Committee has stated quite a number of those in his excellent legal way, demonstrating his legal skill and analysis of important issues that come before us. He has made that point. I will not take any more time on it. I feel very, very strongly about this issue. I think it would be a colossal error for this body, without any hearings, to change this historic principle, because I will tell you, it will tie the grand jury in knots. You will have another adversarial hearing. You will have two trials instead of one. It will not further the ascertainment of truth, which is the purpose and nature of a grand jury.

I know others need to talk, Mr. President. I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I support the amendment of the Senator from Arkansas. It embodies a historical principle that has been embedded in most of our psyches and consciousness, which is that an individual has a right to counsel—particularly an individual involved in the criminal justice system has a right to counsel.

Our good friend from Utah says, well, someone appearing before a grand jury can leave the room and get counsel. Indeed, he knows of cases, as do I, where somebody who is in front of a grand jury leaves the room after every question to go outside the door and talk to an attorney.

What is the common sense of requiring somebody who is entitled to counsel not to be able to get that counsel inside the grand jury room? What is the common sense of forcing somebody in front of the jury to leave at the end of each question—leave the grand jury room to go talk to his or her attorney? How does that meet the ends of either common sense or justice—to force that rigmarole, that process, when we come to something as fundamental and basic as the right to counsel?

I don't think anyone here questions that there is a right to counsel under our Constitution. The question is, Why not then permit that right to be exercised inside the grand jury room? Why not permit the advice to be given to somebody inside the grand jury room, rather than to force that person at the end of each question to say, ''Excuse me, I want to go outside the grand jury room to consult with my counsel''?

The only argument that I have heard against permitting that is that, somehow or other, that would tie a grand jury in knots, as our good friend from Alabama just said. But under this amendment, that is not possible, because under this amendment, as modified, it carries out the original language of this amendment, which says that, ''A counsel for a witness shall be allowed to be present in the grand jury room only during the questioning of the witness and only to advise the witness, and shall not be permitted to address the attorney for the government, or any grand juror, or otherwise participate in the proceedings before the grand jury.''

That is it. This amendment would only permit the attorney, which every person under this Constitution has a right to at least hire, to give advice to a citizen inside the grand jury room instead of forcing that person to leave each time. I think it is a modest amendment. It is a modest amendment because it makes sure that we will not tie up a grand jury in knots. It is a modest amendment because it only says that what we know is right, that someone ought to have a right to counsel when they become involved in the criminal justice system—something that we know is right and something that we know is guaranteed, which is the right to counsel, to be exercised in a sensible way, in a way that doesn't undercut and diminish that very right.

To be forced to leave the grand jury room after each question, in front of that grand jury, it seems to me, undermines the very right to counsel which is guaranteed in the Constitution. But, at a minimum, we, it seems to me, as people who want to defend this Constitution, should say, if there is a right—and there is one—that it ought to be exercisable in a commonsense way.

In 90 percent of the grand jury proceedings, the witnesses are law enforcement officers or other governmental officials who are not likely even to have an attorney or want an attorney. But in those other 10 percent of the cases, it seems to me only fair, only common sense, to avoid the absurdity of making a witness leave the grand jury room after every question in order to exercise a constitutional right to the advice of counsel.

I want to close by emphasizing the words of this amendment, because I think they are very important: ''The counsel that a witness is allowed to have in the grand jury room under this amendment is present only during the questioning of the witness and''—these are the key words—''only to advise the witness and not to address the attorney for the government or address any grand juror, or to otherwise participate in the proceedings before the grand jury.''

Many of our States allow the attorney to be inside of the grand jury room. Some States do, some States don't. But we have to make up our own minds as to what makes the most sense in this Federal system. It seems to me the most fundamental form of common sense. Forcing a person to get up, walk through the door, and leave the room to talk to someone, I believe, diminishes and undermines the very fundamental right that people have to the advice of counsel.

So there is no tying up in knots in this amendment.

This amendment precludes any possibility that an attorney inside the grand jury room will address the court, will address the grand jurors, will address the prosecutor. All that is permitted under this amendment, and all that is required under this amendment, is that the counsel for the witness be allowed to be present in the grand jury room, and only to advise his or her client.

