice chairman of the committee or subcommittee, as the case may be.

(2) The Chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings, or, in the absence of the chairman, the vice chairman, or the Chairman's designee shall preside.

RULE 2. QUESTIONING OF WITNESSES

Committee members may question witnesses only when they have been recognized 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 alternating between 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 the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position.

RULE 3. RECORDS AND ROLLCALLS

(a) Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each 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.

(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 subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative 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 personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House, any record of the committee for which a time, schedule, or condition for availability is specified by order of the committee (entered during the Congress in which the record is made or acquired by the committee) shall be made available in accordance with the order of the committee.

(c) The official permanent records of the committee include noncurrent records of the committee (including subcommittee) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of committee Rule 18(d) have been met, a quorum consisting of a majority of the members of the committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the committee which—

(A) provides for the nonavailability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule XXXVI of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b)(3) of this Rule.

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 level including, but not limited to, elementary and secondary education generally, school lunch and child nutrition, vocational education and overseas dependent schools; all matters dealing with programs and services for the care and treatment of children, including the Head Start Act, the Juvenile Justice and Delinquency Prevention Act, and the Runaway Youth Act; all matters dealing with programs and services for the elderly, including nutrition programs and the Older Americans Act; special education programs including, but not limited to, alcohol and drug abuse, education of the disabled, environmental education, Office of Educational Research and Improvement, migrant and agricultural labor education, daycare, child adoption, child abuse and domestic violence; poverty programs, including the Community Services Block Grant Act and the Low Income Home Energy Assistance Program (LIHEAP); and programs related to the arts and humanities, museum services, and arts and artifacts indemnity.

Subcommittee on Postsecondary Education, Training, and Life-Long Learning.—Education beyond the high school level including, but not limited to, higher education generally, training and apprenticeship (including the Job Training Partnership Act, the Full Employment and Balanced Growth Act, displaced homemakers, Work Incentive Program, welfare work requirements), adult basic education (family literacy), rehabilitation, professional development, and postsecondary student assistance; all domestic volunteer programs, library services and construction, the Robert A. Taft Institute, and the Institute for Peace.

Subcommittee on Workforce Protections.—Wages and hours of labor including, but not limited to, Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including

child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal Employees' Compensation Act, Migrant and Seasonal Agricultural Worker Protection Act, Service Contract Act, workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety and the U.S. Employment Service.

Subcommittee on Employer-Employee Relations.—All matters dealing with relationships between employers and employees generally including, but not limited to, the National Labor Relations Act, Bureau of Labor Statistics, pension, health, and other employee benefits, including the Employee Retirement Income Security Act (ERISA); and all matters related to equal employment opportunity and civil rights in employment.

Subcommittee on Oversight and Investigations.—All matters related to oversight and investigations of activities of all Federal departments and agencies dealing with issues of education, human resources or workplace policy. This subcommittee will not have legislative jurisdiction and no bills or resolutions will be referred to it.

(b) The majority party members of the committee may provide for such temporary, ad hoc subcommittees as determined to be appropriate.

RULE 5. EX OFFICIO MEMBERSHIP

The Chairman of the committee and the ranking minority party member shall be *ex officio* members, but not voting members, of each subcommittee to which such Chairman or ranking minority party member has not been assigned.

RULE 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, make a temporary 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 may attend public hearings of any subcommittee and shall be afforded an opportunity by the subcommittee chairman to question witnesses.

RULE 7. SUBCOMMITTEE CHAIRMANSHIPS

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.

RULE 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings, wherever possible. Available dates for subcommittee meetings during 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 matter when the committee is meeting to consider any measure or matter for markup or approval. No markups shall be scheduled simultaneously by the subcommittees.

RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFF

(a) The employees of the committee shall be appointed by the Chairman in consultation with subcommittee chairmen and other majority party members of the committee within the budget approved for such purposes by the committee.

(b) The staff appointed by the minority shall have their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION AND DUTIES OF COMMITTEE STAFF

The staff of the committee shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. The staff appointed by the minority shall be under the general supervision and direction of the minority party members of the committee, who may delegate such authority as they determine appropriate. All committee staff shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. To the extent practicable, the Chairman or the subcommittee chairman shall make public announcement of the final list of witnesses scheduled to testify at least 48 hours before the commencement of the hearing. The staff director of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) All hearings conducted by the committee or any subcommittee shall begin at 9:30 a.m. on the scheduled date and shall end at 12:15 p.m., unless there is good cause to schedule a hearing at a different time or to extend the length of the hearing. All opening statements at hearings conducted by the committee or any subcommittee will be made part of the permanent written record. Opening statements by members may not be presented orally, unless the Chairman of the committee or any subcommittee determines that one statement from the Chairman or a designee will be presented, in which case the ranking minority party member or a designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee or any subcommittee is a constituent of a member of the committee or subcommittee, such member shall be entitled to introduce such witness at the hearing.

(c) To the extent practicable, witnesses who are to appear before the committee or a subcommittee shall file with the staff director of the committee, at least 48 hours in advance of their appearance, a written statement of their proposed testimony, together with a brief summary thereof, and shall limit their oral presentation to a summary thereof. The staff director of the committee shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(d) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon. The minority party may waive this right by calling at least one witness during a committee hearing or subcommittee hearing.