I want to commend the Senator from Arkansas for his extraordinary courage and, as always, his eloquence in presenting a case.

I think that if we will all think about this basic right overnight, hopefully the majority of this body will do what at least a number of States have done, and that is to permit the attorney to be inside the grand jury room solely for the purpose of advising the witness.

I thank the good Senator for his leadership.

TECHNICAL ASSISTANCE FUNDING

Mr. STEVENS. Mr. President, one of the most significant economic problems facing Alaska is the underdevelopment of the business sector in our rural areas. Alaska's vast size, lack of highway infrastructure, and numerous small, remote communities present unique problems requiring unique solutions. If we want to empower people to move from assistance to self-sufficiency we have to grow small businesses in rural Alaska. During the conference on the Commerce, Justice and State appropriations bill, I will ask the conferees to address these issues.

Specifically, my State is suffering from an acute shortage of technical assistance funding to provide training and other services specific to rural needs. This is a need that can be satisfied under SBA's 7(j) program. Additionally, I am informed that regulations promulgated in 1995 have virtually eliminated all small business lending by banks and other financial institutions in Alaska under SBA's 7(a) lending program. Before 1995, the 7(a) program provided critical financing in rural Alaska, and I intend to explore ways to make the program viable once again in Alaska. Finally, Alaska's size and remoteness will require SBA to adopt high-tech solutions to facilitate service delivery. I will seek to create an electronic assistance center within the SBA specifically designed to provide Internet connectivity, outreach and training to rural areas specifically in Alaska.

I look forward to working with Senator GREGG and his staff and others on this issue. It will be within the scope of the conference, I believe.

IDAHO'S VERY HIGH PERFORMANCE BACKBONE NETWORK SYSTEM

Mr. KEMPTHORNE. Mr. President, I rise today to discuss Idaho's Very High Performance Backbone Network system (vBNS).

The State of Idaho is in a strategic position to increase its economic base by strengthening collaboration on research and development projects between the state's universities, state government and business and industry.

The U of I was approved, pursuant to a July 31, 1997, submission, for connection to the National Science Foundation's very high performance Backbone Network Service (vBNS). The proposed statewide network would connect the University of Idaho with Idaho State University, Boise State University, state government and industrial partners such as Micron and Hewlett-Packard. For appropriate research purposes, this Intranet could connect through the UI to the vBNS. The Intranet could also be used for distance learning, conferencing, collaborative and other related purposes.

With an Idaho Intranet, Idaho educators will have access to the next generation of teaching/learning tools and materials available under Internet2 (I2), to be used for K–12 and higher education. It will support continuing professorial education, as well as industry workforce development, training and re-training.

With the Idaho Intranet, Idaho businesses will be able to take advantage of the advanced networking capabilities that is the goal of the I2 program. The Intranet would provide a tremendous opportunity to strengthen Idaho's rural economic base. The state's businesses will have access to ground floor participation in the next level of internet commerce. Abilene and vBNS will provide access to early product development, testing and market entry. Access to virtual conferencing would give businesses like Jerome Cheese Company in Jerome, Idaho, the opportunity to be in ''real-time'' video contact with its customers in Tokyo, Japan.

Also, the Idaho Intranet will help telemedicine become a reality, improving rural healthcare and helping to address the shortage of doctors in rural Idaho. Idaho ranks last in the nation in numbers of doctors serving rural population healthcare needs—the national average is 93 physicians per 100,000 people. Idaho stands at 63 per 100,000, a third less than the national average, according to a recent study. We must change that and the Intranet will help.

With this funding, the state's schools, colleges and businesses will have access to the I2 to test new products and materials. The UI WWAMI program, for example, is developing an advanced web site with videos of animal anatomy that will allow students to learn about anatomy without using live animals. Current internet technology is not adequate to handle the amount of information placed on the site, but I2 access will make it a viable educational tool available around the state.

The result of an Idaho Intranet will be not only research and learning opportunities, but job creation and business competitiveness for the state of Idaho, and improved quality of life for the people of Idaho. It is for this reason, Mr. President, that I ask for the Senate's support for this project.

IDAHO INTRANET

Mr. KEMPTHORNE. Mr. President, I would like to ask the distinguished floor manager of the bill a question. Potentially, one of the most important programs funded under the Commerce, State and Justice appropriations bill is the Information Infrastructure Grants program. This grants program recognizes the need for assistance to ensure that the American public has full access to and benefits from the technological advances that are taking place in telecommunications and networking. Certainly, the new universal service provisions will make many contributions to the K–12 education community, the library community and the health care community. But, there are also a number of other telecommunications and networking activities which could be of particular benefit, especially in some of the more rural states, such as mine.

In my home State of Idaho, for example, the University of Idaho recently was awarded a vBNS high speed connections grant by the National Science Foundation and accepted an invitation to participate in the Internet2 program. This will give our university researchers access to databases throughout the nation and world, allow for remote use of scientific instruments and set the stage for many new collaborations. The UI has proposed establishing an Idaho Intranet to ensure that the people of rural Idaho will be able to benefit from the resulting access to education, medical information, and business opportunities, which are anticipated as a result of the advanced networking capacity.

I believe the distinguished floor manager and his subcommittee have reviewed the information infrastructure grants program in some detail and believe it has a particular role to play in our telecommunications and networking efforts.

Mr. GREGG. Yes, that is true. In fact, in the report, the Committee identified several projects in rural states around the country and encouraged the NTIA to give particular attention to these requests for funding assistance under the IIG program.

Mr. KEMPTHORNE. Mr. Speaker, the UI's proposal would give rural Idahoans, who must deal with the lowest physician to patient ratio in the nation, access to better health care. It would give my state's rural economy a boost with real-time access to its customers. It would provide key communications links between the state's education institutions, businesses and state governments. Would you agree that the University of Idaho's proposal, to establish an Idaho Intranet and provide access to the benefits of the information and technology to be available under programs such as the vBNS and Abilene, is consistent with the Committee's proposals under the Information Infrastructure Grants program?

Mr. GREGG. Yes, I would agree that the NTIA should give the same consideration to the UI's proposal as to the listed proposals.

COORDINATED DRUG STRATEGY

Mr. HATCH. Mr. President, I would ask to engage the Senator from New Hampshire, Mr. GREGG, and the Senator from Delaware, Mr. BIDEN, in a brief colloquy regarding a portion of the report which accompanies the bill, directing the Attorney General to develop a 5-year interdepartmental drug control strategy. Both Senator BIDEN and I believe that this provision may be misinterpreted, and I request the Senator's assistance in providing some clarification. As a general matter, I have long believed that an effective national drug strategy can best be developed and implemented if we have one responsible official charged with that duty.

Mr. BIDEN. I agree. And, as both my colleagues know, the Office of National Drug Control Policy (ONDCP) was established by Congress in 1988 for precisely the purpose of coordinating the federal government's anti-drug program.

Mr. HATCH. That is true, but the report language seems to suggest that the Attorney General assume some of these responsibilities. Is this how the Committee meant for its guidance to be interpreted?

Mr. GREGG. I appreciate both Senators' concerns on this subject. Although I see how it might be possible to read this into the Committee's Report, this is not the Committee's intent. The Department of Justice, like all Executive Agencies, is to develop a meaningful strategic plan and performance measures under the Government Performance and Results Act (GPRA). In so doing, the Committee wants to be certain that these GPRA efforts are consistent with the National Drug Control Strategy and the ONDCP's Performance Measures of Effectiveness System (PME). The Department of Justice must demonstrate how its own drug programs contribute to the achievement of outcomes articulated in the ONDCP's PME system. To ensure this, the Attorney General must work closely with ONDCP on the further implementation of the National Drug Control Strategy and PME system, particularly by linking its drug control budget resources to the outcomes articulated by the PME system. The Justice Department should also consult with other departments with expertise in particular drug control areas, to the extent that it needs assistance in meeting PME system goals.

Mr. HATCH. As the sponsor, along with the Senator from Delaware, of legislation pending on the floor which would reauthorize the Office of National Drug Control Policy, and maintain its duty to formulate and implement the National Drug Control Strategy and Performance Measures of Effectiveness System, I agree that the Department of Justice should assist ONDCP in these important tasks.