RULE 13. MEETINGS—HEARINGS—QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however, shall be held outside of Washington, DC, or during a recess or adjournment of the House without the prior authorization of the committee Chairman. Where feasible and practicable, 14 days' notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee or a subcommittee authorizing a subpoena. For the enumerated actions, a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) When a bill or resolution is being considered by the committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the committee or subcommittee, as the case may be.

(d) In the conduct of hearings of subcommittees sitting jointly, the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings for purposes of such shared consideration.

(e) No person other than a Member of Congress or Congressional staff may walk in, stand in, or be seated at the rostrum area during a meeting or hearing of the Committee or Subcommittee unless authorized by the Chairman.

RULE 14. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the committee a

written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall transmit immediately to the chairman of the subcommittee a notice of the filing of that request.

(c) all committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: ''This report has not been officially adopted by the Committee on Education and the Workforce (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members.'' The minority party members of the committee or subcommittee shall have three calendar days, excluding weekends and holidays, to file, as part of the printed report, supplemental, minority, or additional views.

(d) 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 otherwise direct. No bill or 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 at least 48 hours prior to 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.

(e) 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 any 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) With respect to each rollcall 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 cast for and against, and the names 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 paid only upon 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 involve activities or subject matter 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 in writing 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)(1) 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, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a 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) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or 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 subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff 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 the appropriate subcommittees, of such bills, resolutions, and other matters which have been referred to the committee. Once printed copies of a bill, resolution, or other matter are available to the Committee, the Chairman shall, within three weeks of such availability, provide notice of referral, if any, to the appropriate subcommittee.

(b) Referral to a subcommittee 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 full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper 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 accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) All members of the committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, 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 the report 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 (l)(5) 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, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(d) The report on 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 reported, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

RULE 200 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 necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chairman 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 of minority party members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for 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 House, and the Chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Oversight 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 hearing 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 to 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 $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 maintained 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 the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chairman shall consult with the ranking minority party member of the committee.

(b) After the appointment of conferees pursuant to clause 6(f) of Rule X of the Rules of the House of Representatives for matters within the jurisdiction of the committee, 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 clause and the personal behavior of committee members, staff, other government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House.

(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 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 paragraph is supplemental to clause 2(k)(5) 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 and still cameras permitted in a 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 in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flash photography shall not be used in providing any method of coverage of the hearing or meeting, except that the television 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 allocation 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 or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 23. CHANGES IN COMMITTEE RULES

A proposed change in these rules shall not be considered by the committee unless the text of such change has been in the hands of all members at least 48 hours prior to the meeting in which the matter is considered.

RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS, 105TH CONGRESS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. GILMAN. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for printing in the CONGRESSIONAL RECORD the Rules of the Committee on International Relations for the 105th Congress.

RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS, 105TH CONGRESS

[Adopted February 5, 1997]

RULE 1. GENERAL PROVISIONS

The Rules of the House of Representatives, and in particular, the committee rules enumerated in Clause 2 of Rule XI, are the rules of the Committee on International Relations (hereafter referred as the ''Committee''), to the extent applicable. A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, is a non-debatable motion of high privilege in Committee.

The Chairman of the Committee on International Relations (hereinafter referred to as the ''Chairman'') shall consult the Ranking Minority Member to the extent possible with respect to the business of the Committee. Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the Committee, and to its rules to the extent applicable.

RULE 2. DATE OF MEETING

The regular meeting date of the Committee shall be the first Tuesday of every month when the House of Representatives is in session pursuant to Clause 2(b) of Rule XI of the House of Representatives. Additional meetings may be called by the Chairman as he may deem 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-third of the Members of the Committee shall constitute a quorum for taking any action, except: (1) Reporting a measure or recommendation, (2) closing Committee meetings and hearings to the public, (3) authorizing the issuance of subpoenas, and (4) 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 4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) MEETINGS

Each meeting for the transaction of business, including the markup of legislation, of the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public, because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise violate any law or rule of the House of Representatives. No person other than Members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This subsection does not apply to open Committee hearings which are provided for by subsection (b) of this rule.

(B) HEARINGS

(1) Each hearing conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day should be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or otherwise would violate any law or rule of the House of Representatives. Notwithstanding the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony—

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate paragraph (2) of this subsection; or

(B) may vote to close the hearing, as provided in paragraph (2) of this subsection.

(2) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person.

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (1) of this subsection, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee unless the House of Representatives has by majority vote authorized the Committee or subcommittee, for purposes of a particular series of hearings, on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public.

(4) The Committee or a subcommittee may by the procedure designated in this subsection vote to close 1 subsequent day of hearings.

(5) No congressional staff shall be present at any meeting or hearing of the Committee or a subcommittee that has been closed to the public, and at which classified information will be involved, unless such person is authorized access to such classified information in accordance with Rule 20.

RULE 5. ANNOUNCEMENT OF HEARINGS AND MARKUPS

Public announcement shall be made of the date, place, and subject matter of 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 there 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 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 of all meetings (including markups and hearings) and briefings of subcommittees and of the full Committee.