Mr. BIDEN. I concur.

Mr. HATCH. So, if I correctly understand the Senator from New Hampshire, it is not then the Committee's

intent to place the Attorney General in charge of formulating the National Drug Control Strategy?

Mr. GREGG. No, quite the contrary. ONDCP is to continue in its important work, and the Department of Justice is to provide ONDCP with such assistance as it may need to develop and implement the National Drug Control Strategy and the Performance Measures of Effectiveness System.

Mr. BIDEN. I thank the Senator for clarifying the Committee's intent on this important issue.

Mr. HATCH. I also thank the Senator from New Hampshire for addressing my concerns on this issue.

GRAVEYARD OF THE ATLANTIC MUSEUM

Mr. FAIRCLOTH. I wish to enter into a colloquy with Senator GREGG in order to clarify a spending item in the pending Commerce, Justice, State Appropriations bill.

I commend the Chairman on this bill, and for his attention to providing funding to the Graveyard of the Atlantic Museum, a public, nonprofit, educational institution, designed for Hatteras Island, one of North Carolina's Outer Bank islands. The Museum is dedicated to the preservation, advancement and presentation of the maritime history and shipwrecks of the Outer Banks, from 1524 until the present.

Over three million tourists visit the Outer Banks each year, the vast majority of them interstate visitors. It is expected that approximately 100,000 tourists would visit the Museum, thus paying the full cost of running it, since a modest fee would be charged.

The Museum has received federal, state, local and private funding in the past. Earlier this decade, Congress appropriated $800,000 from NOAA's construction budget towards this project.

I wish to clarify that the bill's provision of $1,500,000 from NOAA's facilities budget to the ''Outer Banks Community Foundation on the condition that these funds are matched by a non-Federal source'' is intended solely to be passed through to the Museum.

Mr. GREGG. That is correct, and I appreciate my colleague from North Carolina bringing this matter to my attention. I look forward to working with him until this worthy project is completed.

Mr. BENNETT. Mr. President, the distinguished Chairman is aware of the importance of weather forecasting support for the 2002 Winter Olympics in Salt Lake City. I appreciate the continued support of the Committee with these important preparations for the 2002 Winter Olympics. Millions of spectators will gather in mountain venues. Obviously, accurate and timely weather forecasting support is critical to ensure the safety of both the spectators and the athletes. As you know, the Committee directs the National Weather Service to provide support to the NOAA Cooperative Institute at the University of Utah. It is my understanding that the committee expects the National Weather Service to work with the Cooperative Institute to develop a plan and budget which will help ensure public safety and assist with the operations of the Games. The 2002 Winter Games represents an excellent opportunity for the National Weather Service and the Cooperative Institute to work with private meteorological firms and federal, state, and local agencies to provide accurate weather forecasting for the Games.

Mr. GREGG. The Senator from Utah is correct in his understanding. The Committee appreciates the importance of the involvement of the National Weather Service in preparing for the 2002 Winter Olympic Games.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 3244

(Purpose: To amend section 40102 of title 49, United States Code, to modify the definition of the term ''public aircraft.'')

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the Bumpers amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] for himself and Mr. DEWINE, proposes an amendment numbered 3244.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title II, insert the following:

SEC. 2 . PUBLIC AIRCRAFT.

The flush sentence following subparagraph (B)(ii) of section 40102(37) of title 49, United States Code, is amended by striking ''if the unit of government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation was necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator was reasonably available to meet the threat'' and inserting ''if the operation is conducted for law enforcement, search and rescue, or responding to an imminent threat to property or natural resources''.

Mr. GRAHAM. Mr. President, this evening I rise to offer an amendment with my distinguished colleague, Senator DEWINE. This amendment is intended to assist law enforcement in doing a better job of protecting our citizens and the public safety.

The background of this amendment goes back to 1994. Congress made what I think was an error when it passed Public Law 103–411. Under this law, aircraft belonging to law enforcement agencies are considered to be ''commercial'' if costs incurred from flying missions to support neighboring jurisdictions are reimbursed.