The agenda for each Committee and subcommittee meeting, setting 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 by delivery to the Member's office at least 2 full calendar days (excluding Saturdays, Sundays, and legal holidays) before the meeting, whenever possible.

RULE 6. WITNESSES

(A) INTERROGATION OF WITNESSES

(1) Insofar as practicable, witnesses shall be permitted to present their oral statements without interruption subject to reasonable time constraints imposed by the Chairman, with questioning by the Committee Members taking place afterward. Members should refrain from questions until such statements are completed.

(2) In recognizing Members, the Chairman shall, to the extent practicable, give preference to the Members on the basis of their arrival at the hearing, taking into consideration the majority and minority ratio of the Members actually present. A Member desiring to speak or ask a question shall address the Chairman and not the witness.

(3) Subject to paragraph (4), each Member may interrogate the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all Members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

(4) Notwithstanding paragraph (3), the Chairman, with the concurrence of the Ranking Minority Member, may permit one or more majority members of the Committee designated by the Chairman to question a witness for a specified period of not longer than 30 minutes. On such occasions, an equal number of minority Members of the Committee designated by the Ranking Minority member shall be permitted to question the same witness for the same period of time. A motion permitting Committee staff to question a witness for equal specified periods may be entertained only with the concurrence of the Chairman and Ranking Minority member. However, even with the concurrence of the Chairman and the Ranking Minority Member. However, even with the concurrence of the Chairman and the Ranking Minority Member to such a motion, in no case may questioning by committee staff proceed before each Member of the Committee who wishes to speak under the 5-minute rule has had one opportunity to do so.

(B) STATEMENTS OF WITNESSES

To the extent practicable, each witness shall file with the Committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a brief summary of his or her views. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall, to the extent practicable, include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness, to the extent that such information is relevant to the subject matter of, and the witness' representational capacity at, the hearing.

To the extent practicable, each witness should provide the text of his or her proposed testimony in machine-readable form.

(C) OATHS

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 made of all hearings and markup sessions. 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 received by the Committee.

Transcripts of hearings and markup sessions (except for the record of a meeting or hearing which is closed to the public) shall be printed as soon as is practicable after receipt of the corrected versions, except that the Chairman may order the transcript of a hearing to be printed without the corrections of a Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

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 matter 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 would be in excess of eight printed pages (for any one submission) shall be accompanied by a written request to the Chairman, such written request to contain an estimate in writing from the Public Printer 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 result shall include 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

(A) REPORTS ON BILLS AND RESOLUTIONS

To the extent practicable, not later than 24 hours before a report is to be filed with the Clerk of the House on a measure that has been ordered reported by the Committee, the Chairman shall make available for inspection by all Members of the Committee a copy of the draft committee report in order to afford Members adequate information and the opportunity to draft and file any supplemental, minority or additional views which they may deem appropriate.

With respect to each rollcall vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in any Committee report on the measure or matter.

(B) PRIOR APPROVAL OF CERTAIN 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 the subcommittee 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 investigative 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 2(l)(5) of Rule XI of the House of Representatives 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)1)(B) of Rule XI of the House of Representatives, regarding foreign travel reports, is submitted to the Chairman, Members and employees of the committee shall provide a report to the Chairman listing all official meetings, interviews, inspection tours and other official functions in which the individual participated, by country and date. Under extraordinary circumstances, the Chairman may waive the listing 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 has recommended 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, after consultation with the Ranking Minority Member and such other Members of the Committee as the Chairman deems appropriate.

RULE 13. STAFF SERVICES

(a) The Committee staff shall be selected 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 U.S. overseas programs and operations.

(b) Subject to clause 6 of Rule XI of the House of Representatives, the staff of the Committee, except as provided in paragraph (c), shall be appointed, and may be removed, by the Chairman with the approval of the majority of the majority Members of the Committee. Their remuneration shall be fixed by the Chairman and they shall work under the general supervision and direction of the Chairman. Staff assignments are to be authorized by the Chairman or by the Chief of Staff under the direction of the Chairman.

(c) Subject to clause 6 of Rule XI of the House of Representatives, the staff of the Committee assigned to the minority shall be appointed, their remuneration determined, and may be removed, by the Ranking Minority Member with the approval of the majority of the minority party Members of the Committee. No minority staff person shall be compensated at a rate which exceeds that paid his or her majority staff counterpart. Such staff shall work under the general supervision and direction of the Ranking Minority Member with the approval or consultation of the minority Members of the committee.

(d) The Chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee. The Chairman shall ensure that the minority party is fairly treated in the appointment of such staff.

RULE 14. NUMBER AND JURISDICTION OF SUBCOMMITTEES

(A) FULL COMMITTEE

The full Committee will be responsible for oversight and legislation relating to foreign assistance (including development assistance, security assistance, and Public Law 480 programs abroad) or relating to the Peace Corps; national security developments affecting foreign policy; strategic planning and agreements; war powers, executive agreements, and the deployment and use of United States Armed Forces; peacekeeping, peace enforcement, and enforcement of United Nations or other international sanctions; arms control, disarmament and other proliferation issues; the Agency for International Development; oversight of State and Defense Department activities involving arms transfers and sales, and arms export licenses; international law; promotion of democracy; international law enforcement issues, including terrorism and narcotics control programs and activities; and all other matters not specifically assigned to a subcommittee. The full Committee may conduct oversight with respect to any matter within the jurisdiction of the Committee as defined in the Rules of the House of Representatives.

(B) SUBCOMMITTEES

There shall be five standing subcommittees. The names and jurisdiction of those subcommittees shall be as follows:

1. Functional Subcommittees

There shall be two subcommittees with functional jurisdiction:

Subcommittee on International Economic Policy and Trade.—To deal with measures relating to international economic and trade policy; measures to foster commercial intercourse with foreign countries; export administration; international investment policy; trade and economic aspects of nuclear Technology and materials, of nonproliferation 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; commodity agreements; international environmental policy and oversight of international fishing agreements; and special oversight of international 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 education and cultural affairs; foreign buildings; programs, activities and the operating budget of the Arms Control and Disarmament Agency; oversight of, and legislation pertaining to, the United Nations, its affiliated agencies, and other international organizations, including assessed and voluntary contributions to such agencies and organizations; parliamentary conferences and exchanges; protection of American citizens abroad; international broadcasting; international communication and

information policy; the American Red Cross; implementation of the Universal Declaration of Human Rights and other matters relating to internationally recognized human rights; and oversight of 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- or country-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 pacts.

(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 towards 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 rooms, the subject, time, and location of hearings and meetings shall be arranged in advance with the Chairman through the Chief of 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 may attend the meetings and participate in the activities of all subcommittees of which they are not members, except that they may not vote or be counted for a quorum in such subcommittees.

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 12 weeks. In accordance with Rule 14 of the Committee, legislation may also be concurrently referred to additional subcommittees for consideration in sequence. Unless otherwise directed by the Chairman, such subcommittees shall act on or be discharged from consideration of legislation that has been approved by the subcommittee of primary jurisdiction within 2 weeks of such action. In referring any legislation to a subcommittee, the Chairman may specify a date by which the subcommittee shall report thereon to the full Committee.

Subcommittees with regional jurisdiction shall have primary jurisdiction over legislation regarding human rights practices in particular countries. The Subcommittee on International Operations and Human Rights shall have sequential jurisdiction over such legislation.

The Chairman may designate a subcommittee chairman or other Member to take responsibility as manager of a bill or resolution during its consideration in the House of Representatives.

17. PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

The majority party caucus of the Committee shall determine an appropriate ratio of majority to minority party Members for each subcommittee. Party representation on each subcommittee or conference committee shall be no less favorable to the majority party than the ratio for 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 XI 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 the full Committee for inspection by the public in accordance with Rule 9 of the Committee.

(c) All subcommittee hearings, records, data, charts, and files shall be kept distinct 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 CHAIRMEN

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 conduct. It shall be the practice at such meetings to review the current agenda and activities of each 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 13 of Rule XLIII of the House of Representatives shall be authorized to have access to classified information within the possession of the Committee.

Members of the Committee staff 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 13 of Rule XLIII 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:

(a) In the case of the full Committee majority staff, by the Chairman, acting through the Chief of Staff;

(b) In the case of the full Committee minority staff, by the Ranking Minority Member of the committee, acting through the Minority Chief of Staff;

(c) In the case of subcommittee majority staff, by the Chairman of the subcommittee;

(d) 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 13 of Rule XLIII of the House of Representatives, and have a need to know as determined by his or her principal. Upon request of a Committee Member in specific instances, a designated person also shall be permitted access to information classified secret which has been 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 safes in the Committee rooms. All materials classified top secret must be stored in a Secure Compartmentalized Information Facility (SCIF).

Handling.—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 offices shall be only 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.

Notice.—Appropriate notice of the receipt of classified documents received by the Committee from the executive branch will be sent promptly to Committee Members through the Survey of Activities or by other means.

Access.—Except 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 inquiring of the Chief of Staff or an assigned staff member. 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 the wish to view, and to sign the Classified Materials Log, which is kept with the classified information.

(c) The assigned staff member will be responsible for maintaining a log which identifies (1) authorized and designated persons seeking access, (2) the classified information requested, and (3) the time of arrival and departure of such persons. The assigned staff member will also assure that the classified materials are returned to the proper location.

(d) The Classified Materials log will contain a statement acknowledged by the signature of the authorized or designated person that he or she has read the Committee rules and will abide by them.

Divulgence.—Classified information provided to the Committee by the executive branch shall be handled in accordance with the procedures that apply within the executive branch for the protection of such information. Any classified information to which access has been gained through the Committee may not be divulged to any unauthorized person. Classified material shall not be photocopied or otherwise reproduced without the authorization of the Chief of Staff. In no event shall classified information be discussed over a non-secure telephone. Apparent violations of this rule should be reported as promptly as possible to the Chairman for appropriate action.

Other regulations.—The Chairman may establish such additional regulations and procedures as in his judgment may be necessary to safeguard classified information under the control of the Committee. Members of the Committee will be given notice of any such regulations and procedures promptly. They may be modified or waived in any or all particulars by a majority vote of the full Committee.

21. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

All Committee and subcommittee meetings or hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage in accordance with the provisions of clause 3 of House rule XI.