Unfortunately, this law has placed unnecessary restrictions and costly burdens on Government agencies which operate public aircraft, particularly law enforcement agencies. The law restricts those agencies from using their aircraft resources in assistance of Government agencies and severely limits their ability to recover costs from those agencies which they are assisting. This law even limits the ability of neighboring jurisdictions to enter into mutual aid agreements.

Let me give a typical example of how the current law is operating. In my State of Florida, it is not uncommon to have one medium-sized county which is surrounded by a number of smaller jurisdictions. That medium-sized county has the capability to make an application and secure surplus Government property, frequently a helicopter. That helicopter is used in a variety of public safety and law enforcement activities, often under the jurisdiction of the local sheriff. It may be that one of those smaller counties has a need for a helicopter or other aviation support.

An example of that is, in the northern part of our State we have had instances in which locally grown marijuana has become a serious law enforcement problem. In order to identify that marijuana and effectively eradicate it, the helicopter is an enormous law enforcement asset. Yet, under the current law, if the sheriff from that smaller community wishes to contract, either on an individual case basis or through a mutual aid agreement, with that medium-sized county to get a certain number of hours of utilization of the helicopter and they agree to reimburse the medium-sized county for the cost of that operation, they are in violation of the conditions under which the medium-sized county secured the helicopter in the first place and sanctions might be imposed upon the medium-sized county's sheriff and their capacity to provide effective law enforcement for their smaller neighboring communities.

At the very time when law enforcement faces the growing sophistication and organization of criminals, the Federal Government should not be placing increased mandates on our law enforcement officials. Today, law enforcement officials are forced to call around and check the availability of a private pilot and commercial aircraft before sending out the helicopter of that medium-sized county. Only if no one is available can law enforcement officials respond to the scene.

Under this amendment, public agencies would be permitted to recover costs incurred by operating aircraft to assist other jurisdictions for the purposes of law enforcement, search and rescue, or imminent threat to property or natural resources.

I might say, we just have had a dramatic example of that threat to property or natural resources in the number of wildfires we have experienced across our State, many of them occurring in precisely these smaller counties that are limited in their capability to respond.

Mr. President, law enforcement organizations are strongly supporting this amendment. This legislation has been endorsed by the National Sheriffs Association, the Airborne Law Enforcement

Association, the International Association of Chiefs of Police, the Florida Sheriffs Association, and the California State Sheriffs Association.

Some months ago, sheriffs from throughout the country contacted my office seeking help. From my home State of Florida, I have heard from Sheriff Stephen M. Oelrich of Alachua County. Sheriff Oelrich stated, ''Public Law 103–411 restricts the ability of a law enforcement aviation unit to assist Government jurisdictions or other governmental agencies. Instead, it mandates that a local government must first turn to a costly private operator for air service.''

This is by no means a problem in my State of Florida alone. I have heard this from sheriffs across the country. Specifically, we have a resolution from the sheriffs of California.

In the words of Sheriff Larry Carpenter of Ventura County CA, Public Law 103–411 has had ''a chilling effect on the ability of local governments to provide safe, cost-effective and professional air support capabilities to the very citizens we serve.'' Let me further quote from an article that Sheriff Carpenter wrote in the Summer 1996 issue of California Sheriff:

The issue of ''compensation'' fuels this issue to a large degree. According to the FAA interpretation of this law, a sheriff cannot simply recover costs for flying a governmental mission . . . which is ''outside a common treasury.'' This flies in the face of mutual aid agreements between public safety agencies. For example, let's say the Santa Barbara Sheriff's Department, which has no aviation unit, contacts my aviation unit and requests our helicopter fly an observation and surveillance flight of a suspected drug lab which their narcotics and SWAT teams plan to raid in a few days. We fly the mission, undoubtedly with the Santa Barbara deputy sheriff on board, and charge Santa Barbara County only our cost. There is no profit involved. Obviously, this is a sensitive law enforcement mission. Public Law 103–411 says we can no longer do this. Instead, a private operator would need to be contracted at a higher cost to taxpayers.

This is only common sense that instead of restricting the ability of local law enforcement agencies to assist each other, we should be facilitating their ability to serve the public good in as efficient and economical manner as possible.