The Chairman or subcommittee chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room, but shall not limit the number of television or still cameras to fewer than two representatives from each medium.

Such coverage shall be in accordance with the following requirements contained in Section 116(b) of the Legislative Reorganization Act of 1970, and Clause 3(f) of Rule XI of the Rules of the House of Representatives:

(a) 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.

(b) No witness served with a subpoena by the Committee shall be required against his 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 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 subparagraph is supplementary to Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) The allocation among cameras permitted by the Chairman or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and Member of the Committee or its subcommittees or the visibility of that witness and that member to each other.

(e) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(f) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee or subcommittee is in session.

(g) Floodlights, spotlights, strobe lights, and flashgun shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the current state of the art of television coverage.

(h) In the allocation of the number of still photographers permitted by the Chairman or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos, United Press International News pictures, and Reuters. If requests are made by more of the media than will be permitted by the Chairman or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(i) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or its subcommittees.

(j) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(k) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(l) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(m) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

22. SUBPOENA POWERS

A subpoena may be authorized and issued by the Chairman, in accordance with Clause 2(m) of Rule XI of the House of Representatives, in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee, following consultation with the Ranking Minority Member.

In addition, a subpoena may be authorized and issued by the Committee or its subcommittees in accordance with Clause 2(m) of Rule XI of the House of Representatives, in the conduct of any investigation or activity or series of investigations or activities, when authorized by a majority of the Members voting, a majority of the committee or subcommittee being present.

Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

23. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever the Speaker is to appoint a conference committee, the Chairman shall recommend to the Speaker as conferees those Members of the Committee who are primarily responsible for the legislation (including to the full extent practicable the principal proponents of the major provisions of the bill as it passed the House), who have actively participated in the Committee or subcommittee consideration of the legislation, and who agree to attend the meetings of the conference. With regard to the appointment of minority Members, the Chairman shall consult with the Ranking Minority Member.

24. GENERAL OVERSIGHT

Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

25. OTHER PROCEDURES AND REGULATIONS

The Chairman may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Any additional procedures or regulations may be modified or rescinded in any or all particulars by a majority vote of the full Committee.

HONORING THE U.S.S. ''GEORGE WASHINGTON'' AND THE U.S.S. ''MARYLAND''

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, 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 4½ acres of sovereign territory.

A cornerstone of our national defense strategy, ''George'' can transport over 70 combat aircraft almost anywhere in the world.

Such an important capability becomes even more invaluable as budgets and politics dictate that we vacate our forward bases. It is easy to see why our Nation's aircraft carriers have played a major role in almost every world crisis. Their forward presence is invaluable to our national defense.

Much less apparent—by design, I might add—but 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 visits made them so memorable:

U.S.S. *George Washington* visit: RADM Tim Ziemer, 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'' Stuffelbeem, Commander, Carrier Air Wing One; Command Master Chief Kevin Lavin; and Lt. Steve West, House Navy Liaison Office.

U.S.S. *Maryland* visit: RADM Chuck Beers, Commander, Submarine Group Ten; Capt. Randy Zeller, Commanding Officer, Trident Refit Facility; Comdr. Scott Gray, Commanding Officer, U.S.S. *Maryland*; Lt. Comdr. Tim Luffy, Executive Officer, U.S.S. *Maryland*; Lt. Comdr. Travis Hayes, House Navy Liaison Office; and Sonar Technician Senior Chief Tom Tribble, Chief of the Boat, U.S.S. *Maryland*.

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 adjusted pursuant to sec. 314 of the Congressional Budget Act. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1998 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the ''section 302(a)'' allocations for discretionary action made under House Concurrent Resolution 84 for fiscal year 1998 and for fiscal years 1998 through 2002. ''Discretionary action'' refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1998 with the revised ''section 302(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) 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]

	Fiscal years—	
	1998	1998–2002
Appropriate Level (as amended by P.L. 105–116):		
Budget Authority	1,387,183	7,385,828
Outlays	1,372,461	7,282,291
Revenues	1,199,000	6,477,552
Current Level:		
Budget Authority	1,356,373	(1)
Outlays	1,374,711	(1)
Revenues	1,197,376	6,460,149
Current Level over(+)/under(−) Appropriate Level:		
Budget Authority	−30,810	(1)
Outlays	2,250	(1)
Revenues	−1,624	−17,403

[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—$30,810,000,000 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. 84.

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. 84.

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. 84.

COMPARISON OF CURRENT LEVEL WITH COMMITTEE—ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a), REFLECTING ACTION COMPLETED AS OF NOVEMBER 4, 1997

[Fiscal years, in millions of dollars]

	1998			1998–2002		
	BA	Outlays	NEA	BA	Outlays	NEA
House Committee:						
Agriculture:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0

COMPARISON OF CURRENT LEVEL WITH COMMITTEE—ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a), REFLECTING ACTION COMPLETED AS OF NOVEMBER 4, 1997—Continued

[Fiscal years, in millions of dollars]