I urge the adoption of this amendment.

Mr. President, I ask unanimous consent that support from the California State Sheriffs' Association, from the Western States Sheriffs' Association, from the Airborne Law Enforcement Association, from the National Sheriffs' Association, and from the Florida Sheriffs Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the California State Sheriffs' Association has many members who manage public service aviation operations; and

Whereas, Sheriffs' Aviation operations are critical to their ability to provide life-saving service to their constituents; and

Whereas, in 1994 Congress passed and the President signed Public Law 103–411, which severely restricted Sheriffs' ability to effectively utilize their aircraft in their mission; and

Whereas, the ostensible purpose for enactment of Public Law 103–411 was the promotion of aviation safety and that Public Law 103–411 accomplished no appreciable aviation safety purpose; and

Whereas, restrictions on the sharing of aviation resources result in reduced public safety and are poor fiscal and public policy; and

Whereas, the California State Sheriffs' Association, in cooperation with the National Sheriffs' Association, the International Association of Chiefs of Police, the Western State Sheriffs' Association, the National Association of State Foresters, the Airborne Law Enforcement Association, and many other State Sheriffs' Associations support amendments to Public Law 103–411 to correct the law's deficiencies; and

Whereas, Representative Elton Gallegly of California has sponsored a bill in Congress and that bill is H.R. 1521, the Public Services Aviation Act of 1997, now therefore; be it

Resolved, That the California State Sheriffs' Association supports the passage and enactment of H.R. 1521, the Public Services Aviation Act of 1997 or its equivalent; and be it also further

Resolved, That the California State Sheriffs' Association executive director or her designee be authorized to transmit a copy of this resolution to all interested parties including, but not limited to California's congressional delegation, House Speaker Newt Gingrich, Senate Leader Trent Lott and the Members of the House Committee on Transportation and Infrastructure.

RESOLUTION

The Western States Sheriffs' Association represents over 200 Sheriffs of the eleven western states. This association exists to promote the professionalism and dedication of law enforcement and works to ensure that the public we serve receives the best in public safety services.

Public Law 103–311 became law in April of 1995. This measure has negatively impacted may publicly operated aviation units around the United States. For years, these units have provided safe, effective and life-saving services to the public.

Public Law 103–411 sought to increase the level of regulation among aviation units which operate surplus military aircraft. Public Law 103–411 fails to enhance safety regulations in any significant way. The regulations now in place serve only to increase the marketplace of commercial aviation operators who have chosen to conduct government business. Profit has been prioritized over public safety.

The Western States Sheriff's Association (WSSA) has recognized that Public Law 103–411, and the interpretation of this law by the Federal Aviation Administration, are not in the best interests of the American public. Further, it is recognized that several public safety aviation associations have formed task groups, networked, and made all efforts at initiating regulatory reform that is effective and meets the needs of the FAA in safety reporting and regulation.

The Western States Sheriffs' Association resolves that Public Law 103–411 is in need of serious review and/or immediate repeal. It is the view of the WSSA that the specific legislative relief suggested by the Aviation Committee of the National Sheriff's Association provides the most realistic solution to this issue.

Aviation public safety members and representatives remain eager to work with any group to enhance the fair regulation and safety of publicly operated aviation units, while at the same time ensuring the legitimate duties of government to provide the most effective, cost efficient and professional aviation services to the public.

Therefore be it resolved, This 30th day of November, 1995, that the Western States Sheriffs' Association at their annual meeting in Mesquite, Nevada go on record in support of legislation that would modify Public Law 183–411 as set forth in this Resolution or to repeal the law in its entirety.