	1998			1998–2002		
	BA	Outlays	NEA	BA	Outlays	NEA
National Security:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Banking, Finance and Urban Affairs:						
Allocation	−136	−136	0	−666	−1,590	0
Current Level	−136	−136	0	−846	−1,770	0
Difference	0	0	0	−180	−180	0
Education & the Workforce:						
Allocation	−248	−242	1,726	−1,798	−1,792	12,867
Current Level	−463	−240	−456	−1,836	−1,793	−1,801
Difference	−215	2	−2,182	−38	−1	−14,668
Commerce:						
Allocation	0	0	2,463	−26,313	−26,313	2,375
Current Level	4,275	4,275	4,405	−1,163	−1,163	9,827
Difference	4,275	4,275	1,942	25,150	25,150	7,452
International Relations:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Government Reform & Oversight:						
Allocation	−632	−632	0	−3,096	−3,096	0
Current Level	−639	−639	0	−3,034	−3,034	0
Difference	−7	−7	0	62	62	0
House Oversight:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary:						
Allocation	146	177	0	908	1,063	0
Current Level	0	0	0	0	0	5
Difference	−146	−177	0	−908	−1,063	5
Resources::						
Allocation	0	0	0	0	0	0
Current Level	14	3	0	19	19	0
Difference	0	0	0	0	0	0
Transportation & Infrastructure:						
Allocation	29,695	65	0	156,356	1,209	0
Current Level	0	5	0	−736	−736	0
Difference	−29,695	−60	0	−157,092	−1,945	0
Science:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−224	−224	327	−1,665	−1,665	5,773
Current Level	−224	−224	−25	−1,665	−1,665	−1,116
Difference	0	0	−352	0	0	−6,889
Ways and Means:						
Allocation	−5,918	−5,918	400	−113,146	−113,149	1,603
Current Level	−4,586	−5,714	−1,934	−121,317	−121,663	−96,386
Difference	1,332	204	−2,334	−8,171	−8,514	−97,989
Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Total Authorized:						
Allocation	22,683	−6,910	4,916	10,580	−145,333	22,618
Current Level	−1,759	−2,670	1,990	−130,578	−131,805	−89,471
Difference	−24,456	4,237	−2,926	−141,177	13,509	−112,089

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1998—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(b)

[In millions of dollars]

	Revised 302(b) suballocations (October 6, 1997)				Currlent level reflecting action completed as of Nov. 4, 1997				Difference			
	General purpose		Violent crime [1]		General purpose		Violent crime [1]		General purpose		Violent crime [1]	
	BA	Outlays	BA	Outlays	BA	Outlays	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture, Rural Development	13,751	13,997	0	0	13,751	13,997	0	0	0	0	0	0
Commerce, Justice, State	26,026	25,627	5,225	3,401	31	6,163	0	2,006	−25,995	−19,464	−5,225	−1,395
District of Columbia	835	537	0	0	0	0	0	0	−835	−537	0	0
Energy & Water Development	20,793	20,893	0	0	20,732	20,880	0	0	−61	−13	0	0
Foreign Operations	12,800	13,060	0	0	0	8,041	0	0	−12,800	−5,019	0	0
Interior	13,100	13,472	0	0	13,799	13,707	0	0	699	235	0	0
Labor, HHS and Education	80,045	76,036	144	65	3,485	45,456	0	33	−76,560	−30,580	−144	−32
Legislative Branch	2,251	2,251	0	0	2,251	2,251	0	0	0	0	0	0
Military Construction	9,183	9,920	0	0	9,183	9,862	0	0	0	−58	0	0
National Defense	247,516	244,263	0	0	247,512	244,198	0	0	−4	−65	0	0
Transportation	12,411	37,204	0	0	12,411	37,204	0	0	0	0	0	0
Treasury-Postal Service	12,606	12,380	131	126	12,604	12,377	131	118	−2	−3	0	−8
VA–HUD-Independent Agencies	68,596	80,001	0	0	68,575	79,961	0	0	−21	−40	0	0
Reserve/Offsets	207	196	0	0	0	0	0	0	−207	−196	0	0
Grand total	520,120	549,837	5,500	3,592	404,334	494,097	131	2,157	−115,786	−55,740	−5,369	−1,435

[1] For display purposes only.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 6, 1997.

Hon. JOHN KASICH,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1998. These estimates are compared to the appropriate levels for those items contained in the 1998 Concurrent Resolution on the Budget (H. Con. Res. 84) and are current through November 4, 1997. A summary of this tabulation, my first for fiscal year 1998, follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 84)	Current level +/− resolution
Budget Authority	1,356,373	1,387,183	−30,810
Outlays	1,374,711	1,372,461	+2,250
Revenues:			
1998	1,197,376	1,199,000	−1,624
1998–2002	6,460,149	6,477,552	−17,403

Sincerely,

JUNE E. O'NEILL, *Director.*

PARLIAMENTARIAN STATUS REPORT—105TH CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1998, AS OF CLOSE OF BUSINESS NOVEMBER 4, 1997

[In millions of dollars]