RESOLUTION

Whereas, the Airborne Law Enforcement Association has as a majority of its members persons who are employed in all aspects of law enforcement aviation operations; and

Whereas, those law enforcement aviation operations are a critically essential component of modern law enforcement, especially as they relate to reducing crime, protecting and saving lives, and apprehending dangerous criminals; and

Whereas, in 1994 the United States Congress passed and the President signed Public Law 103–411, severely restricting United States law enforcement's ability to effectively utilize aircraft in legitimate law enforcement missions; and

Whereas, the stated purpose for enactment of P.L. 103–411 was the promotion of aviation safety and P.L. 103–411 accomplished no appreciable aviation safety purpose; and

Whereas, restrictions on the sharing of aviation resources imposed by P.L. 103–411 has resulted in reduced public safety and is poor fiscal and public policy; and

Whereas, the Airborne Law Enforcement Association, in cooperation with the International Association of Chiefs of Police, the National Sheriffs' Association and many other similar associations, supports legislation which would correct the deficiencies of P.L. 103–411; and

Whereas, Representative Elton Gallegly of California has sponsored a bill in Congress and that bill is H.R. 1521, the Public Services Aviation Act of 1997; and

Whereas, at its Annual Meeting on July 19, 1997, the ALEA general membership by unanimous vote authorized the Board of Directors to issue a Resolution in support of H.R. 1521: Therefore be it:

Resolved, That the Airborne Law Enforcement Association supports passage and enactment of H.R. 1521, the Public Services Aviation Act of 1997; and be it:

Resolved, That the Airborne Law Enforcement Association, failing passage and enactment of H.R. 1521, the Public Service Aviation Act of 1997, supports passage and enactment of legislation equivalent to H.R. 1521, the Public Services Aviation Act of 1997; and be it:

Resolved, That the Executive Director is authorized to transmit a copy of this resolution to all interested parties including, but not limited to, Members of the United States House of Representatives and Members of the United States Senate.

RESOLUTION

Whereas, the National Sheriffs' Association has many members who manage public service aviation operations; and

Whereas, sheriffs' aviation operations are critical to their ability to provide life-saving service to their constituents; and

Whereas, in 1994 Congress passed and the President signed P.L. 103–411, which severely restricted sheriffs' ability to effectively utilize their aircraft in their mission; and

Whereas, the ostensible purpose for enactments of P.L. 103–411 was the promotion of aviation safety and P.L. 103–411 accomplishment no appreciable aviation safety purpose; and

Whereas, restrictions on the sharing of aviation resources result in reduced public safety, and are poor fiscal and public policy; and

Whereas, the National Sheriffs' Association at San Antonio, Texas passed resolution 1995–13 strongly opposing the Independent Safety Board Act of 1994, now designated P.L. 103–411; and

Whereas, the National Sheriffs' Association, in cooperation with the International Association of Chiefs of Police, the Airborne Law Enforcement Association, the National Association of State Foresters, the Western States Sheriffs' Association, and many other state sheriffs' associations, supports amendments to P.L. 103–411 to correct the law's deficiencies; and

Whereas, Representative Elton Gallegly of California has sponsored a bill in Congress and that bill is H.R. 1521, the Public Services Aviation Act of 1997; and therefore, be it

Resolved, That the National Sheriffs' Association supports passage and enactment of H.R. 1521, the Public Services Aviation Act of 1997 or its equivalent; and therefore, be it further

Resolved, That the NSA Executive Director or his designee be authorized to transmit a copy of this resolution to all interested parties including, but not limited to, Members of the United States House of Representatives and Members of the United States Senate.

FLORIDA SHERIFFS ASSOCIATION,
Tallahassee, FL, May 28, 1998.

Hon. BOB GRAHAM,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: The purpose of this correspondence is to thank you for your support and personal involvement in correcting the problems created by the passage of Public Law 103–441. The correction of these problems will allow not only the Sheriffs of Florida, but also the Sheriffs across this Nation, to carry out their lawful duties and to utilize agency aircraft to better serve the public safety of our citizens.

Sheriff Tom Mylander, Hernando County, has requested that I forward to you the enclosed information concerning the utilization of aircraft as it relates to juvenile or gang related activities. This information was requested by a member of your staff.

Please let us know if there is anything further that we might do to assist you in your efforts.

Sincerely,

J.M. ''BUDDY'' PHILLIPS,
Executive Director.

SUPPORT OF PUBLIC SERVICES AVIATION ACT OF 1997

Whereas, air support is a vital component of police operations; and,

Whereas, hundreds of law enforcement agencies at the local, state and federal level operate aircraft; and,

Whereas, in 1994 the United States Congress passed and the President signed Public Law 103–411, which severely restricted law enforcement's ability to effectively utilize aircraft in legitimate law enforcement missions; and,

Whereas, the stated purpose of P.L. 103–411 was the promotion of aviation safety yet of P.L. 103–411 accomplished no appreciable gain in aviation safety; and,

Whereas, restrictions on the sharing of aviation resources imposed by P.L. 103–411 has resulted in reduced public safety and is poor fiscal and public policy; and,

Whereas, the National Sheriff's Association, Airborne Law Enforcement Association and many other associations representing public aircraft operators support legislation that would correct P.L. 103–411; and,

Whereas, H.R. 1521, the Public Services Aviation Act of 1997; is currently before Congress, and

Whereas, H.R. 1521 corrects the deficiencies of P.L. 103–411; now, therefore be it,

Resolved, That the International Association of Chiefs of Police supports the passage and enactment of H.R. 1521, the Public Services Aviation Act of 1997 or its equivalent; and be it further,

Resolved, That the Executive Director or his designee be authorized to transmit a copy of this resolution to all interested parties including, but not limited to, members of the United States House of Representatives and the United States Senate.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from Florida has brought forward a very good amendment. It is our hope we could agree to it. At this time, because of the potential of a CBO scoring which could impact the underlying bill, it is impossible for us to do so. So our proposal would be we keep this on the list for a vote tomorrow morning, and if we have not gotten the proper response we are comfortable with from CBO, we can take the issue up at that time and try to resolve it at that point.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Ms. Laurie Zastrow and Ms. Diane Trewin of our office be granted the privilege of the floor for the duration of the consideration of the Commerce-State-Justice appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, the Senate-reported Commerce, Justice, State, and the Judiciary Appropriations bill, S. 2260, represents the excellent work of my distinguished colleague from New Hampshire, Subcommittee Chairman GREGG. It is a difficult task to balance the competing program requirements funded in this bill, and he and his staff are to be commended for their efforts to present a sound and equitable measure for the Senate's consideration.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $33.2 billion in budget authority and $31.8 billion in outlays for fiscal year 1999.

The bill is within the revised Senate Subcommittee's Section 302(b) allocation for both budget authority and outlays. It is $10 million in budget authority and $6 million in outlays below the 302(b) allocation. It is $1.4 billion in budget authority and $2.6 billion in outlays above the 1998 level.

I today submit a table displaying the Budget Committee scoring of this bill.

It is a pleasure serving on the Appropriations Subcommittee with Chairman GREGG. I appreciate the consideration he gave to issues I brought before the Subcommittee, as well as his attention to the many important programs contained in this bill.

I ask unanimous consent the table be printed in the RECORD.

There being no objection, the table was ordered to be pritned in the RECORD, as follows:

S. 2260, COMMERCE-JUSTICE APPROPRIATIONS, 1999—SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal Year 1999, $ millions)

	Defense	Non-defense	Crime	Manda-tory	Total
Senate-Reported Bill:					
Budget authority	335	26,775	5,514	554	33,178
Outlays	320	26,285	4,688	555	31,848
Senate 302(b) allocation:					
Budget authority	335	26,775	5,524	554	33,188
Outlays	326	26,285	4,688	555	31,854
1998 level:					
Budget authority	265	25,725	5,225	522	31,737
Outlays	346	24,627	3,779	532	29,284
President's request:					
Budget authority	336	27,534	5,513	554	33,937
Outlays	331	27,030	4,590	555	32,506
House-passed bill:					
Budget authority	.....	.....	.....	.....	.....
Outlays	.....	.....	.....	.....	.....
SENATE-REPORTED BILL COMPARED TO:					
Senate 302(b) allocation:					
Budget authority	.....	.....	−10	.....	−10
Outlays	−6	.....	.....	.....	−6
1998 level:					
Budget authority	70	1,050	289	32	1,441
Outlays	−26	1,658	909	23	2,564
President's request:					
Budget authority	−1	−759	1	.....	−759
Outlays	−11	−745	98	.....	−658
House-passed bill:					
Budget authority	335	26,775	5,514	554	33,178