	Budget authority	Outlays	Revenues
PREVIOUSLY ENACTED			
Revenues			1,206,379
Permanents and other spending legislation	880,313	866,860	
Appropriation legislation		241,036	
Offsetting receipts	−211,291	−211,291	
Total previously enacted	669,022	896,605	1,206,379
ENACTED THIS SESSION			
Authorization Bills:			
Balanced Budget Act of 1997 (P.L. 105–33)	−1,632	−2,622	267
Taxpayer Relief Act of 1997 (P.L. 105–34)			−9,281
Stamp Out Breast Cancer Act (P.L. 105–41) [1]			
Oklahoma City National Memorial Act of 1997 (P.L. 105–58)	14	3	14
Appropriation Bills:			
1997 Emergency Supplemental Appropriations Act (P.L. 105–18)	−350	−280	
Defense Appropriations Act (P.L. 105–56) [2]	247,709	164,702	
Energy and Water Appropriations Act (P.L. 105–62) [3]	20,732	13,533	
Legislative Branch Appropriations Act (P.L. 105–55)	2,251	2,023	
Military Construction Appropriations Act (P.L. 105–45) [4]	9,183	3,024	
Transportation Appropriations Act (P.L. 105–66) [5]	13,064	13,485	
Treasury and General Government Appropriations Act (P.L. 105–61) [6]	17,106	14,168	−4
Veterans, HUD Appropriations Act (P.L. 105–65) [7]	90,689	52,864	
Total enacted this session	398,766	260,900	−9,004
PASSED PENDING SIGNATURE			
Agriculture, Rural Development Appropriations Act (H.R. 2160)	13,841	9,091	
Interior and Related Agencies Appropriations Act (H.R. 2170)	49,047	41,511	
Technical Amendments to Title 17, United States Code (H.R. 672)	1	1	1
Total passed pending signature	62,889	50,603	1
CONTINUING RESOLUTION AUTHORITY			
Further Continuing Appropriations (P.L. 105–64) [8]	118,756	57,850	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	106,940	108,753	
Total Current Level	1,356,373	1,374,711	1,197,376
Total Budget Resolution	1,387,183	1,372,461	1,199,000
Amount Remaining:			
Under Budget Resolution	30,810		1,624
Over Budget Resolution		2,250	
ADDENDUM			
Emergencies	271	2,286	
Total Current Level Including Emergnecies	1,356,644	1,376,997	

[1] The revenue effect of this act begins in fiscal year 1999.
[2] Estimates include $144 million in budget authority and $73 million in outlays for items that were vetoed by the President on October 14, 1997.
[3] Estimates include $19 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 a savings of $2 million in budget authority and outlays and a revenue loss of $4 million for section 642, which was vetoed by the President on October 17, 1997.
[7] Estimates include $14 million in budget authority and $7 million in outlays for items that were vetoed by the President on November 1, 1997.
[8] These figures are annualized estimates of discretionary spending provided in P.L. 105–64, 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.

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.J. Res. 39, S. Res. 156–163, and S. Con. Res. 68–70. **Pages S12574–76**

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. 569, to amend the Indian Child Welfare Act of 1978, with an amendment in the nature of a substitute. (S. Rept. No. 105–156)

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.

Page S12574

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.

Pages S12515–16

Sea Grant Program: Senate passed S. 927, to reauthorize the Sea Grant Program, after agreeing to the following amendment proposed thereto:

Pages S12516–19

Lott (for Snowe) Amendment No. 1636, in the nature of a substitute. **Pages S12516–19**

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.

Page S12519

Child Support Obligations: Senate passed S. 1371, to establish felony violations for the failure to pay legal child support obligations. **Pages S12667–68**

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. **Page S12675–76**

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. **Page S12676**

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. **Page S12676**

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.

Page S12676

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.

Pages S12676–77

Commending the Democratic Leader: Senate agreed to S. Res. 159, to commend the exemplary leadership of the Democratic Leader. **Page S12677**

Commending the Majority Leader: Senate agreed to S. Res. 160, to commend the exemplary leadership of the Majority Leader. **Page S12677**

Conditional Adjournment: Senate agreed to S. Con. Res. 68, to adjourn sine die the 1st session of the 105th Congress. **Page S12679**

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. **Page S12681**

Amending Senate Resolution: Senate agreed to S. Res. 161, to amend Senate Resolution 48.

Pages S12682–83

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. **Page S12683**

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. **Page S12683**

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. **Pages S12689–92**

Private Relief: Senate passed S. 1172, for the relief of Sylvester Flis. **Page S12692**

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. **Page S12692**

Lobbying Disclosure Technical Amendments Act: Senate passed S. 758, to make certain technical corrections to the Lobbying Disclosure Act of 1995.

Pages S12692–93

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

Lott (for McCain/Hollings) Amendment No. 1638, to make certain technical corrections.

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. **Page S12694**

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.

Pages S12694–95

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 S12695–96**

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. *Blackley*. **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 Users 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. **Page S12711**

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 S12711–12**

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**

Foreign Operations Appropriations, 1998—Conference Report: Senate agreed to the conference report on H.R. 2159, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, clearing the measure for the President. **Pages S12527–33**

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. **Page S12662**

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. **Page S12668**

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. **Pages S12681–82**

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. **Pages S12683–89**

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. **Page S12692**

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. **Page S12677**

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. **Page S12668**

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. **Pages S12677–78, S12713**

Messages From the House: **Pages S12572–73**

Measures Referred: **Pages S12573–74**

Measures Read First Time: **Page S12574**

Executive Reports of Committees: **Page S12574**

Statements on Introduced Bills: **Pages S12576–S12614**

Additional Cosponsors: **Pages S12614–16**

Amendments Submitted: **Pages S12617–28**

Notices of Hearings: **Page S12628**

Additional Statements: **Pages S12628–62**

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

(Committees not listed did not meet)

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

Bills Introduced: 52 public bills, H.R. 3037–3088; and 13 resolutions, H.J. Res. 106, H. Con. Res. 196–200, and H. Res. 327–329 and 331–334, were introduced. **Pages H10953–55**

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

H. Res. 330, waiving points of order against the conference report to accompany 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. 105–406). **Pages H10809–64, H10953**

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. **Pages H10790–93**

Earlier, agreed to order the previous question by yea and nay vote of 220 yeas to 194 nays, Roll No. 633. **Pages H10792–93**

Committee Resignation: Read a letter from Representative Cramer wherein he resigned from the Committees on Transportation and Infrastructure and Science. **Pages H10793–94**

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. **Pages H10794, H10918**

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); **Pages H10776–90, H10794**

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; **Pages H10794–H10800, H10873–74**

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; **Pages H10800–03**

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; **Pages H10803–04**

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; **Pages H10804–05**

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; **Pages H10806–07**

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; **Pages H10807–09**

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; **Pages H10865–67**

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; **Pages H10867–68**

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.; **Pages H10868–69**

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 Internees: 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 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; **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. **Page H10903**

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. **Page H10916**

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. **Pages H10917–18**

Convening of 2nd Session: The House passed S.J. Res. 39, providing for the convening of the 2nd Session of the 105th Congress. **Page H10918**

Committee Resignation: Read a letter from Representative Portman wherein he resigned from the Committee on Government Reform and Oversight. **Page H10918**

Committee Election: The House agreed to H. Res. 331 electing Representative Miller of Florida to the Committee on Government Reform and Oversight. **Page H10918**

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. **Page H10918**

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

Further Continuing Appropriations: Considered by unanimous consent, the House passed H.J. Res. 106, making further continuing appropriations through November 26, 1997 for the fiscal year 1998. **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, McKeon, 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 H10947–48**

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 H10948–50

Late Report: Agreed that the Committee on Banking and Financial Services be permitted to file a report on H.R. 217 no later than December 19, 1997.

Page 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 calender, 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 Nations'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.J. Res. 105, making further continuing appropriations for the fiscal year 1998. Signed November 10, 1997. (P.L. 105–71)

S. 1227, to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title. Signed November 10, 1997. (P.L. 105–72)

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,

White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys. Signed November 12, 1997. (P.L. 105–76)

S. 591, to transfer the Dillon Ranger District in the Arapaho National forest to the White River National Forest in the State of Colorado. Signed November 12, 1997. (P.L. 105–77)

H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998. Signed November 13, 1997. (P.L. 105–78)

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

January 7 through November 13, 1997

	Senate	*House*	*Total*
Days in session	153	132	
Time in session	1093 hrs., 07′	1003 hrs., 42′	..
Congressional Record:			
Pages of proceedings	12713	10957	..
Extensions of Remarks		2403	..
Public bills enacted into law	19	59	..
Private bills enacted into law	1	1	..
Bills in conference	..	1	..
Measures passed, total	385	541	..
Senate bills	123	50	..
House bills	101	243	..
Senate joint resolutions	5	3	..
House joint resolutions	16	19	..
Senate concurrent resolutions	30	13	..
House concurrent resolutions	19	44	..
Simple resolutions	92	169	..
Measures reported, total	*248	*373	..
Senate bills	159	4	..
House bills	32	243	..
Senate joint resolutions	2	1	..
House joint resolutions	2	11	..
Senate concurrent resolutions	13	..	..
House concurrent resolutions	2	9	..
Simple resolutions	38	105	..
Special reports	22	13	..
Conference reports	..	20	..
Measures pending on calendar	112	39	..
Measures introduced, total	1840	3662	..
Bills	1568	3036	..
Joint resolutions	39	105	..
Concurrent resolutions	70	195	..
Simple resolutions	163	326	..
Quorum calls	6	7	..
Yea-and-nay votes	298	284	..
Recorded votes	..	349	..
Bills vetoed	..	2	..
Vetoes overridden	..	..	..

*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

January 7 through November 13, 1997

Civilian nominations, totaling 500, disposed of as follows:	
Confirmed	361
Unconfirmed	124
Withdrawn	13
Returned to White House	2
Civilian nominations (FS, PHS, CG, NOAA), totaling 3,105, disposed of as follows:	
Confirmed	3,019
Unconfirmed	86
Air Force nominations, totaling 8,141, disposed of as follows:	
Confirmed	8,120
Unconfirmed	21
Army nominations, totaling 6,246, disposed of as follows:	
Confirmed	6,244
Unconfirmed	2
Navy nominations, totaling 6,157, disposed of as follows:	
Confirmed	6,153
Unconfirmed	4
Marine Corps nominations, totaling 1,679, disposed of as follows:	
Confirmed	1,679
Unconfirmed	0

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.)

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Tuesday, January 27, 1998

House Chamber

Program for Tuesday: Convening of the second session of the 105th Congress; State of the Union Address.

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